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REPORTS

FROM

COMMISSIONERS, INSPECTORS,

AND OTHERS:

THIRTY-ONE VOLUMES.

—*(23.)*—

LOCAL GOVERNMENT AND TAXATION OF TOWNS (IRELAND)—*continued.*

Session.

8 *February* —— 14 *August* 1877.

VOL. XL.

1877.

REPORTS

FROM

COMMISSIONERS, INSPECTORS,

AND OTHERS;

1877.

THIRTY-ONE VOLUMES:—CONTENTS OF THE

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N.B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Report; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

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LOCAL GOVERNMENT

AND

TAXATION OF TOWNS INQUIRY COMMISSION (IRELAND).

PART II.

REPORT AND EVIDENCE,

WITH

APPENDICES.

BELFAST, TRIM, AND WICKLOW.

Presented to both Houses of Parliament by Command of Her Majesty.

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LOCAL GOVERNMENT AND TAXATION OF TOWNS INQUIRY COMMISSION (IRELAND).

SPECIAL GENERAL REPORTS

ON

BELFAST, TRIM, AND WICKLOW.

BELFAST.

The municipal borough of Belfast, which is one of those included in Schedule A of the 3 & 4 Vict., cap. 108, is governed by a Corporation consisting of ten aldermen and thirty councillors. The Mayor is elected by the Council from the general body.

The town is partly in the county of Antrim and partly in Down, and is divided into five wards, of which the names, valuation, and number of burgesses in each are as follows:—

Mr. Guthrie, Ev. 325.

Name of Ward.	Valuation. £	s.	d.	Number of Burgesses.
No. 1. Dock Ward, ...	96,054	15	0	997
No. 2. St. Anne's Ward, . .	105,552	5	0	1,136
No. 3. Smithfield „ . .	72,542	0	0	660
No. 4. St. George's „ . .	106,590	15	0	892
No. 5. Cromac „ . .	127,931	0	0	1,595
	£508,670	15	0	5,280

The population, which by the census of 1861 was 121,602, had risen in 1871 to 174,412, and is now approximately estimated at 210,000. The valuation of the borough was, on the 1st of July, 1862, £278,807, and has now risen to £508,670, thus showing an increase of nearly £230,000 in fifteen years, during which time, we were told by the borough surveyor, the building of new houses had been proceeding at the rate of about 1,000 per annum.

Mr. Montgomery, Ev. 1155, 1156.

The Corporation of Belfast was not at the time of the report of the Irish Municipal Commissioners in 1835 possessed of any property.

Their real property consists of the cemetery, and of two public parks, known as "the Ormeau" and "the Falls" parks—the latter of which was formed out of a portion of the ground originally purchased for the cemetery; of the Town Hall, and the public markets; and of the gas works and premises acquired by the Corporation under the Local Act in 1874.

Mr. Samuel Black, Ev. 149. Ev. 147.

The rapid growth of trade and manufactures, and the increase of property and population since 1840, have, from time to time, rendered special legislation necessary in Belfast; and we proceed to notice briefly the principal local Acts now in force.

By the Act of 8 & 9 Vict., cap. 142, entitled "an Act for the Improvement of the Borough of Belfast," the Corporation were authorized to borrow sums not exceeding £150,000 upon the security of the rates, with powers for re-borrowing. Of this £150,000, £100,000 was to be applied to the making of new and the widening of old streets, and the remaining £50,000 for other purposes, including the purchase of markets.

The Belfast Improvement Act of 1845. 8 & 9 Vict., cap. 142. Mr. Samuel Black, Ev. 10–15. Ev. 16, 17.

By section 220 the Corporation were empowered to appoint a borough police force, but this provision was repealed by the 28 & 29 Vict., cap. 70, "the Constabulary (Ireland) Amendment Act, 1865."

The 348th section fixed the rate which the Corporation were empowered to levy for the

BELFAST.

Mr. Samuel Black, Ev. 18. Ev. 24.

purposes of the Improvement Act, at 1*s.* 6*d.* in the pound upon tenements of which the annual value should not exceed £20 ; at 3*s.* in the pound upon those above £20 and not exceeding £80 ; and at 4*s.* 6*d.* in the pound above £80. This rate, though really an improvement rate, is known, and hereinafter referred to, as the police rate.

Ev. 19, 20.

By a subsequent Act (the Belfast Borough Extension Act of 1853) hereinafter referred to, the 4*s.* 6*d.* rate was repealed, and a 3*s.* rate substituted as the maximum.

We do not consider it necessary to refer further in detail to the provisions of this statute, which contains 421 sections, and which conferred on the Corporation very ample powers for the general government and improvement of the town, the purchasing of property, the making of streets, and providing markets. But many of its provisions relating to the construction of drains and sewers, and the building clauses generally, have been subsequently amended or repealed by the "County Antrim and Belfast Borough Act" of 1865, or by the "Provisional Order Act" of 1873.

Ev. 25.

In 1846, in addition to the borrowing powers conferred by the Act of 1845, the Corporation obtained power under the 9 & 10 Vict., cap. 294, to borrow a further £50,000 for gas purposes, upon the security of the rates authorized by the Act of 1845, and of the rents to be received for gas, which by this Act (9 & 10 Vict., cap. 294) they were empowered to manufacture and to supply to private consumers.

Ev. 26, 27.

The Corporation did borrow, as will be seen hereafter, this £50,000 upon the security of the rates, but did not apply any part of it to the purposes authorized by the Act, and they did not acquire gas works until many years after.

10 & 11 Vict., cap. 254.

In 1847 an Act "for the further improvement of the Borough of Belfast," the 10 & 11 Vict., cap. 254, was passed.

This Act contains a recital that—

"The drainage of the borough would be considerably improved, and it would be a benefit to the inhabitants of the said borough, if a certain stream or watercourse called the Blackstaff river, which passes through the borough, were straightened, widened, deepened, embanked, and otherwise altered and improved; if certain weirs* on the said stream were lowered or removed, if the bridges and sewers over the same were enlarged; and if all other obstructions affecting the same were removed, and also if a new cut or watercourse (therein described) were made."

Mr. Samuel Black, Ev. 31.

Full powers were accordingly given to the Corporation by this Act (sections 15–25) for these purposes, and to purchase a certain mill called "the Cromac paper mill," then supplied from the Blackstaff river, and all mill-dams and weirs causing obstructions to drainage, the cost of such purchases to be defrayed out of moneys raised under the Act of 1845.

By the 25th section the Corporation were empowered to order lands, yards, and other premises to be drained at the expense of the owners, who were made liable to a penalty of £1 a day for every day such necessary works were left undone after expiration of the time specified in the order.

Ev. 28.

By the 27th section the purchase by the Corporation of certain markets and market rights under the Act of 1845, was confirmed, and the Act contained other provisions, to which we do not deem it here necessary to refer.

THE BELFAST IMPROVEMENT ACT OF 1850, 13 & 14 Vict., c. 108.

The required improvement of the Blackstaff river not having been made, further legislation was considered necessary, and three years afterwards "the Belfast Improvement Act, 1850," 13 & 14 Vict., cap. 108, was passed. This Act recites that—

"It is necessary that provision should be made for the speedy removal of certain nuisances, and for the preventing of contagious and epidemic diseases within the borough, and it is expedient that provision should be made for the removal of the Blackstaff nuisance within two years from the passing of this Act, and for such purpose that power should be granted to the Council of the borough to borrow a sum not exceeding £15,000, to be exclusively applied to the abatement of the said nuisances in the manner provided by the said third recited Act"—

(the Act of 1847) ; and after reciting in the 3rd section the provisions of the Act of 1847 in relation to the Blackstaff river, the Council are required, subject to the provisions of the Lands Clauses Consolidation Acts, to enter upon certain houses and lands specified in schedule B of the Act of 1847, and if necessary to purchase the same, or any of them that might be required for the purposes of that Act, in the manner thereby required, so that the same shall be completed within two years from the passing of this Act, provided that the consent of the owners, lessees, and occupiers be first obtained.

The 5th section directs that arrangements shall be made under the joint direction of the surveyor of the borough, and the engineer of the port and harbour, subject if necessary to reference to the engineer of the Admiralty, or some other competent engineer, for the removal of the deposit at the Blackstaff weir ; and by the 7th and follow-

* Not fishing weirs, but weirs to accumulate the water for the use of the mills on this stream.

BELFAST.

ing sections the Town Council are empowered, for the more speedy removal of any nuisance arising from the stream or watercourse called the "Pound Burn,"* upon receipt of a notice complaining of it as a nuisance, to cause examination to be made of the same, and if it appear that the nuisance exists, to summon the owner before two justices who are empowered to order abatement of the nuisance, and to impose a penalty for neglect, and if the order be not complied with the Council shall remedy the nuisance at the expense of the owners.

Summary powers for the abatement of other nuisances, and to make and enforce by-laws, are given to the Corporation by other sections of this Act.

By section 26 the Corporation are empowered to borrow £15,000 upon security of the rates, rents, and other moneys authorized to be levied under the preceding Acts, and by section 27 it is enacted that the £15,000 shall be exclusively applicable to the abatement of the Blackstaff nuisance, and that a separate account shall be kept of it, under the name of the "Blackstaff Improvement Fund."

This £15,000 has never been raised nor set apart for this purpose, the reasons assigned by the town solicitor, Mr. Black, being, that it was wholly insufficient for the purposes contemplated by this and the preceding Act of 1847, and that the consent of the owners, lessees, and occupiers, to the purchases required for the contemplated improvements could not be obtained as required by the Act. Mr. Samuel Black, Ev. 35.

In 1853 "the Belfast Borough Extension Act" (16 & 17 Vict., cap. 114), was passed, by which the borough boundaries were extended to their present limits, and the 4*s.* 6*d.* scale of rating under the Act of 1845 was abolished, and a limit of 3*s.* substituted, as already noticed. BELFAST BOROUGH EXTENSION ACT, 1853. Ev. 36.

The Corporation, in the exercise of the powers conferred on them by the Acts of 1845 and 1846, borrowed on mortgages authorized in those Acts, in all £200,000, of which £50,000 borrowed under the Act of 1846 was applicable to the purchase of gas works only.

In consequence, however, of the Corporation not having applied this £50,000 to the purpose for which it was so limited, but having expended it, with other moneys exceeding £84,000, in the purchase of premises for public markets, and otherwise improving the town, a Chancery suit was instituted in 1855 against the Corporation, at the instance of Mr. John Rea, an attorney in Belfast, and protracted litigation ensued. In 1858 a Royal Commission, appointed to inquire into the several matters in dispute, recommended an arrangement to be come to, in pursuance of which, on the 13th June, 1860, all matters in difference between the parties were referred to the arbitration of Messrs. William Bryden and Richard Henry Wyatt, parliamentary agents, subject to the approval of the Right Honorable Edward Cardwell as umpire. This arbitration resulted in an award, dated 5th December, 1863, which was confirmed and carried out by the "Belfast Award Act, 1864" (27 and 28 Vict., cap. 198). By this Act it was declared that the said sum of £200,000, and also the sum of £84,640 0*s.* 11*d.* therein mentioned, should be deemed to have been applicable to all or any of the purposes of the Acts of 1845–47, and the application of these moneys and all purchases by the Corporation were thereby confirmed. It also conferred powers to borrow and pay off existing mortgages, and mortgages created under this Act, and contained provisions regulating the priority of such mortgages. It authorized the Corporation to sell their surplus lands within ten years, with the consent of the Lords of the Treasury, and to apply the net proceeds in payment or reduction of certain mortgages therein specified, and after that in aid of the sinking fund required by the Act of 1845; and in a subsequent section (the 15th) it directed a sinking fund to be provided out of the rates directed to be raised under the authority of this Act and the Acts of 1845 and 1853, which by the preceding section (the 14th), were fixed at 1*s.* 8*d.* in the pound upon premises the annual value of which should not exceed £20, and at 3*s.* 4*d.* in the pound upon premises of the annual value of £20 and upwards. The remaining clauses direct that no moneys of the Corporation shall be applied in payment of the costs of the Relator (Mr. John Rea), or the special Respondents in the Chancery suit, that the pending Chancery suit be stayed, and that the costs of the said arbitration and umpirage be paid, and a sum not exceeding £2,000 in respect of the expenses of this Act. Ev. 37. BELFAST AWARD ACT, 1864. Mr. Samuel Black, Ev. 37–39.

It will be seen that by the 14th section just referred to, the incidence of taxation under the previous Acts of 1845 and 1853 is altered, the rate to which property not exceeding £20 annual value is liable being raised thereby from 1*s.* 6*d.* to 1*s.* 8*d.* in the pound, and this is still felt as a great grievance by the poorer class of ratepayers, and was one of the grounds of opposition to the Bill which resulted in this Act, and which

* "The Pound Burn" is a stream or watercourse running into the Blackstaff river, respecting which, and the pollution arising therefrom, a great deal of evidence was given, and still more sought to be given, before us in the course of the inquiry.

BELFAST.

was the subject of a very bitter contest before a Select Committee of the House of Commons, of which the late Mr. Milnes Gaskell was chairman, in the session of 1864. Mr. A. J. M'Kenna, Mr. J. F. Ferguson, Mr. H. Nelson Smith, and Mr. John Rea, were heard as petitioners against the Bill; and upon the occasion of our inquiry at Belfast, the Blue Book containing the minutes of evidence taken before the Select Committee was tendered and received by us in evidence.

Mr. J. Dinnen, Ev. 1886–1889.

Minutes of Evidence, Belfast Improvement (No. 2) Bill ordered by the House of Commons to be printed, 31st May, 1864, pages 479, 480.

It appears from these minutes that attempts were made while the Bill was before the Select Committee to bring about an arrangement by which it should be allowed to pass; and we here deem it sufficient to refer to the letter of Mr. Baker, parliamentary agent for Mr. Ferguson, one of the petitioners against the Bill, of 9th May, 1864, and the answer of Mr. Dyson, the agent for the promoters, of 12th May, 1864, which were read before the Committee, and which summarize the grounds of objection to the Award Bill, and the remedies suggested.

At the meeting of the Select Committee on the 13th May it was—

Page 482.

"Resolved, That the Committee is unanimously of opinion that a public Bill is necessary to regulate the municipal affairs of Belfast, and they would be glad to know whether such a proposal would meet with general concurrence."

Counsel for the promoters stated that they would entirely accede to the principles of a public Bill, provided it did not interfere with the integrity of Mr. Cardwell's award.

After some discussion between the parties and their advisers, the Chairman of the Committee announced that—

Page 484.

"The Committee have unanimously resolved that the preamble of the Bill is proved."

They determined further to intimate—

"That they understood that the parties on both sides had agreed to refer the provisions of a public Bill to arbitration."

The Chairman further stated that—

"The Committee were aware that a distinct understanding existed that a public Bill should be introduced during the present session. If no such Bill were introduced the petitioners would have a very strong ground of opposition before the other House."

Page 486.

At a meeting of the Select Committee on the 26th May, 1864, the names of referees to whom the provisions of a public Bill were to be referred were mentioned by counsel for the promoters as agreed upon.

Mr. Black, Ev. 2294–2296.

Notwithstanding the agreement arrived at before the Select Committee, no public Bill was brought in to remedy the evils complained of.

COUNTY ANTRIM AND BELFAST BOROUGH ACT. Mr. Black, Ev. 40, 41.

The Act of 1865 (28 & 29 Vict., cap. 183) entitled the "County Antrim and Belfast Borough Act," separated the portion of the borough in the county Antrim from that county for fiscal purposes, abolished the county cess within that portion of the borough, and transferred the duty of repairing streets, roadways, and footpaths therein, to the Corporation.

But the 6th section of this Act continues the liability of the borough to contribute to the payment of certain general county purposes, the subjects of which are enumerated in that section, and it is provided by subsequent sections that the amount of contribution shall be settled periodically by Commissioners appointed under the Act for the purpose.

By sect. 35 the Corporation are empowered to entertain applications for compensation for malicious injuries to persons or property, and to award compensation out of the general purposes rate and the malicious injuries rate, thereby authorized to be levied; and secs. 51 and 52 authorize the levying of a general purposes rate not exceeding 2*s.* in the pound within the lighted and watched districts, and 1*s.* 6*d.* in the pound upon all other rateable property within the borough.

Mr. Black, Ev. 41.

The Act then provides for the application of such rates; and the subsequent provisions (following the 57th section) extend to the entire borough, including that part which is in the county of Down.

These relate chiefly to the drainage, sewerage, and improvement of the town, and confer powers to form and alter separate drainage districts, to levy special sewer rates, and to close streets not properly formed or completed, to order the widening, sewering, paving, &c., of streets either wholly or in part by owners, and to insist on general building regulations to the satisfaction of the borough surveyor; and by sections 100 and 101, new street expenses and other required works are made recoverable from owners.

Ev. 42.

BELFAST BURIAL GROUND ACT, 1866. Ev. 43. Ev. 47.

The next Act was "The Belfast Burial Ground Act (1866)," by which the Corporation were empowered to purchase by contract, or compulsorily, ground for a public cemetery, and to levy a borough rate, and to borrow upon the security thereof sums not exceeding £25,000, to be paid off by annual instalments. This has been done, and the amount now outstanding is reduced to £9,200.

BELFAST.

THE BELFAST BOROUGH ACT, 1868. Ev. 48.

Then followed in 1868 the "Belfast Borough Act" (31 & 32 Vict., cap. 117), by which the powers of the Grand Jury of the county of Down to levy county cess within the limits of the borough were determined, and the duties of repairing the streets, roads, bridges, &c., were transferred to the Corporation; but (as in the Act of 1865) the borough was not exempted from contribution towards certain "general county purposes" which are defined in sections 8, 9, and 10. By section 15 that portion of the borough situate in the county of Down may be included in any general purposes rate under the "County Antrim and Belfast Borough Act (1865)," and the provisions of the last named Act as to compensation for malicious injuries are by sections 17 and 18 extended and made applicable to the entire borough. By section 20 it is provided that the Recorder and magistrates shall commit all persons to the County Antrim Gaol, and by section 21 all appeals from the Recorder are directed to be brought before the Judge of Assize for the county of Antrim, and not for the county of Down.

Certain sections of the Act of 1865 are then amended by this Act, and by section 28 the Corporation are to put in force in the portions of the borough in the county of Down the sewerage provisions of the former Act; and by section 29 the sum of £6,000 is to be applied within three years from the passing of the Act, either as a contribution towards the expenses of widening, improving, sewering, and completing the streets and roads in the townlands of Ballymacarrett and Ballynafeigh under the 78th section of the Act of 1865, or, at the discretion of the Corporation, in the permanent paving of such streets and roads.

Mr. James Kennedy, Ev. 1785–1793, and Mr. Montgomery, Ev. 1140 and 3158, 3159.

By section 30 the Corporation are empowered, upon certain terms, to close a certain foot passage between Donegal-street and North-street at the rear of the Belfast Bank, and section 31 provides that all the borough rates which the Corporation are empowered under any Act to levy shall be henceforth imposed and collected as one rate.

Mr. Montgomery, Ev. 1142–1144, and Mr. J. Dinnen, Ev. 1841–1848.

PROVISIONAL ORDER (BELFAST) CONFIRMATION ACT, 1873.

In 1873 the Corporation took advantage of the Local Government (Ireland) Acts of 1871 and 1872, and obtained a provisional order (confirmed in that session of Parliament by the 36 & 37 Vict., cap. 199), under which they obtained compulsory powers of purchasing certain property for street improvements, the purchase-money to be repaid out of the police rate; to borrow on security of the general purposes rate £25,000 for paving of streets, and £15,000 for district drainage; to apply surplus lands at the cemetery for the purpose of a public park outside the borough, under the provisions of the Public Parks (Ireland) Acts, 1869 and 1872; and to apply the sum of £5,000, to be raised under the provisions of such last mentioned Acts, in part payment of £19,000 which had been up to that time raised under the Burial Grounds Acts. The provisional order also contained several amendments of the Act of 1845, and the succeeding Acts of 1850, 1865, and 1868.

The street improvements authorized under this order and the said "Provisional Order (Belfast) Confirmation Act, 1873," have been partly effected; several leading streets have been paved, and district sewers made and in progress, and the Falls Park has been formed out of the surplus grounds at the cemetery. Two loans of £3,500 each have been obtained from the Board of Works, at three and a half per cent. for district sewers.

Mr. Black, Ev. 144–148.

THE BELFAST CORPORATION GAS ACT, 1874.

In 1874 the "Belfast Corporation Gas Act" (37 & 38 Vict., cap. 125) was passed, by which the Corporation were empowered to purchase the Belfast Gas Works, then the property of the Belfast Gas Company, at the price of £386,550, and by sections 4 and 20 the entire property and assets of the company, with their debts and liabilities, were transferred to and vested in the Corporation.

Up to the 30th June, 1876, interest was to be paid on any portion of the purchase-money remaining unpaid, at four and a half per cent., and after that date at five per cent., and by section 9 the purchase-money and interest was made to be a charge upon the undertaking, and also upon the police rates; but as to the police rates, subject to the priority of existing mortgages.

The 24th section empowered the Corporation to borrow for any of the purposes of the Act sums not exceeding £500,000, to be secured by mortgages of the gas undertaking and revenue, and of the police rates, but the interest upon all moneys borrowed is made primarily payable out of the gas revenue (section 33), and all payments out of the police rate for the purpose of making good any temporary deficiency are by section 34 to be recouped from the gas revenue.

By section 47 the Corporation are directed to form, after two years, out of the gas revenue, and so far as may be needful out of the police rates, a sinking fund, at the rate of £1 per cent. upon the outstanding debt, for its gradual liquidation.

The 49th section gives power to charge the police rates, and credit the gas account yearly, with such sums as the Corporation shall think reasonable for the lighting of the town, the price of gas for this purpose to be fixed as near as can be at the same sum per

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1,000 cubic feet as the lowest price charged for the time to private consumers, together with the cost of lighting and maintaining the lamps.

A committee was to be appointed, *vide* section 51, to execute the purposes of the Act, and it is provided by section 59 that in any year in which the average price charged for gas shall not exceed 3*s.* 9*d.* per 1,000 cubic feet, the surplus profits may be applied by the Corporation to public purposes.

The Corporation went into possession of the gasworks on the 30th June, 1874, and have ever since manufactured gas for the public lighting of the town and the supply of private consumers. They have borrowed under the powers of the Act £468,754 on debentures, and £2,245 14*s.* 11*d.* on annuities, of which £459,999 11*s.* 4*d.*, bearing interest principally at four and a half per cent., remains unpaid. The abstracts of the gasworks' accounts for the year ending the 30th June, 1876, audited by the Local Government Auditor, will be found printed in the Appendix (No. 3).

Mr. Guthrie, Ev. 304.

Ev. 305–308

The cost of the gas for lighting the public lamps for the year ending the 30th June, 1875, was £7,044 2*s.* 5*d.*

The net profit on that year's working, according to the chairman's (Sir John Savage's) report of 26th August, 1875, confirmed by that of the Local Government Auditor in October, 1875, amounted to £11,671 6*s.* 1*d.*, and the net profit of the following twelve months, ended the 30th of June last, was £7,949 9*s.* 2*d.*, as certified by the Local Government Auditor; but it should be remarked that no rest fund appears to have been set apart for depreciation of plant and renewal of mains, and other necessary works not usually charged to revenue account.

Mr. Carlisle, Ev. 2943.

BELFAST POLICE AND WATCHING OF TOWN.

By the 220th section of the Belfast Improvement Act, 1845, the Corporation of Belfast were, as we have already seen, empowered to appoint a local municipal police force. Such a force was appointed, but party feeling, which has always run high in Belfast, led to party fights and riots between lower classes of the Orange or Protestant party on the one side, and the Catholic party on the other, which became of annual and often more frequent occurrence, and the police appointed by the Corporation having been found insufficient for the preservation of the peace of the town, in November, 1864, Commissioners were appointed under the warrant of the Lords Justices of Ireland to hold an inquiry at Belfast, and to report upon "the existing local arrangements for the preservation of the peace of that borough, the magisterial jurisdiction exercised within it, and the amount, constitution, and efficiency of the police force usually available there, and other matters relating thereto." The Commissioners made their report on the 8th March, 1865, and in that session of Parliament "the Constabulary (Ireland) Amendment Act, 1865" (28 & 29 Vic., c. 70), was passed. This Act, after reciting the above mentioned commission, &c., and that "it is expedient to provide for the more effectual preservation of the peace of the borough, and to alter the distribution of the constabulary force in Ireland," enacts that the then police force in Belfast shall cease to exist, and that all their powers and duties shall devolve upon and be discharged by the constabulary, the number of whom for Belfast is fixed at not less than 130 constables and sub-constables.

28 & 29 Vic., cap. 70, CONSTABULARY, IRELAND, AMENDMENT ACT, 1865.

Sec. 4.

By section 4 the Lord Lieutenant is authorized to add to this constabulary force allotted to Belfast any number of men not exceeding 320, on payment of one half of the cost out of the town rates, and such additional number of men, together with the 130 before mentioned, are to constitute the ordinary constabulary force of the town.

Sec. 5.

Sec. 6.

Sec. 7.

Section 5 provides for the levying of the necessary rate for the purpose. Section 6 enacts that the officers of the constabulary force of Belfast shall consist of one inspector and two or more sub-inspectors. The inspector to be paid £400 a year out of the rates by the Town Council.

Sec. 8.

Section 8 enacts that the Inspector-General of Constabulary shall fix the number of men, not exceeding 150, who are to act as a night watch, for each of whom there shall be charged 6*d.* per day, to be paid by the Town Council of Belfast out of the rates.

Mr. Samuel Black, Ev. 78–83.

At the time of our inquiry the police force, including extra police, in Belfast consisted of 540 men, instead of 450, the Inspector-General, upon a memorial from some of the magistrates, having thought it necessary some time before to send down an additional force, but none of these extra men are free of charge upon the local rates, and it was represented to us as a hardship that they were now paying one moiety of the cost upon a larger proportion of the whole force than was contemplated by the Act of 1865. A representation to that effect had been made to the Lord Lieutenant, with a request that the proportion free of charge should be increased, when the Corporation were informed that the time for revising the distribution of the constabulary force (which can, it seems, only be done under the existing Acts once in five years) would not arrive until the 1st of July next, when their claim would be considered.

Ev. 79.

Mr. H. M'Calmont Woods, Ev. 434.

For the year ending the 31st March, 1875, the entire cost of the constabulary charged upon the town rates amounted to no less than £16,234 14*s.* 2*d.*, of which

£15,160 15*s.* 11*d.* was paid out of the police fund, and £1,082 18*s.* 3*d.* out of the general purposes fund.

The principle upon which the cost was thus apportioned between these two funds was explained by Mr. Samuel Black, the town solicitor, who, throughout, rendered us most valuable assistance during the inquiry, and indeed we feel it only due to Mr. Woods, and the other officers of the Corporation, to remark upon the admirably clear and accurate manner in which the whole of the voluminous accounts of this Corporation are kept, and were, to the minutest detail, presented for our examination. Mr. S. Black, Ev. 445, 447.

The finances of the Corporation are in a satisfactory state. The sinking funds prescribed by the various Acts under which loans have been effected have been regularly set apart, and from this source, and the proceeds of sales of ground rents and surplus lands, a reduction of nearly one-half (amounting to £194,687 14*s.* 8*d.*) has been effected upon the total capital debt, viz. £392,116 5*s.* 8*d.* (exclusive of that for the gasworks), which has been borrowed from time to time during the last thirty years. Thus the primary mortgages contracted under the Act of 1845, which, as we have already seen in noticing the Award Act of 1864, amounted to £200,000, have been reduced to £112,245, and the secondary mortgages which, with the addition of the capitalized interest under the said Act of 1864, amounted to £119,081 12*s.* 6*d.*, are now reduced to £33,000, no less than £68,753 4*s.* 7*d.* having been applied to the extinction of the latter debt from the sales of ground rents and surplus lands. There was, moreover, at the time of our inquiry a sum of about £4,000 set aside to partly meet this remaining debt, which had been invested in the funds until some of the remaining mortgages should come to maturity. Mr. J. Guthrie, Ev. 288, 290. Ev. 342, 343.

The capital debt upon the police rate, upon which these mortgages are all charged, has been thus reduced to £145,245. A statement at the foot of the list of mortgages (Appendix 4) shows the application of the loans borrowed upon the security of this rate.

The original loan of £24,000 under the Burial Act of 1866, has been reduced to £13,200, of which £9,200 only remains charged to the burial fund, £4,000 having been transferred to the public parks account upon security of the borough and parks rate under the Public Parks Act of 1869. Ev. 291–2.

Upwards of £26,000 has been borrowed for district sewers, which is charged on the general purposes rate, and on the several district sewers rates in the proportion set out in the list of the several loans (Appendix 4), and a further sum of £17,600, borrowed for permanent paving of the streets, is also a charge on the general purposes rate under the Provisional Order Confirmation Act of 1873, which (*vide* section 2) empowered the Corporation to borrow £25,000 for this purpose on the security of that rate. Ev. 294–302. Ev. 299.

Of these last named recent loans, amounting together to £43,678, £4,694 9*s.* has been already paid off, leaving £38,983 11*s.* still due, of which £27,670 15*s.* 6*d.* is a charge upon the general purposes rate, and £11,312 15*s.* 6*d.* upon the several district sewers rates. The whole outstanding mortgage debt, exclusive of the gasworks, has been, it will be seen, reduced to £197,428 11*s.* Ev. 303.

The annual accounts are made up under four principal heads—the Police Fund, the General Purposes Fund, the Borough Fund, and the Burial Fund—and a separate account is kept for the gas, which has been already sufficiently noticed when treating of the Act under which the Corporation gasworks were acquired; but it may be convenient here to note that there remained in the hands of the treasurer to the credit of this account, when the accounts were closed for the last audit on the 30th of June last, a balance of £21,639 12*s.*, and that out of a gas rental of £79,929 10*s.* 2*d.*, only £799 1*s.* 7*d.* then remained in arrear, which amount had been further reduced to £515 15*s.* 8*d.* at the date of the audit in September last. The price of gas, which was last year reduced from 4*s.* 6*d.* to 4*s.* 2*d.* per 1,000 cubic feet, has been since further reduced to 3*s.* 11*d.* Mr. H. M'C. Woods. Ev. 357–360.

The abstracts of the four first-named accounts for the year last audited will be found in the Appendix (Appendix 5), and show the following balances due to and from the Treasurer upon the respective accounts in the Belfast Bank:— Mr. Woods, Ev. 443, 568.

Balances against the Corporation, including Cheques issued but not presented.

	£	*s.*	*d.*
Police Fund,	2,086	11	9
General Purposes Fund,	4,329	8	6
	6,416	0	3
Net balance in favour of the Corporation,	475	19	11
	6,892	0	2

Balances in favour of the Corporation.

	£	*s.*	*d.*
Borough Fund,	4,743	12	6
Burial Fund,	1,211	19	9
Malicious Injuries Account (on General Purposes Fund),	936	7	11
	6,892	0	2

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Mr. Black, Ev. 259-270.

Thus, notwithstanding the large overdrafts, to which attention was called by us, upon the General Purposes and Police Fund Accounts, there was a small net balance to the credit of the Corporation, and the balance in the cashier's hands for current expenses, wages, &c., further amounted at the same time to £112 4*s.* 8*d.*

MALICIOUS INJURIES ACCOUNT. Ev. 256-258 and 519-527.

The "Malicious Injuries" Account requires a brief explanation. Upon that fund, which arises under the provisions of the Act of 1865 (the County Antrim and Belfast Borough Act), there is an increasing balance in hand, owing to the calls upon it having been less during the last few years than the bank interest upon the balance remaining in hand from the rate laid to meet the heavy claims after the Belfast riots in 1872. Those claims amounted to about £14,000, but were reduced to £3,577 11*s.* 8*d.* To meet this the Corporation had, for the first time, to strike a special rate of 2*d.* in the pound, being only allowed under the Act of 1865 to set apart £1,000 out of the general purposes rate for this object.

Mr. J. Dinnen, Ev. 1853-1855.

We have already commented on the largest item of charge upon the police rate, viz., that for the Constabulary. The heaviest charge on the general purposes rate is that for County Antrim Grand Jury on general purposes account, viz., £16,817 16*s.*, and this likewise is deserving of some attention.

The contributions to the County Antrim Grand Jury, which are revised every five years, are determined by arbitration in the manner prescribed by the Act of 1865 (the County Antrim and Belfast Borough Act), and a list of these, from 1865 to 1875, was handed to us by Mr. Black, and will be found set out in the Appendix to this Report (Appendix 6), from which it will be seen that, from the year 1872, when the last award was made under the Act, they have increased at the average rate of about £2,400 per annum. This large increase has been mainly caused by the cost of maintenance of the prisoners in gaol and the payments to industrial schools and reformatories; and it was represented to us as a great grievance that the borough of Belfast should actually pay 92 per cent. of the cost of the prisoners for the entire county, and yet have no voice whatever in the expenditure, the Corporation having no representative either on the Grand Jury or on the Board of Superintendence of the Gaol. The charge is, it seems, based upon the number of committals, quite irrespective of the time for which the prisoner is committed; and we were told that the arbitrators themselves admitted the hardship of the case, but felt they had no power to frame their award otherwise.

Mr. Black, Ev. 702.

Ev. 706.

Mr. Black, Ev. 707, 708.

Ev. 710.

The same grievance does not exist in respect of the contributions to the County Down Grand Jury, as, although contributing to its maintenance, no prisoners are sent from the borough to the gaol of the county. But a small portion of the borough is in county Down, and the annual contributions to that Grand Jury for all purposes average only about £700 a year.

Ev. 712.

Ev. 713.

A statement prepared and handed in by Mr. Black, showing the particulars of all the rates levied in 1875, the heads of the principal objects to which they were applied, the per-centage collected, and the maximum taxing powers under the several local Acts authorizing these rates, will be found in the Appendix (Appendix 13), and is confirmatory of Mr. Black's evidence as to the satisfactory manner in which the rates are collected by the five rate collectors, over 90 per cent. of all rates having been collected in that year; and after allowing the statutable 25 per cent. discount on all ratings of £8 and under for rates paid within one month, and for vacancies, &c., only 1·35 per cent. remained uncollected at the close of 1875.

Ev. 123.

Mr. R. Stewart, Ev. 1955-1962. Mr. J. Dinnen, Ev. 1907.

This is the best practical answer to the suggestions, that to some extent (though not, it is admitted on all hands, to so great an extent as formerly) the system still prevails in Belfast of delaying the collection of the municipal rates with a view to the disfranchisement of voters in the interest of the Conservative majority in the Town Council.

Mr. Black, Ev. 119, and Mr. Rankin, Ev. 3792-3. Mr. Black, Ev. 119-122, and Mr. Woods, Ev. 682-695.

These collectors are required to lodge daily in the bank the amounts collected by them, and their books and counterfoils are carefully checked and compared with the bank book by Mr. Woods, the accountant, every day, and are subsequently examined by the audit and finance committees.

Mr. Black, Ev. 29 and 237-242. Mr. Hugh Crawford, Ev. 753, 754.

The public markets, which are twelve in number, and which, in round figures, have cost about £100,000, are apparently well managed, and have been a considerable pecuniary success. The net profit upon them for the year 1875 was £6,325 10*s.*, the gross receipts having been £9,223 7*s.* 5*d.*, and the outgoings, including rent, rates, and taxes, salaries, wages, and some small repairs and alterations, £2,897 17*s.* 5*d.*, of which the salaries and wages amounted to over £1,800. In reduction, too, of their original cost, considerable sums have been realized from the sale of surplus ground, which, as we have already seen, have been applied to the partial extinction of the mortgages under the Acts of 1845 and 1864.

Mr. Black, Ev. 250, 251, and 247-249.

Net profits have also been realized of £84 16*s.* 11*d.* from the weights and measures adjusting account, and of £179 14*s.* 3*d.* from the public slaughter-house, after payment of all wages, repairs, alterations, and other outgoings connected therewith.

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The fines imposed at petty sessions in 1875 amounted to no less a sum than £2,168 3*s.* 6*d.*, and with the small sum of £15 2*s.* arising from fines on carmen, and some arrears of petty sessional fines from the previous year, reached the large total to the credit of the police fund of £2,896 19*s.* 2*d.*, after deducting £166 17*s.* 6*d.* for stamps, summonses, &c. Ev. 244–246.

Licenses to car-drivers and owners of lodging-houses and slaughter-houses, &c., further produced £282 8*s.* to the credit of the same fund. Ev. 252.

The large sum of £2,079 18*s.* 3*d.* appears to the credit of the general purposes account as realized from the sale of manure and street and road scrapings; and on the other side of that account it will be seen that the "scavenging" cost £10,504 17*s.* 3*d.* Under the heads of street repairs, permanent paving, and special, estimated, and ordered works, there was expended and charged to the general purposes rate in 1875 £24,257 6*s.* 2*d.*; but against this there was received from owners and sundry persons in return for such works, and upon deposit account under the head of "permits," &c., £7,279 19*s.* 4*d.* Mr. Woods, Ev. 504. This street expenditure is exclusive of the "Ballymacarrett account," which represents the outlay on the portion of the town which lies in county Down, and which amounted to £3,092 3*s.* 1*d.* Neither does it include the purchase of materials on store yard account, amounting to £17,157 6*s.* 3*d.*, nor any portion of the expenditure on sewers, &c., in the several drainage districts of the borough, which make up a further total of nearly £15,000 more.

The only rates levied to the full amount authorized by the Local Acts were the general purposes rate of 2*s.* in the pound within the lighted and watched district, and 18*d.* in the pound beyond that limit; and the borough rate of 3*d.* in the pound; the whole amount of rates levied in the year reaching the total of £96,785 1*s.* 8*d.*, and £91,234 8*s.* 1*d.* being brought into account as received from rates within that period. Mr. Black, Ev. 213. Ev. 212.

Complaint was made of the municipal taxation as excessive in comparison with towns in England and Scotland; but Mr. James Kennedy, one of the gentlemen who raised the objection, had scarcely taken into consideration the great disproportion which exists in Ireland, and notably in Belfast, between the Government valuation and the letting value. Some striking instances of this were given by Mr. Black, the town solicitor, who, before we left Belfast, handed us a paper (Appendix 14), which he requested us to bring under the notice of the Select Committee of the House of Commons, containing illustrations of the discrepancies between the valuation and the letting value of houses and warehouses in some of the principal streets. "In some parts of the town," he said, "houses are not valued at more than one-third of their letting value, and in other parts the valuation is not more than one-third or one-fourth below the letting value," and even houses erected in recent years are, it seems, not unfrequently valued at about 50 per cent. below their letting value. The difficulties attendant upon obtaining a revaluation here were very clearly pointed out by him. Under the Valuation Acts it appears to be necessary not only that the application for a revaluation should come from the Grand Jury, but that a revaluation, if made at all, should be over the entire county, barony, or union. The Grand Jury of county Down on being applied to, refused consequently to make any application, and the reply of the Grand Jury of the county of Antrim rendered them no further assistance, for they said, "We will forward your application, and confine it to that portion of the borough within the county Antrim," and as this forms a portion only of the barony and of the union, they were precluded from obtaining any revaluation. Mr. James Kennedy, Ev. 1778–79. Mr. M'Caldin, Ev. 1461–62. Mr. Black, Ev. 91, 92. Ev. 92.

One class of expenditure in Belfast which struck us in the first instance as unusually large, was the annual charge for salaries and wages, especially in the Surveyor's department, where it amounts to £1,282 5*s.* 10*d.*, but the work in this department is very great, and it is certainly well done, and no more effective head of such a department could well be found than Mr. Montgomery, the borough surveyor, who well earns his present salary of £650, which is the highest paid to any officer of the Corporation. The total charge for salaries is £6,892 10*s.*, a list of which will be found in the Appendix (Appendix 2), but this includes £500 a year to the Recorder, and £200 a year to the Clerk of the Peace, and the more we saw of the generally efficient manner in which the business of the several departments was transacted, the less we felt disposed to cavil at the expenditure under this head. Indeed Mr. Kennedy himself did not consider the salaries excessive for a town of this magnitude. Mr. Woods, Ev. 572. Ev. 573. Mr. Kennedy Ev. 1803.

The Mayor of Belfast at present receives no salary, nor has he ever done so, except for some six years between 1865 and 1871, when he received £1,000 a year. It was suggested by Mr. Rea—who sought to attribute personal motives to every member of the Council with whom he had been engaged in litigation, and who finally so abused the privilege we had accorded him of putting questions through the Chairman, as to necessitate his removal from the Court—that this salary was first voted in 1865 to Mr. Rea, Ev. 2972.

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Mr. Mullan, Ev.3485–3501. Mr. Henderson, Ev.3148–3150.

indemnify the late Mr. Lytle, the then Mayor, and at least two succeeding Mayors for their share in the costs of the Chancery suit in which Mr. Rea was the relator, but this was indignantly denied by Mr. Mullan, the senior Alderman, and by Mr. Henderson, a Town Councillor, and no evidence was adduced to confirm Mr. Rea's insinuation, nor to lead us to doubt the substantial accuracy of the account given by Alderman Mullan of the circumstances under which the salary was first granted and subsequently discontinued.

Comparing the rates levied here for municipal purposes with those at Cork and Limerick, the two largest municipal boroughs upon which we have hitherto reported, it will be found that Belfast contrasts very favourably with both; the "improvement" and "general purposes" rates levied in those towns for the corresponding year (1875), being at the rate of 5*s.* 6*d.* in the pound in Cork, and 5*s.* 11½*d.* in Limerick, while at Belfast the same rates amounted to but 4*s.* in the pound on the highest rated houses within the lighted and watched district, and to 3*s.* only on all below £20 rateable value.

Mr. M'Caldin, Ev. 1462. Mr. Kennedy, Ev. 1781.

If the borough and burial rates, and the highest district drainage rate in Belfast—that of the Newtownards-road district—be added to the above, they do not bring up the total of rates levied by the Town Council to quite 5*s.* 3*d.* in the pound in the highest rated portion of the borough; and outside the drainage districts the highest rates do not amount to more than 4*s.* 4½*d.*, while it must further be taken into consideration that the Corporation of Belfast have not inherited from their predecessors any landed estates or ancient tolls or dues such as conduce largely to swell the revenues of Limerick, Cork, and the majority of old municipal boroughs in Ireland.

WATER SUPPLY.

The water supply of Belfast is at present under the management of Water Commissioners, incorporated under the Belfast Water Act of 1870, for the purpose of supplying the town with water.

Mr. Black, Ev. 169–173.

Mr. Black, the Town Solicitor, having brought this fact under our notice, and advanced an opinion that some inconvenience, and, to a certain extent, a conflict of authority resulted from the water supply not being under the control of the Corporation, we thought it only fair to receive the explanation of the Water Commissioners on the matter, and the Chairman of the Water Commissioners, Mr. W. J. Scott, and Mr. Luke Macassey, their principal engineer, were consequently examined by us upon the points raised by Mr. Black, which resolved themselves principally into the question of the high price charged by the Commissioners to the Corporation for water for watering the streets, and the occasional deficiency of the water supply in the case of fires breaking out in the town. Mr. Black gave the officers of the Water Commissioners credit for being anxious to meet the views of the officers of the Corporation as far as possible, but he considered the system an inconvenient one, which gave the Commissioners power, without previous notice, to open the streets, and to examine and relay their mains, although by arrangement they pay the Corporation for repairs whenever they have interfered with the streets.

Mr. W. J. Scott, Ev. 1645–91. Mr. L. Macassey, Ev. 2173–44.

Mr. Black, Ev. 180, 181.

Upon the general question whether the water supply should be under the control of the Water Commissioners or the Corporation, on which Mr. Rea was desirous of being heard as their solicitor, we declined to enter, or to allow him to cross-examine the officers of the Corporation as he was urgently desirous of doing on this and many other points which arose in the course of our inquiry.

Mr. Biggar, Ev. 2038.

The only other body between whom and the Corporation it was suggested that there could be any conflict of authority is the Harbour Board. Mr. Biggar, M.P., who came forward in the first instance as an old member, both of the Board of Water Commissioners and the Town Council, to give his opinion upon the action of the Water Commissioners, raised the point that a very material conflict had arisen between the Harbour Board and the Town Council with regard to the outlet for the sewage of Belfast; on the other hand Mr. Black, who also referred to this difference between the Corporation and the Harbour Board, stated that although the Corporation were only represented on the Board of Harbour Commissioners, as they are on the Water Board, by the Mayor who is *ex officio* a member of each Board, there was no conflict between the Harbour Board and the Corporation, and little or no inconvenience found to result from the existence of the former as a distinct body.

Mr. Black, Ev. 182–185.

GENERAL COMPLAINTS.

The complaints against the administration of the rates and the municipal affairs by the Town Council were numerous, and occupied much of our time, involving as they did, several of serious nature, which required full explanation from the authorities; while others were of a frivolous and almost contemptible character.

Mr. R. Stewart, Ev. 2024–28. Mr. Dempsey, Ev. 2090. Mr. S. Black, Ev. 2029.

An instance of the latter will be found in the charge brought against the Town Council by Mr. Stewart, and supported by Mr. Dempsey, of permitting Temperance League coffee stands to be erected in the streets to the obstruction of the highway, and to the injury of the publicans and lodging-house keepers. It turned out that there was but one such coffee stand in existence at the time of our inquiry, and as we

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passed it daily in the Police-square, on our way to the town hall, we are able to say positively that it gave rise to no obstruction.

The principal charges may be arranged under the following heads :—

1st. That a fair proportion of the rates is not expended for the benefit of the Roman Catholic inhabitants.

2nd. That several members of the improvement committee of the Town Council, who are engaged in the timber and building trades, exercise undue influence on that committee, in consequence of which the law is not strictly and uniformly carried out as laid down by the 75th section of the Act of 1865.

3rd. That the pollution of the Blackstaff River, which arises in the first instance from the action of the Corporation in introducing the town sewage into the "Pound Burn" and other tributary streams, is greatly increased by the mill-owners, who further contribute the sewage of their mills, and who, after using the water for condensing purposes, return it to the bed of the stream in a heated and far more offensive condition; and it is alleged that owing to the influence of these mill-owners, the Corporation have hitherto resisted all schemes for the purification of the Blackstaff by the diversion of this contaminated water from its course.

4th. That some of the officers of the Corporation, with the knowledge and approval of at least certain members of that body, interfere actively at the municipal elections in the interest of the Conservative majority of the Town Council.

Mr. Dinnen, Ev. 1867.

Mr. Dinnen in making this charge broadly stated it in these terms :—"I believe the Corporation to be a huge political engine worked by the officials of the Corporation who are paid out of the rates of the town."

It will be seen that these charges all arise, more or less, from a feeling of dissatisfaction with the present composition of the Town Council, and although we have hitherto, in the inquiry intrusted to us, invariably refused to receive evidence relating to matters of politics or religion, and have endeavoured to eliminate all such from our consideration, it would be idle here to ignore the fact that these complaints proceeded almost exclusively from the Roman Catholic portion of the community, and from a certain party of Liberals among the Protestants and Presbyterians, who, in consequence of being almost unrepresented on the Town Council, were disposed to attribute to political or religious influences very many of the actions of that body in relation to municipal affairs.

From this point of view these parties were certainly desirous of making common cause before us against the Corporation. Mr. M'Erlean, a solicitor, applied to represent the Catholic party, and Mr. Rea, though applying in the first instance to represent the Water Commissioners, as their solicitor, appeared far more anxious to be heard as the representative of his own personal and political animosities. Mr. Dinnen, another solicitor, who gave evidence at considerable length, was, however, the main exponent of the complaints of the Liberal party. These gentlemen and others were all extremely desirous of going into the question of the franchise, and Mr. Rea also sought to re-open the past history of all the party fights for which Belfast is unhappily so notorious. Upon these matters we steadily and persistently declined to hear them, but we considered that we could not refrain from patiently investigating any matters of complaint which they were desirous of bringing before us bearing on the adminstration of the rates, and the conduct of the officers intrusted with their collection or expenditure, or those relating to the sanitary condition of the town.

Mr. Dinnen, Ev.1816–1911.

CEMETERY.

The cemetery question, which falls under the first head of these complaints, has caused a considerable amount of ill-feeling in the minds of the Roman Catholic portion of the inhabitants. Under the Belfast Burial Ground Act of 1866 (29 and 30 Vic., c. 113), the Corporation were authorized to purchase certain lands therein mentioned for the purpose of a public cemetery for the use of the inhabitants of Belfast, and also to dispose of any surplus portion of such lands not required for the purposes of the cemetery. The ground they were so authorized to purchase comprised in all about 103 acres, and the Corporation set apart forty-five acres of this for a cemetery. This was divided into two portions; the larger, consisting of thirty acres, was allotted as a burying-ground for Protestants; and fifteen acres for that of Roman Catholics. A division was made between the two portions of ground, and it was arranged that a mortuary chapel should be erected in each. The Roman Catholic bishop applied to the Corporation to vest in him and his successors the sole and exclusive control over the Roman Catholic portion, and insisted that he should have the right from time to time to regulate and determine who should and who should not be interred in that burying-ground. He submitted certain propositions as to the conditions on which the ground should be set apart for the Roman Catholic inhabitants (*vide* Appendix 11), but the Corporation refused to accede to them, and when they appeared before the Privy Council to have the rules and regulations of the cemetery approved of, and an order made for the closing of certain

Mr. James Colligan, Ev. 1333.

Mr. A. W. Calcutt, Ev. 1200.

Dr. Dorrian, Ev.1629–1644.

Mr. Black, Ev.1545–94.

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burial-grounds in the borough, the bishop opposed the application of the Corporation, and sought to obtain the sanction of the Privy Council to the rules submitted by himself.

The case before the Privy Council was adjourned in the hope that some arrangement could be come to, and the bishop made further propositions to the Corporation, to which they declined to accede. (See report of cemetery committee of 19th July, 1869, Appendix 11.)

Finally, in order to enable the bishop to determine what course he should pursue, the Privy Council decided that the "Friar's Bush" burying-ground (being the place where the Roman Catholic inhabitants had been usually buried up to that time), should not be closed until the 25th November, 1869. In the meantime the bishop, finding that he could not induce the Corporation to agree in his views, purchased about eleven acres of ground for a cemetery for the Roman Catholics, which has been since enclosed and laid out at a cost, including the purchase-money of the land, of about £7,000, the entire of which has been raised by the bishop. The fifteen acres set apart by the Corporation have never been accepted by the bishop and his flock, and they positively decline to avail themselves of it. The Corporation have since built a mortuary chapel on the Protestant portion of the cemetery, and they were willing to do the same for the Roman Catholic portion, had it been occupied by them; but this was not looked upon by the bishop as a matter of much importance. It is, however, felt as a grievance, that in consequence of what has occurred the Roman Catholics are obliged to pay a burial rate exclusively for the benefit of the Protestants of Belfast, while they have had to provide themselves with a cemetery of their own at a cost of £7,000, to which the Protestants do not contribute. The ill-feeling thus arising among the Roman Catholic inhabitants has been aggravated by what has since taken place.

Mr. Black, Ev. 144–148

After the allotment of the forty-five acres for the cemetery there remained of the 103 acres so purchased, fifty-eight acres of surplus land, which, under the 10th section of the Burial Ground Act of 1866, the Corporation advertised for sale, but in consequence of a memorial very numerously signed by the inhabitants of that district, they abandoned the intention, and resolved to comply with the wishes of the inhabitants of the Falls-road district by forming a public park there. It was then discovered that the Public Parks Act of 1869 gave no power to make parks outside the borough and an amending Bill (the Public Parks Amendment Act of 1872) was introduced by Messrs. M'Clure and Johnston the members for the borough, and adopted by the Government, which gave power to the Corporation to purchase parks outside the borough boundary, and to sell surplus lands. A further difficulty being then raised as to what constituted a sale within the meaning of the Act, a local inquiry was held by the direction of the Local Government Board, which was followed by the Local Government Board's "Provisional Order (Belfast) Confirmation Act" of 1873, by the 3rd section of which the Corporation were authorized and empowered to apply the lands not required and unappropriated for a cemetery for the purpose of a public park, under the provisions of the Act therein mentioned, and to apply a sum of £5,000, being the estimated value of said lands in manner therein mentioned, and the 10th section of the Act of 1866 was also thereby repealed.

Notwithstanding the obtaining of the Provisional Order and Act at a considerable expense, to enable them to secure this park, the Corporation are now seeking to add thirteen of the fifty-eight acres again to the cemetery, on the ground that the portion allotted to the Protestants is not large enough, having regard to the death-rate of Belfast, although it was alleged, and not denied, before us, that in the inquiry held by

Mr. Colligan, Ev. 1344.

the Local Government Board it had been stated by the borough surveyor that there was then sufficient space in the existing ground for sixty years. The fifteen acres of the burial ground which has been refused by the Bishop lies between the Protestants' burial ground and that which, under the Act of 1873, was to be added to the park, and it was contended, on the part of the Roman Catholics, that if the Corporation wanted more ground they should re-allot the Protestant portion, and avail themselves upon certain

Ev. 1353.

terms of the fifteen acres allotted to the Roman Catholic community, which are lying practically unused, though it was admitted that some few Roman Catholics "outside the

Ev. 1350.

pale of the Church" had been buried there.

The practical result, undoubtedly, is that the Roman Catholics derive no benefit from the cemetery authorized to be formed by the Act of 1866, to the rates for maintaining which they are bound to contribute, while they have had to raise £7,000 among themselves for their own cemetery, in addition to which the Corporation are now seeking to deprive them of what they believe to be a portion of the park formed for the benefit of the locality in which they more particularly reside.

Ev. 1389.

It was also alleged, that about the time the park and cemetery were being formed, a pledge was given by the Corporation that they would flag a portion of the footway of

the public road, leading to those places. It was not denied that this promise was made, and it certainly has not been carried out; but it was alleged that a considerable amount of partial work had been done there from time to time, and that the promise was conditional on there being sufficient funds at the disposal of the Corporation for this object. This was answered by saying, that the Corporation had flagged the footways in other parts of the town, which did not require it so much; and although this was again answered by saying, that in those cases the owners have invariably contributed by giving ground or the value of it, there is no doubt whatever, that the minds of the Roman Catholics are strongly impressed with the idea that they have been unfairly treated in this and other matters of a similar character by the Corporation.

Mr. Montgomery, Ev. 1623.

In illustration of this another matter was brought up at some length more than once before us, relative to the non-purchase by the Corporation out of the funds at their disposal of a vacant plot of ground at the end of Milford-street, an important thoroughfare, in which one of the principal Roman Catholic Churches in Belfast had been recently built. By the 384th sec. of the Belfast Improvement Act, of 1845, 8 & 9 Vic., cap. 142, the Corporation are empowered to set apart annually a sum of £1,500 for widening, improving, and making such alterations in the streets as they may think necessary, and although they had originally under the advice of the borough surveyor, Mr. Montgomery, refused to pass building plans submitted to them by the owner of the plot of land in question, on the ground that such building would close up the entrance of the street, yet they subsequently granted him permission to build, and declined to avail themselves of his offer to sell them the ground for £140, although pressed to do so by a deputation, including ministers of the Roman Catholic and Presbyterian churches in the neighbourhood, who were desirous of having the street prolonged into Denis-street, and free communication thus preserved for the accommodation of the residents in that locality, and especially those frequenting these churches.

Mr. Colligan, Ev. 1389. Mr. Black, Ev. 1615.

Mr. Colligan, Ev. 2833. Mr. Montgomery, Ev. 2098. Mr. Bernard Hughes, Ev. 2871.

Mr. Colligan, who was in a great measure the representative of the grievances felt by the Roman Catholic community, no doubt expressed the views of his co-religionists when he said, that it was the opinion of all the people in the neighbourhood that the reluctance shown to expend £140 of the funds of the Corporation in purchasing this ground and maintaining it as a public thoroughfare, arose from the fact that it would be a particular accommodation to the Roman Catholic inhabitants attending the services of the Milford-street church; and the fact that in another street (Rosemary-street), the Corporation have laid out a larger sum from this fund of £1,500 a year in purchasing property in order to set back the street and widen it, would seem to give some colour to this suggestion. On the other hand it must be borne in mind that Mr. Black gives other reasons for the withholding of the grant in this instance. He distinctly expresses his disbelief as to the Town Council being in any way influenced by any sectarian motive in reference to their expenditure in this or any other matter. Ultimately, after half the plot of ground at the end of Milford-street had been built on, the other half was purchased for £70, to which the Corporation gave £35, and the remainder was made up by subscription—the then chairman of the improvement committee, Mr. J. Browne, and Alderman Hughes, also a member of that committee, being among the contributors.

Mr. Colligan, Ev. 2833-39.

Mr. B. Hughes, Ev. 2883. Mr. Colligan, Ev. 2837. Mr. Black, Ev. 1615-17.

Mr. Bernard Hughes, Ev. 2884.

The second principal ground of complaint was with respect to the conduct of the improvement committee in not carrying out the 75th section of the Act of 1865, in relation to the occupation of houses in new streets.

Mr. Colligan, Ev. 2839.

By that section of the 28 and 29 Vic., cap. 183, it was provided that—

"Any street or road formed or set out within the borough after the commencement of this Act should not be opened for traffic, nor should any house or other building built after the commencement of the Act abutting thereon or approached thereby, be inhabited, unless and until the roadways and footways thereof have been properly constructed and completed (according to plan therein mentioned) to the satisfaction of the surveyor;"

and the surveyor was thereby empowered to close the street until it was so completed. This section was further extended by the 25th section of the Act of 1868—the 31 & 32 Vict., cap. 117—which imposes a penalty of 20*s.* a week on the owner of each house which shall be so inhabited for every week it shall continue to be inhabited. Notwithstanding the provisions of these sections, which were manifestly enacted for the sake of the health and comfort of the people likely to inhabit such houses, it is certain that very many new streets have been laid out and opened for traffic without the roadways or footpaths having been formed, and the houses in these streets have been inhabited, wholly regardless of the provisions of the sections above mentioned. Some of these streets, which were described as built on a swamp, and impassable with any degree of comfort from their unpaved, unchannelled, and muddy condition, had been laid out and the houses built by members of the improvement committee, and were afterwards sold by them; while others were, at the time of our inquiry, owned by members of that com-

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mittee. The houses in these were said to have been occupied—some six or twelve months, and others two years.

Mr. O'Neill, Ev. 2122–26.

One instance was stated to us by Mr. O'Neill, who had bought a number of houses in streets which had been, he said, macadamized for years, and after he had bought them he was required by the Corporation to pave the streets at once, and did so at considerable cost, and upon his objecting on one occasion, he was served with a summons, and was told he would have to pay £2 10s. costs, but he refused to pay a farthing, and has not been asked for it since. Another instance of a similar character, but in which proceedings were taken for a much larger amount for a work alleged to have been done for him by the Corporation, was adduced by the Rev. J. Nelson, a Presbyterian minister.

Rev. J. Nelson, Ev. 2328–9.

Mr. Biggar, Ev. 2549.

Mr. Biggar, who spoke of the committee as the "Timber Ring," made a direct charge against four members of it, that they availed themselves of their position as such to benefit themselves or their friends, in their business as timber merchants and building speculators; and although no other witness put the charge in such direct terms, the number of persons on that committee connected with the building and timber trades was more than once referred to, and instances in which they were alleged to be favoured were brought forward. In reply to these imputations, it is only right to refer to the evidence of Mr. Montgomery, the Borough Surveyor, whose character was entirely unimpeached, and to whose fair dealing and impartiality in the discharge of his duty Mr. Biggar paid a just tribute. His whole evidence on this subject (pages 142, 143) deserves a careful perusal, and it will be seen that he says:—

Mr. Montgomery, Ev. 3080, 3081

"I have been thinking it over carefully. I do not recollect any instance where a member of the committee got concessions or favours shown to him that were not on other occasions given to the very bitterest of their opponents. . . . I do not think that party or religion has anything to do with their actions on the Town Council."

He said more than once that it was impossible to carry out the 75th section of the Act of 1865 in its integrity in a rapidly growing town like Belfast, and that the section of the Act was put in contrary to his advice. With reference to some of the particular instances complained of he says he has—

Ev. 3089, 3096.

"Always advised that the older streets should be taken first."

And that although his recommendations were not always treated as infallible, yet he could positively say this had never been owing to the influence of the members mentioned by Mr. Biggar. And he added:—

Ev. 3098.

"I think I have been better supported in Belfast than any other town I have been in."

Mr. Carlisle, Ev. 2958.

Mr. Carlisle who certainly cannot be considered a witness in favour of the Corporation said—

"I believe this talk of the timber ring is incorrect, so far as I could see, for the three years I was on that committee there was no undue influence brought to bear. I had no connexion with any of the timber merchants and I believe that they did their duty to the best of their ability and that they have done so without favour."

Mr. Black having also stated that the 75th section of the Act of 1865 ought never to have been in the Act in consequence of the difficulty in carrying it out, we enquired why, if they had found that to be the case, they had not had the clause repealed by the Act of 1868, instead of asking for the more stringent powers in dealing with the matter which they obtained under the 25th section of that Act. It appeared to us that the Corporation should seek to get rid of these clauses altogether if they find they cannot carry them out fairly, but while they are part of the law of the land they certainly ought to be so carried out as to leave if possible no colour for the suspicions, which are undoubtedly entertained, that strict impartiality is not invariably observed.

SANITARY MATTERS.

The serious and continually growing nuisance arising from the polluted condition of the Blackstaff river is part of the history of Belfast, and deserves special consideration.

THE BLACKSTAFF NUISANCE.

The legislation with a view to the improvement of this river has been already noticed in our review of the Acts of 1874 and 1850, and certain recitals in those Acts with reference to the Blackstaff have been quoted at length. No steps having been taken to improve its condition save some temporary annual cleansing by the removal of the accumulated filth along its banks, it has, as a matter of fact, been getting worse each year from the additional quantity of sewage matter which is discharged into it.

Mr. Foster Connor, Ev. 1494. Mr. Gaffikin, Ev. 2637. Mr. Robert Carlisle, Ev. 1738–9.

The Blackstaff is itself a pure stream down to the point where it is joined by the Pound Burn, but this and other small contributory streams from the Falls-road district have become thoroughly impregnated with the sewage of the numerous houses which have been built along their course, and to such an extent has this been introduced from time to time that the Pound Burn is now practically a common sewer. As each successive mill is reached the

water is used for condensing and boiler purposes, and, having usually received in addition the sewage of that mill, it goes on to the next with increased impurity. Mr. I. J. Murphy, Ev. 1774–6.

When this subject was first brought to our notice we could hardly believe it possible that mill-owners could use such polluted and filthy water for the purposes of their mills, but as the enquiry proceeded it was only too palpable that they not only did so, but were ready to take proceedings against the Corporation when threatened to be deprived of any portion of it; in illustration of which we would refer to Mr. Montgomery's evidence touching his diversion of the Fairywell stream, which he described as "a miniature Pound Burn," into the North-street main sewer by which it is conducted into the river Lagan below the tideway. Mr. Montgomery, Ev. 1148. Ev. 2997–9.

The reason assigned for the use of this contaminated water by more than one witness among the mill-owners was that at present it was a matter of necessity and not of choice; that they would prefer pure water if the Water Commissioners could supply it at a moderate price and in a sufficient quantity all the year round, but that the price charged was practically prohibitory, and thus a large proportion of the manufacturing establishments in Belfast would have to be closed if the use of the water from these polluted streams was discontinued. On the other hand, two mill-owners at least seemed to think a sufficient supply from the Water Commissioners might be obtained, and one of these gentlemen said "We want no compensation but a supply of water, which they" (meaning the Corporation) "could easily give us from the Water Commissioners." Mr. James Kennedy, Ev. 1805–6. Mr. Wm. Mullan, Ev. 3478–79. Mr. I. J. Murphy, Ev. 1774–76. Mr. C. Duffin, Ev. 3809.

It was not sought to be denied on the part of the mill-owners that the water was returned to the bed of the stream from the boilers of these mills in a highly heated and far more offensive condition, and we were informed that the vapour and steam thus generated contaminated the surrounding atmosphere to an extent which could not fail to be detrimental to the health of the mill hands and their families, and others dwelling in the immediate locality. Dr. Dill, Ev. 2704–9. Mr. R. Carlisle, Ev. 1729. Dr. Browne, Ev. 1210.

It was likewise admitted by the town solicitor (Mr. Black), and by Mr. Montgomery, the borough surveyor, that the Corporation had first contributed to the pollution of these streams by causing the public sewers to run into them, and Mr. Montgomery said he had found the system in existence before he came to Belfast, and that the Fairywell stream had been polluted for twenty years. He reminded us that the same thing prevails in Bradford and other large manufacturing towns, but said he was endeavouring to carry out a main drainage scheme which would prevent any further necessity for this in Belfast, though it is at present, in certain districts, unavoidable. He also told us that the Town Council had already constructed several large intercepting sewers which had diverted from the Blackstaff, and the other streams referred to, a very large quantity of sewage, and that in every case where plans had come in for new streets and buildings, he had objected to any fresh sewage being turned into these streams, and had generally succeeded in preventing it. Mr. Montgomery, Ev. 3161–72. Ev. 3170. Ev. 1203–8. Ev. 3159–60. Ev. 1203.

Mr. Black, who said that he was "not there on the part of the Corporation to deny that the Blackstaff was a nuisance," contended that "the difficulties hitherto in the way of remedying that nuisance had been so great, that so far they had been unable to overcome them." Referring to a report in October, 1873, by a sub-committee consisting of Messrs. J. Dinnen, R. Carlisle, and Alderman Hughes—of which it was made a matter of serious complaint before us by the two first-named gentlemen that it was shelved and had not been entered on the minutes—he said— Mr. Black, Ev. 1472. Mr. Dinnen, Ev. 1822–3. Mr. Carlisle, Ev. 1726–28.

> "An effectual remedy does not lie in those petty suggestions made by that sub-committee, but by the construction, as Mr. Montgomery has suggested by his scheme, of a system of main drainage for the town, and this system the Corporation have been prevented from carrying out owing to the difference existing between the Corporation and the Harbour Board as regards the outlet for the sewage, and also the serious expense that would be incurred in constructing the works. When the town is prepared to meet these difficulties, the work no doubt will be carried out. No suggestion has ever been made about dealing with the Blackstaff nuisance or any other nuisance, that was not carefully considered." Mr. Black, Ev. 1472.

He further stated that the Corporation had taken the opinion of the late Attorney-General (and present Chief Justice) May, on the subject, and he handed in that opinion (Appendix 15), which was, he said, to the effect that the Corporation of that day having carried their sewers into the Blackstaff and other streams, they could not insist on the mill-owners taking their sewage out of those streams or abstaining from other pollution of them until they, the Corporation, had first diverted the town sewerage. Mr. Black, moreover, himself contended that the Corporation had only acted in exercise of the powers conferred on them by the 90th sect. of the Act of 1845, and the 51st sect. of the Act of 1850. Mr. Black, Ev. 1472–3. Mr. Montgomery, Ev. 3298–3302.

We have quoted thus at length Mr. Black's observations at this stage, as they sum up

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Mr. J. Dinnen, Ev. 1816–29. Mr. Robert Carlisle, Ev. 2897–2942. Ev. 1726–58. Mr. W. Agnew, Ev. 1478–82. Dr. Bryce Smith, Ev. 1499–1515. Mr. W. Coates, Ev. 1519–23. Mr. I. J. Murphy, Ev. 1764–76. Mr. Gaffikin, Ev. 2363–72. Sir J. Savage, Ev. 3377–83. Mr. Ewart, Ev. 3419–30. Mr. Mullan, Ev. 3460–80. Mr. C. Duffin, Ev. 3809–16. Dr. Bryce Smith, Ev. 1499–1515. Mr. Montgomery, Ev. 1145–53.

the whole case for the Town Council in reply to the charges of supineness and neglect, or of succumbing to the undue influence of the mill-owners in leaving the Blackstaff in its present condition, which were, by various witnesses, advanced against the Corporation. The names of these witnesses are quoted in the margin, but the witness who constituted himself the principal accuser of the Corporation in this matter, and who was, indeed, the only one who alleged in terms that the influence of the mill-owners was directed to the obstruction of the improvement and purification of the Blackstaff, was Mr. Robert Carlisle, who, with Mr. Dinnen, was a member of the Corporation, and of the sub-committee already referred to in 1873, in the November of which year he lost his seat.

Another nuisance which arises from the present condition of the Blackstaff is the flooding, to which several of the streets below its junction with the Pound Burn are subject, and it was to this point principally that the evidence of Dr. Bryce Smith (incidentally corroborated by his friend Dr. Ferguson) was directed.

Mr. Montgomery contends that his scheme, which embraced three principal objects, and a summary of which will be found in the Appendix (Appendix 9), would not only, by means of intercepting sewers, remove all sewage and other impurities from the Blackstaff and other streams flowing through the town into the river Lagan, but would, by impounding the storm waters of the Pound Burn and the Blackstaff in regulating reservoirs on their upper course, both abate the flooding and economise the water for the mill-owners and the public. The cost of the three intercepting sewers and the works in connexion with them, was estimated in Mr. Montgomery's report of 13th of February, 1875, at £200,000, and that of the impounding reservoirs, at £100,000, but Mr. Montgomery very fairly stated that until the remaining portion of his scheme—the disposal and utilization of the sewage—was decided on, no reliable estimate could be given of the cost of the whole. And it is certain that this question of cost has hitherto constituted the main obstacle to the carrying out of his scheme, which was proposed so long ago as 1866, when it was examined on the spot, and favourably reported on by Sir Joseph (then Mr.) Bazalgette; and Mr. Dinnen and Mr. Gaffikin both stated their objection to it substantially in the same terms, viz., that the Blackstaff would thereby have been made the lever for a grand drainage scheme for the entire town, which would have been a great expense, and "with which," in the opinion of the latter gentleman, "the Town Council had nothing to do."

Mr. Montgomery, Ev. 1146. Mr. J. Dinnen, Ev. 1827. Mr. Gaffikin, Ev. 2365–66.

We do not here propose to enter upon the rival merits of this or any other of the various schemes which their promoters were anxious to bring before us, but as so much stress was laid upon the omission from the minutes of the sub-committee's report of October, 1873, and the absence of any further action upon it beyond referring it to the borough surveyor for his observations and report, we think it only right to draw attention to the evidence in relation to this at pages 87, 91, and 138.

Mr. R. Carlisle, Ev. 1726–29. Mr. J. Dinnen, Ev. 1822–27.

While very decided differences of opinion exist upon this and many other matters in Belfast, there is at least one point upon which we may safely say that all parties and all classes are unanimous, and that is the disgusting nature of the nuisance arising from the present condition of the Blackstaff from its junction with the Pound Burn; and we are bound to add that the prevailing opinion among a large portion of the ratepayers is that the Corporation are, from whatever cause, responsible for the continuance of this monster nuisance.

Mr. Montgomery, Ev. 2990–91.

Numerous other complaints as to imperfect sewage, flooding of streets, &c., were made in the course of our inquiry, which it would occupy too much space to notice at length in this already far too long report. We content ourselves, therefore, with referring in the margin to the names of the witnesses who came forward to speak as to these, almost all of which Mr. Montgomery came forward to answer in detail.

Mr. Samuel Keatly, Ev. 1408–23. Mr. Constantine O'Neill, Ev. 2682–88. Mr. W. O'Hara, Ev. 2338–49. Dr. O'Malley, Ev. 2041–60. Mr. Colligan, Ev. 2776–86. Dr. M'Connell, Ev. 3264–74. Mr. W. Cosgrove, Ev. 2663–72.

We subjoin in the Appendix (Appendix 7), a report put in by Dr. Samuel Browne, who has been the consulting sanitary officer since the passing of the Public Health Act of 1874, in which he enumerates his duties and the amount of work done in the last year, &c., and at the close of which he offers suggestions for changing the title of "consulting sanitary officer" to that of "superintendent medical officer of health"; of the "sanitary officers" to "district medical officers," and of the "sub-sanitary officers" to "inspectors of nuisances," and of the "executive sanitary officer" to "sanitary inspector." These names would certainly more nearly represent the nature of the duties discharged by each than those by which they are at present distinguished, and would more nearly coincide with those by which the officers holding similar positions are known in England.

Dr. Browne's position here is very much the same as that occupied by the Medical Officer of Health of a large English borough, and we have no hesitation in saying that he appears to devote great attention to his duties, and in his case the

title of Consulting Medical Officer is certainly not misapplied, as we have so often found it to be elsewhere. He has been practically conversant with all the sanitary arrangements of Belfast since 1848, is daily kept informed of all the work done by the various officers of the sanitary staff, who take their instructions from him, and all of whose reports pass either through his hands, or those of the executive sanitary officer, with whom he consults daily; and every week he attends the meeting of the sanitary committee, and those of the Town Council as often as he thinks necessary. He also sends in monthly reports, and a general report every three months. Under his advice the Corporation are about to take proceedings under the provisions of the Artisans' Dwellings Act, for the improvement of a portion of the town, the reports relating to which were handed in by him, and will be found in the Appendix. (Appendix No. 8, page 210.)

The last charge, in the order in which we have arranged them, relates to the conduct of some of the officers in regard to the municipal elections.

Our first impression was that it would not fall within the scope of our inquiry to take evidence on such a matter, but when it was distinctly charged with respect to one at least of the officials, Mr. De Cobain, the cashier, that his active interference on these occasions was with the knowledge and approval of a majority of the Town Council, and that his salary had been increased from time to time by the Corporation, as a reward for political services, we felt we had no alternative but to investigate the matter. In and previous to the year 1872, a belief existed in the minds of at least some of the Town Council and of several of the ratepayers, that certain officials were in the habit of unduly interfering in municipal and parliamentary elections, and to put a stop to the practice, Mr. John Dinnen gave notice that he would move on the 1st February, 1872, a resolution in the following terms— Mr. Dinnen, Ev. 1874.

"That it be an instruction to the employées of the Corporation not to take any active part prior to, or at, any municipal or parliamentary elections beyond recording their votes."

Mr. Dinnen moved the resolution on that day, and mentioned instances in which, as he and others alleged, at least one of the officers had so interfered; but notwithstanding this, and without holding an investigation into the matter, the resolution was negatived by seventeen votes to six. On our inquiry why this most reasonable and proper resolution was thus summarily rejected, the reason assigned was, that the injudicious course adopted by some of its supporters led to this result, as the passing of it would have made it appear that there was some foundation in the charges against the officials, which the majority voting against it believed to be untrue. With respect to this, we can only observe that it must be admitted, so far at all events as relates to Mr. De Cobain, that there was ample foundation for the motion. He was for some years before, and in the year 1872, a member of a Conservative association governed by rules which in terms provided that the society's committees of the different wards in Belfast, should have the nomination of candidates for the offices of Town Councillors, Harbour Commissioners, Water Commissioners, and any other public body in the borough. While this or a like rule was in force, Mr. De Cobain was on the committee of the Dock Ward, and at another time of Cromac Ward, and as some members of the Town Council were from time to time members of the association and of its committees, these gentlemen must have known as a matter of fact, that Mr. De Cobain did take an active part in the promotion of the candidature of certain persons for election to the Town Council.

Mr. De Cobain, Ev. 3635–68.

Ev. 3583–84. Ev.3599, 3600.

He admitted himself that he had canvassed for the return of members of the Council, and had actively interfered in such elections, and he justified his right to do so out of office hours and outside the Corporation buildings. He stated that he had not acted thus for about the last three years, but the reason of his not doing so (if it be the fact, seeing that he admitted having taken the chair and spoken at a public meeting last year in Cromac ward) may be probably traced to the circumstances detailed in the evidence of James Larmour in relation to an action brought by him against Mr. De Cobain, as after the publicity given to Mr. De Cobain's proceedings at this trial in November, 1874, it would have been impossible for the Town Council to shut their eyes to such conduct if continued.

Mr. De Cobain, Ev. 3586–92. Ev. 3640–41. Ev. 3225–29.

Ev. 3680.

Mr. James Larmour, Ev.2496–2538.

On the 2nd February, 1876, a proposal was brought before the Town Council to increase the salaries of some of the officers, including Mr. De Cobain, and he admitted that he had spoken to members of the Town Council with reference to an increase of his salary which he desired to have raised to £350. Mr. Thomas Gaffikin, one of the Town Councillors, opposed this resolution to increase the salaries, and speaking of Mr. De Cobain said— Mr. J. Dinnen, Ev. 1874.

Mr. Thomas Gaffikin, Ev. 2383–88.

"His qualifications, except in a political and electioneering point of view, did not justify his claim upon the Council."

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In answer to questions put by us, Mr. Gaffikin stated that he thus referred to Mr. De Cobain's qualifications as being of a political or electioneering character from his knowledge of Mr. De Cobain's—

Ev. 2387. "Canvassing in every way in his power, attending Conservative meetings, and making himself as influential as possible with reference to every change that took place in the Town Council."

Ev. 2391-2. He also stated that he had been put out of the Council in November, 1874, and that Mr. De Cobain had interfered adversely to him at that election, and that there was a feeling amongst the officers of the Town Council (from whom he, however, excepted Mr. Black and Mr. Montgomery), that he, Mr. Gaffikin, should not be on the Town Council. Sir John Savage, who had been lately Mayor of Belfast, was also present at the same meeting, and was in the chair. He had succeeded at the election of 1874, though opposed, and previously to going to the meeting he had been informed by Mr. Gaffikin, whom he described as a most respectable member of the Corporation, that Mr. De Cobain had asserted that it was a most ungrateful thing for him, Sir John Savage, to oppose the proposed increase of his salary, because he, Mr. De Cobain, had largely influenced Sir John's return as alderman for St. Anne's ward. At the meeting Sir John Savage alluded to this matter, complained of Mr. De Cobain's conduct in making such an assertion, and said that he believed such a statement had no existence in fact. He further stated that he thought Mr. De Cobain was carrying the matter a little too far in canvassing and endeavouring to influence the members of the Town Council to increase his salary.

Sir John Savage, Ev. 3385.

Ev. 3400. Ev. 3574. Notwithstanding these statements, Sir John Savage voted for a modified increase of Mr. De Cobain's salary to £300, and a vote was passed raising it to that amount without calling on him for any explanation as to the conduct charged against him. It is true that he denied before us having made any such statement to Mr. Gaffikin, and he had also denied it privately to Mr. Black and to Sir John Savage; but Sir John said that he believed Mr. Gaffikin, who had informed him that the statements were so made. Sir John strongly condemned any active interference on the part of the officers in electioneering matters, and stated that complaints on that head had been made against Mr. De Cobain, and that he had told him his mind with regard to any official of the Corporation taking the slightest part, *pro* or *con*, with regard to the return of a member of the Council, or doing anything that might bear a partisan or political character, that such conduct was to be highly disapproved of, and that if he ever attempted such a thing he would lose his (Sir John Savage's) confidence and support.

Ev. 3221. Mr. Black, Ev. 2190. Sir J. Savage, Ev. 3388.

Mr. De Cobain, Ev. 3214–16. Ev. 3589. Ev. 3591. Ev. 3590. Mr. Guthrie, Ev. 314, and 344–346; and Mr. De Cobain, Ev. 735–746. Mr. De Cobain however entertains very peculiar views with regard to the propriety of his interference in municipal elections, and while admitting that he had canvassed for some members of the Corporation as against others, claims to have two identities, and that the fact of his being a well known officer of the Corporation ought not to override what he terms his "rights of citizenship." It is, however, only fair to add, that looking to his duties as cashier and to the large sums of money which pass annually through his hands, amounting to some £43,000 a year, of which about £12,000 is directly expended by him in the payment of weekly wages, it can scarcely be held that £300 a year is an excessive salary; and although we cannot but regret the rejection by the Town Council of the very reasonable resolution proposed by Mr. Dinnen on the 1st February, 1872, nor doubt that some members of that body were at least partially cognisant of Mr. De Cobain's activity in municipal elections, we do not find it necessary to accept Mr. Dinnen's inference—and this is the question with which our inquiry is more immediately concerned—that the rates were corruptly expended by raising his salary as a reward for political services.

Mr. Ewart, Ev. 3434–35. Mr. De Cobain, Ev. 3599. Mr. Henderson, Ev. 3111.

We have already noticed the suggestion that the rate collectors still, to some extent, manipulate the burgess lists in the interests of the predominant party on the Town Council, by not collecting rates in due time, and thus disfranchising voters, and we think it only necessary to add that whatever may have been the case prior to the Award Act of 1864, this charge was, as regards the existing state of things, virtually abandoned. Mr. Dinnen's own evidence affords perhaps the best commentary upon his statement—that "there is an inner circle of the Corporation who manage the entire borough, and the others are but tools in their hands."

Mr. J. Dinnen, Ev. 1867–68.

Application was made to us by Mr. Michael Andrews on behalf of the "Flax Spinners and Power Loom Linen Manufacturers Association" of Belfast to take evidence with respect to the members of limited liability companies not being entitled to the franchise, though their places of business were within the municipal area, and were among the highest rated establishments in Belfast. He stated that the valuation of concerns of this class, on which municipal rates were paid, amounted to the sum of £24,924, while the owners had no voice in the selection of municipal representatives.

We informed him that we considered we had not power to entertain this question, as it related to an alteration in the franchise; but we think it right to report the fact of this application having been made to us for the information of the Select Committee of the House of Commons.

U. CORBETT, (*Seal*).
E. B. LAWLESS, (*Seal*).
WM. A. EXHAM, (*Seal*).

FOUR COURTS, DUBLIN, 14*th May*, 1877.

H. A. ROBINSON,
Acting as Secretary.

TRIM.

TRIM, the county and assize town of Meath, adopted the Towns Improvement Act of 1854, shortly after it became law, and is now governed by nine Town Commissioners under that Act. Mr. Reilly, Ev. 3–6.

The town was previously governed by thirteen Town Commissioners under the 9th Geo. IV., cap. 82. Ev. 23.

The principal revenues administered by the Corporation are derived from real property known as "The Trim Commons," of which, when the Irish Municipal Commissioners made their report in 1835, 439A. 3R. 37P. Irish plantation measure, equivalent to nearly 780 statute acres, were in the hands of the old Corporation. Ev. 12, 13. From that report it appears that these "Commons" were divided, under a by-law of 3rd May, 1705, into "burgess lots" of from ten to twenty acres, and "freemen's lots" of from four to ten acres, which were held for the life of the grantee (and one year additional for his widow), at the nominal rent of 1*s.* per annum. Ev. 14. There were in 1835, fifteen burgess lots, and forty-seven freemen's lots, and the largest lot held by any one person was nineteen acres. Ev. 17. Ev. 16. Some four or five of these lives are still running, but they all hold small "freemen's lots" of from three to five acres each. Ev. 20, 21.

The Town Clerk, Mr. John Reilly, who gave his evidence in a remarkably straightforward fearless manner, describing the mode in which these successive bodies of Commissioners have dealt with the lots which have fallen in since 1840, said, "Nearly every Commissioner got some. Ev. 31 32 As the lives fell in, the parties who purchased the life interest of the grantee were preferred, and the lot was then valued by a committee consisting of the Chairman and two Commissioners. They came to some agreement with the tenants, who generally accepted it. Until within the last three years nearly all the lands were valued by themselves, and, in the majority of cases, there is no doubt they were let to the Commissioners themselves." Ev. 33–43.

No Town Commissioner appears to have resigned on obtaining a lease of the Commons land, and (except in three instances subsequently brought to our notice), no public notice appears to have been ever given of the letting of these lots, nor any tenders invited by advertisement or otherwise, although we were privately told that this was a matter of common complaint among the inhabitants of Trim. Ev. 45. Ev. 28, 29. One person only, and that not till the third day of our inquiry, came forward to represent this grievance to us. Mr. John Neary, Ev. 779–782.

"Generally," says Mr. Reilly, "the persons managed to get into possession of the lands because they knew the Commissioners would grant the leases; they gave good sums to get in." Ev. 84. And instances were brought to light, though not without difficulty, in which both individual Commissioners and the agent himself had thus got into possession. Mr. Kennedy, Ev. 505, &c. Mr. Reilly, Ev. 168, 189.

One of these lots (an old freeman's lot of five acres Irish plantation measure), which the agent alleged had been given up to him by a man named John Allen upon his emigrating, in consideration of a debt of £30 which he said Allen owed him, was afterwards avowedly parted with by the agent to a Mr. G. D. Hipwell for a sum of £30. Mr. C. P. Duignan, Ev. 689–706. Ev. 705. A lease was then granted to Mr. Hipwell, who was at that time a Town Commissioner, at £5 a year, Duignan having, in the meantime, held the land himself for about three years. Mr. Duignan at first said he paid £5 rent for it, but afterwards, on being pressed as to the payment of rent by himself, he said, "I could not swear that I did unless I had my books here." Ev. 697. Ev. 722.

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Ev. 675–686. Another transaction of a similar character, in which he gave an old woman named Phœbe Corry £10 for her interest in her lease, is, considering the position which he held as agent, equally discreditable to him; and the circumstances in connexion with a lease, which he had induced the Commissioners to grant to one Thomas Fox, of Dogstown, then an emigrant in America, for whom he was acting as agent at the same time that he was agent to the Town Commissioners, appear pregnant with suspicion.

Ev. 635–674, and Mr. Reilly, Ev. 112–135. Mr. Duignan, Ev. 688. Mr. Duignan also holds another lot of commons (allotted to him by the Town Commissioners of that day) for thirty-one years, from 25th March, 1856, at £7 10s. per annum, which lot is valued to the poor-rate at £13 per annum.

Mr. Reilly, Ev. 46. The rental kept by the agent is very defective, and neither shows the quantity of land held by each tenant, nor the yearly rate at which it is let per acre, nor the Government valuation. In short, it simply gives the name of the tenant and the amount of rent and arrears due from each; and it hardly admits of doubt that this man, who has been the Town Commissioners' agent since 1843, has not only, from the commencement, grossly neglected his duties as such, but still wilfully withholds from the present town clerk and the Commissioners, information which they have a right to look for at his hands.

He is, however, supported by Mr. Patrick Malone, and some other Commissioners, who appear to look jealously on the efforts of Mr. Reilly, the present town clerk, to identify and put upon record all the successive dealings with these various lots of commons, from the time when each first lapsed to the Commissioners after the Municipal Corporations Act of 1840. Indeed, some of these gentlemen, and notably the agent himself, were at no pains to conceal their dislike to Mr. Reilly, and their annoyance and irritation at the whole tenor of the evidence given by him on the first day of the inquiry.

Ev. 53, 54. There are certain houses in the town which Mr. Reilly has no doubt were the property of the old Corporation, of which the rents are now received by other parties, non-resident, and of whom the Commissioners knew nothing; but there appears to be

Ev. 49. some difficulty in identifying them, as the tenements within the town are not delineated

Ev. 174, 175. on the Commissioners' map, which, as regards the landed portion of their property, appears to have been carefully and correctly drawn. This map, at the time of our inquiry, was in

Mr. Reilly, Ev. 48–51, 174–192, and 869. the hands of Mr. E. Vaughan, a land valuer and civil engineer in Dublin, who in 1873 was called in by the Trim Town Commissioners with reference to making a valuation of their property.

Ev. 62, 63. In addition to these houses in the town, there are also at least two lots of "Commons;" one a lot of about eight acres, which is shown on the Corporation map as part of the Trim Commons, overheld by a man named Molloy, and another small lot called

Ev. 54, 55. "the Crickeens," consisting of a cottage and a piece of grass land between the town and the railway, of which the rents are received by a solicitor in Dublin named "Ball," and a Mr. Donovan, and which, as yet, neither the agent nor the Town Commissioners have taken any steps to recover.

Ev. 179, 180. Ev. 193. Mr. Patrick Malone, 346, 476. The alleged excuse for this apparent apathy on the part of the Commissioners was the great expense incurred by them in recovering before the late Chief Baron Pigot the lot of land already referred to, which the agent (C. P. Duignan) obtained from Allen, and afterwards sold his interest in to Mr. Hipwell. Even of this lot a small portion would have been ultimately lost to them but for the energy of the Town Clerk Mr. Reilly, who recovered this before Judge Flanagan in the Incumbered Estates

Ev. 179–193. Court, without putting the Commissioners to any expense, under circumstances which appear to present a remarkable contrast to the conduct of the agent, who is of course primarily responsible for looking after the property which has been for so many years entrusted to his charge.

Mr. C. P. Duignan, Ev. 560–578, 593–599, 629–722. Ev. 824–868. Indeed it is not too much to say that Mr. Duignan's conduct in respect of some of these leases, and his evasive answers with reference to more than one transaction in the course of the present inquiry, lead to the inference that it is owing to something more than mere neglect on his part that many of these difficulties have arisen.

Mr. Reilly, Ev. 66. Molloy, the farmer who has so long overheld the lot of commons above referred to, is brother-in-law to Mr. James Plunkett, one of the Commissioners, but Mr. Reilly was of opinion that this relationship had not in any degree influenced the Commissioners to abstain from taking proceedings to recover the land in question.

Ev. 88–90. With one exception, and that so far back as 1842, no transfers are recorded on the leases, and thus difficulties naturally arise in ascertaining who are the parties entitled.

Ev. 88. Indeed the Town Clerk told us he knew "several instances of persons paying rent of whom there was no mention on the lease, and no transfer executed to them with the sanction of the Town Commissioners.

Ev. 103. One instance he mentioned in which a tenant called to know how much land he had, and the Commissioners could not tell him.

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In consequence of the attention of the Commissioners having been called to these matters by Mr. Reilly, a resolution was passed on the 2nd September, 1876, calling upon the agent to furnish a list of the present occupiers of the corporate property, with the names of the original occupiers of such holdings from 1840, and to deliver the list to the Town Clerk to be used in the preparation of the new rental and map on which Mr. Vaughan is engaged. Ev. 93.

This order the agent did not comply with, and at a subsequent meeting had the impertinence to object to the signing of the minutes. Upon the chairman reminding him that no objection to the signing of the minutes could be entertained unless made by a Town Commissioner, Mr. Patrick Malone then objected to them on the ground that he wished only the present tenants' names to appear on the rental. Ev. 94, 95. Mr. C. P. Duignan, Ev. 595–602. Mr. P. Malone, Ev. 322–333.

The only two instances of which we heard until the third day of the inquiry, in which lots were let by any form of competition were the case of a lot known as "Chambers' lands" which fell in in 1858, and a lot of Samuel Allen's, which, in 1864, was let to a man named Patrick Donovan at £3 15*s*. In the latter case the rent was subsequently reduced to £3 per acre, and, at the same time, the rent of each of the four lots which had been carved out of Chambers' lands was reduced by 10*s*. an acre. Thus in both these instances in which the form of inviting tenders by hand-bills was gone through, the rents were subsequently reduced. How far the Commissioners were justified in reducing these rents may be inferred from the fact that on the second day of the inquiry a rate-payer named Henry Duignan (not related to the agent), volunteered the observation that he had offered £3 15*s*. per acre for the land let to Patrick Donovan, and was still willing to give it. Mr. P. Malone. Ev. 379–384, 439–461. Ev. 447–458. Ev. 450.

It was also proved that a Mr. Brennan, who obtained one of Chambers' lots, and who shortly after became a Town Commissioner, disposed afterwards of his lot for a consideration to a man named Kelly, he being at that time one of the Commissioners. Ev. 453–454. Mr. B. Brennan, Ev. 465, 466.

We were told that it was understood the rent would be reduced when he sold his interest in the land to Kelly, but Mr. Brennan denied that there was any understanding between Kelly and himself that he should use his interest as a commissioner to procure the reduction of the rent. He, however, admitted that he got a year's rent from Kelly for surrendering it to him, which year's rent he alleged he had paid in advance, upon the land being allotted to him. Mr. Reilly, on the other hand, told us that it was currently stated and believed that Brennan received £40 from Kelly for surrendering this lot, but we could not ascertain on which side the truth lay as Kelly was not forthcoming, and we experienced, indeed throughout, great difficulty in getting any independent rate-payer to come forward. Ev. 453. Ev. 473, 474.

We were informed for instance by one of the most respectable residents in Trim, that a Mrs. King, the widow of a man who held under an original grantee, and who would therefore under the ordinary practice have had a prior claim to be accepted as tenant on the death of the original grantee, was passed over in favour of a Mr. Kennedy, then a Town Commissioner (whose son, now a Commissioner, holds this land) although she offered a considerably higher rent than it was let for to Kennedy. The gentleman who gave this information, however, begged that he might not be called as a witness or have his name mentioned in connexion with the matter. We then endeavoured to procure the attendance of Mrs. King, but she declined to come forward, and although Kennedy when questioned on the subject, admitted he had "heard" that Mrs. King had made an offer for the land, we could extract no further confirmation of the communication thus made to us, although from the character of our informant we entertain no doubt of its truth. Mr. Kennedy, Ev. 539.

This Mr. Kennedy holds two lots of commons, the one first referred to which he inherited from his father upon a thirty-one years' lease at £2 1*s*. per Irish acre, and another lot of which the quantity was variously stated, but which it finally transpired, was eight and a-half acres, for which he pays £12 a-year, having given £150 or thereabouts for the interest of a man named William Burnell in this lot. How difficult it was to get a straightforward answer from this witness will be seen on reference to his evidence *passim*, but his reluctant admission that he gave something like £150 for Burnell's interest in the lease of these few acres of Corporation lands is at least conclusive testimony to the under-letting of these lands, and disposes we think of all the efforts of Messrs. Malone and Sheridan to depreciate their letting value. Mr. Kennedy, Ev. 493–519. 505–531. Ev. 529. Ev. 528, 529.

Mr. Sheridan is the witness at whose urgent request we went a third time to Trim, he having pledged himself as an old Town Commissioner for many years, and formerly chairman of that body, to vindicate the character of the Trim Town Commissioners and to refute entirely the statements of the Town Clerk, which he characterized as being "in direct variance with the truth."

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How far he succeeded in doing so may be judged from his evidence. He certainly expressed a very decided opinion against the principle of letting Corporation lands by public auction or indeed against letting them by competition in any form; but the only facts elicited from him were that when a certain Captain Mocler, who held some twenty Irish acres of the Corporation lands in the North Commons, died in 1845 or 1846, it was agreed by the then Town Commissioners that his lot should be divided into five portions and let by competition. Subsequently it was agreed that a committee of the Town Commissioners should retire to value the lots, and to select the names of the tenants. This was done when—there being twenty-two applications—it was announced that four out of the five subdivisions of Captain Mocler's lot were allotted to Town Commissioners (whose names are given in the evidence), who were then present and voting.

Mr. Sheridan, Ev. 744–746.
Ev. 751.
Ev. 752–760.

Mr. Sheridan gave it as his opinion that these lots were thus let very much above their value, at about 40*s.* per Irish acre, he having been previously sub-lessee of ten acres of the same land under Captain Mocler at £1 7*s.* 6*d.* per acre; but it is only reasonable to suppose that the Town Commissioners who selected themselves as tenants at the higher rent, did not take his view of their value. It is but fair to Mr. Sheridan to say, that when he was a Town Commissioner himself, he not only held no land belonging to the Corporation, but was opposed to the principle of letting corporate property to the Commissioners, and in 1863 he moved a resolution to the effect that no Town Commissioner should in future be considered eligible to be proposed for any lot of commons falling in. To this notice an amendment was moved and carried by a majority of one vote "that Mr. Sheridan's notice is out of place."

Ev. 763.
Mr. Malone. Ev. 480.
Ev. 480.

The statement embodied in the report of Mr. Finlay, the auditor, in 1873, and repeated by him to the Select Committee of the House of Commons in reference to the dealings of the Town Commissioners of Trim with this property, will be thus found fully borne out by the evidence taken before us, but within the last three or four years, since Mr. Reilly has been town clerk, the practice of valuing the Corporation lands, as they have fallen in, by a committee of three of the Town Commissioners has ceased, and Mr. Vaughan, a public valuer in Dublin, as has been already stated, has been called in to survey and value the whole property, since which, with one exception, no lot has been valued for re-letting by the Commissioners themselves, and in that instance, it has been arranged that the tenant shall pay the rent which Mr. Vaughan will put upon it. Nor since 1874 does it appear that any lot has been let to a Town Commissioner, but in that year James Plunkett, then and now a Town Commissioner, and C. M'Keon, who, although not then a Commissioner, had more than once been chairman of the Town Commissioners, have each obtained a small lot upon Mr. Vaughan's valuation. In these instances, no public competition was invited, but there is no reason to suppose that these lands were let below their fair market value.

Q. 4342 of evidence published with Report of the Select Committee, 11th Sept., 1876.
Mr. Reilly, Ev. 49–50–78.
Mr. Vaughan's statement. Ev. 869.
Mr. Reilly, Ev. 33.
Ev. 81.

How great a disparity exists between the actual value and the terms on which the Commissioners' land was let in other instances, will be seen by Mr. Vaughan's statement respecting the lands held by Mr. Thomas Kennedy.

Ev. 869.

A return showing the holdings which have fallen into the hands of the Town Commissioners since the year 1840, with all particulars respecting the re-letting, is appended to this report (Appendix No. 19, page 217).

No rate has ever been levied by the Town Commissioners, and their only receipts beyond their rental arise from some small tolls for weighing corn, butter, and market produce, and from the dog tax and petty sessions fines.

Ev. 291.
Ev. 198–202, 203.

Last year, for the first time, the Commissioners worked their gasworks at an assumed profit. This, after crediting themselves with the cost of lighting the town lamps and the stock of coals in hand, amounted to £51 13*s.* 4½*d.*, and was, doubtless, due to improved management, as the preceding year the gasworks showed a loss of £19 5*s.* 10½*d.*, and the year before of £101 6*s.* 10*d.* The price charged to private consumers is 6*s.* 8*d.* per 1,000 cubic feet.

Ev. 269–290.

There is a fair-green, the property of the Commissioners, and four fairs are held upon it, but there are no tolls collected at these fairs, and monthly fairs for the sale of small stock are held in the streets of the town with, apparently, the general approval of the inhabitants.

Ev. 293–306.

The grazing of the fair-green is let for £7 a year, and the Government pay a nominal rent of 1*s.* per year for the site of the infantry barracks which stand on a portion of this green.

Three good main-sewers were made after the passing of the Public Health Act of 1874, and were said to be sufficient to sewer the principal streets of the town, but more connecting drains with the houses are still wanting—the making of which the Guardians,

Ev. 310.
Mr. Malone, Ev. 336, 337.
Mr. Reilly. Ev. 310–314.

who are the sanitary authority under the Act of 1874, appear to have thought it was still incumbent upon the Commissioners to enforce. TRIM.

In other respects the sanitary condition of the town appears to be satisfactory, although no active steps are taken by the rural sanitary authority to look after it. Ev. 315.

U. CORBETT. (*Seal.*)

H. A. ROBINSON,
Acting as Secretary.

WICKLOW. WICKLOW

WICKLOW is governed by twenty-one Town Commissioners, under the 9 George IV., cap. 82.

The municipal area extends inland for about a mile from the town hall, which is at one extremity of the town. No rate has ever been struck, and the principal income of the Town Commissioners is derived from rents of real property and houses in the town. The other sources of income consist of small sums arising from the dog-tax, and the sale of stones and sand, and £10 annually charged to the Dublin, Wicklow, and Wexford Railway Company for the supply of water to their station. Mr. John Chapman, Ev. 6. Ev. 5, and Mr. John Nolan, Ev. 393-4.

The rental of the property which in the year 1873 was only £1,108 19*s.* 11*d.* has, during the three last years, somewhat increased, but the startling disparity between the actual rental and the letting value of the property may be readily judged of, when we find that in May, 1876, Griffith's valuation of the Town property, which is always far below the letting value, was no less than £4,168 11*s.*, while the entire rental for that year was but £1,243 7*s.* 11*d.* Mr. J. Chapman, Ev. 259.

The total acreage of the property is 189A. 2R. 2P. Ev. 260.

We proceed to cite a few illustrations of the mode in which the Town Commissioners have dealt with the property entrusted to them as leases have fallen in.

A small house in the town had been held by Lord Powerscourt under a lease which expired in 1868, and a man of the name of Newbold was the sub-tenant of the house at the expiration of the lease to Lord Powerscourt, at a rent of £7 a year. In 1870 the Commissioners granted him a new lease for seventy-five years, at £5 a year; and in August, 1874, it was resolved that a new lease be granted to him for seventy-five years, from the 25th March, 1874, of the same premises at £1 10*s.* a year. No reason was assigned for the reduction of the rent, nor could any defence be set up for this flagrant violation of their trust, beyond the answer given by Mr. Oakes, one of the Commissioners:—"We did it by a resolution. The property is vested in us, and we can deal with it as we think right." Mr. John Nolan, Ev. 429. Mr. Chapman, Ev. 205-223. Ev. 214.

A large and valuable property in the town had been held by Colonel Gun Cunningham, under a lease which expired on the 25th March, 1874, at a rent of £3 13*s.* 10½*d.* a year. He had been receiving up to the termination of the lease from the tenants in possession, who mostly held as yearly tenants, £167 12*s.* a year, and those premises were then valued in Griffith's valuation at £300 10*s.* 2*d.* a year. Just prior to the expiration of this lease a resolution was passed by the Commissioners on the 2nd day of March, 1874, that the secretary and agent take possession of the buildings out of lease on the 25th of March next, and that the parties in possession be put in as caretakers at one penny a week until the plots are arranged. Ev. 13-16. Ev. 32. Ev. 33. Mr. Robert Halpin, Ev. 476.

The next meeting with reference to the re-letting of this property was held on the 6th of April, 1874, and between that date and the 22nd May following, all the plots were re-let on lease—under the circumstances set forth in the extracts from the minutes produced by the town clerk at the adjourned inquiry on the 10th of February last—mostly to the old tenants, at rents producing in the aggregate £67 5*s.* 6*d.* per annum, being £100 a year less than the rent the same persons had been previously paying to Colonel Gun Cunningham, as yearly tenants. Mr. Robert Halpin, Ev. 481-508. Mr. J. Chapman, Ev. 28-110, 111.

The particulars of the principal lettings, showing the names of the tenants, the rents paid to Colonel Cunningham, and the new rents fixed by the Commissioners in 1874, are as follows:—

The last named tenant, the agent and rent-collector of the Commissioners, built four small houses on his lot while tenant to Colonel Cunningham, from which he derived a rent of about £15 a year, and these he gave up to the Commissioners, who gave them to Miss Dunne as a portion of the lot given to her at £5 19*s.* 6*d.* Griffith's valuation of Chapman's lot in March, 1874, was £40. It will be thus seen that Miss Ev. 112-122. Ev. 54-59. Ev. 59. Ev. 63-65.

Wicklow.

Dunne's rent was not only reduced from £20 to £5 19*s.* 6*d.* a year, but she got in addition the four houses which had been producing Mr. Chapman £15 a year.

Tenants' Names.	Old Rent.	New Rent.	Lease.	Nature.
	£ s. d.	£ s. d.		
H. M'Phail (Town Commissioner),	5 0 0	3 1 10	75 years.	House and Buildings.
William M'Phail (Town Commissioner),	5 0 0	3 4 4	75 „	do.
P. Fox (Miss Hamilton),	6 0 0	3 8 9	75 „	do.
Dr. G. Halpin (Town Commissioner),	5 15 0	3 12 0	75 „	do.
Do. do.	0 15 0	1 10 0	Yearly.	Yard.
Joseph Fitzgerald,	7 0 0	2 12 9	75 years.	House and Buildings.
Mrs. Hepenstall,	22 0 0	2 0 0	75 „	do.
J. Sullivan,*	12 0 0	3 0 0	75 „	do.
R. Caldwell (Town Commissioner), late J. Byrne,	17 12 0	7 10 6	75 „	do.
J. Wisdom,	6 10 0	3 0 0	Yearly.	do.
J. Newman,	6 10 0	3 0 0	do.	do.
— Maguire, late W. Williams,	6 0 0	2 12 6	75 years.	do.
J. Ellis,	6 0 0	1 5 0	75 „	do.
Miss Dunne,	20 0 0	5 19 6	75 „	do.
J. Chapman (Agent to the Commissioners),	30 0 0	15 0 0	75 „	do.

Ev. 84 90.

* A Mrs. Keely put in a claim to get this house. Sullivan offered to give her £75, and to pay £5 a year rent. Ultimately the Commissioners gave him the lease at £3 a year, on his agreeing to pay Mrs. Keely £75, which he has done.

We give the above table in order to show at a glance the difference between the rents paid to Colonel Gun Cunningham and those received by the Corporation. Before these new leases were granted the Commissioners memorialised the Lords of the Treasury to sanction them *en masse*, but they refused to do so, stating that each case must be considered on its merits, and that they would require the particulars of each lease before they gave their sanction to it. These particulars were not furnished, and the leases were made without any sanction from the Treasury.

Mr. R. Halpin, Ev. 477, 478.

On all the property so leased buildings of a more or less substantial character existed, and the tenants had been for many years paying the rent stated to Colonel Cunningham. In most cases the tenants had built or rebuilt the existing houses. The excuse given by the agent to the Commissioners for the almost nominal rents at which they were relet was, that there was an understanding that when Colonel Cunningham's lease fell in, the tenants in possession, who had built, would get their holdings upon something like a ground rent. One Commissioner, Mr. Oakes (already referred to), informed us that a resolution to that effect had been passed several years ago, but neither the agent nor the Town Clerk believed that any such resolution had ever been passed, and nothing of the kind was to be found recorded on the books.

Mr. John Chapman, Ev. 111, 120.

Ev. 116.

Ev. 117.

At the meeting of the 6th of April, 1874, when the tenders for the new leases of this property came on for consideration, there were present the two Messrs. M'Phail, Mr. Caldwell, and Dr. Halpin, all Town Commissioners, who had been tenants under Colonel Gun Cunningham, and who had sent in applications for new leases; and at that meeting resolutions were passed to grant leases for seventy-five years to the two Messrs. M'Phail and to Dr. Halpin; and at the adjourned meetings of the 7th and 9th April, when the same Commissioners were present, it was resolved to grant two leases for seventy-five years each to Mr. Caldwell, and "that Dr. Halpin get his yard on the South-quay as yearly tenant at the yearly rent of £1 10*s.*"

Mr. R. Halpin, Ev. 481–486.

Ev. 486, 487.

Ev. 490.

On the 15th April another adjourned meeting was held, at which the same Commissioners, amongst others, attended, and there was also present Mr. Burkitt, solicitor to the Commissioners. It appears they were anxious at the time to be advised whether or not the Commissioners could with safety make leases to members of their own body, and Mr. Burkitt was directed to lay a case before counsel for his opinion thereon. This he did, and afterwards read that opinion to the Town Commissioners then present, including the four gentlemen above named. Counsel advised that leases could only be made to persons who were not Commissioners at the time of the execution of the lease, and further, that the proper course for the Commissioners to adopt, as trustees for the public, was to set up the premises to public competition, and to procure the most favourable terms they could.

Mr. John Chapman, Ev. 108.
Mr. Burkitt, Ev. 454, 455.

Shortly after this opinion was communicated to them, the four Town Commissioners referred to sent in their resignations, which were duly accepted, and their vacancies were shortly afterwards filled up by the other Commissioners. On the 28th of April, 1876,

Mr. R. Halpin, Ev. 493.
Ev. 110.
Ev. 495.

a resolution was passed that advertisements should be inserted in the local papers calling for sealed tenders for the several houses about to be let, the same to be sent in on or before the 11th May then following. Several tenders were sent in, but, with only two or three exceptions, all were from the occupying tenants. WICKLOW. Ev. 493.

These tenders were subsequently considered on the 15th May, when leases were ordered to be granted to Henry M'Phail, William M'Phail, and Dr. Halpin, and upon the 19th of May to Mr. Caldwell, upon the same terms and substantially upon the same tenders as those sent in by them before their resignations. Ev. 496–508.

Two of these gentlemen, Mr. William M'Phail and Dr. Halpin, were re-elected as Town Commissioners at the next election, and although the other two were not, yet, viewing the entire transaction in its true light, it can hardly be disputed that the resignation of these Commissioners was not *bonâ fide*, but merely for the purpose of evading the difficulty raised by the opinion of counsel above quoted. Mr. J. Chapman, Ev. 104, 105. Ev. 106.

It was stated that Mr. Caldwell, who was an excise officer and stamp distributer, resigned in consequence of being required to do so by the Custom House authorities; but his own letter of resignation of the 25th April, 1874, shows the real object of his resignation, and that it was entirely the result of the opinion of counsel communicated by Mr. Burkitt to the Commissioners on the preceding evening. Ev. 98, 99. Mr. R. Halpin, Ev. 493.

Another lease appears to have been made in 1869 to a Mr. W. J. Nolan, of premises in the main street, for seventy-five years, at a rent of £15 15*s.* a year, the valuation of which, at that time, was £45 10*s.*, buildings being then actually on the premises demised representing that annual valuation. Mr. J. Chapman, Ev. 171.

Instances were brought to our notice in which reductions were made in existing rents. That of Mr. F. Wakefield, a tenant of lands on the Murrough, under a lease made in March, 1858, was reduced from £10 19*s.* 6*d.* to £6 19*s.* 6*d.* while he was a Town Commissioner, the reason assigned by him for the reduction being that he surrendered a small bit of land included in the lease which he found was of no use to his hotel, but it did not appear that this bit of land was subsequently let to anyone else, so that there was a clear loss of £4 a year to the ratepayers upon this transaction. Mr. F. Wakefield, Ev. 189. Ev. 185–190.

On the 25th March, 1855, a lease was granted to Mr. John Hayden, then a Town Commissioner, of a plot of building ground, for seventy-five years, at a rent of £6 10*s.* a year. Mr. Hayden sold and assigned his interest in this lease to Mrs. Meagher, the Superioress of the Nunnery at Wicklow, and the Commissioners then agreed to give her a new lease at a reduced rent of £2 a year. No new lease has been granted, but the agent was instructed to receive from her the reduced rent, and has done so for the last two years in pursuance of these instructions, notwithstanding that he had been cautioned by Mr. Burkitt, the solicitor to the Town Commissioners, against receiving any rent from Mrs. Meagher, lest a tenancy from year to year might be created, which would prejudice the Commissioners. When this happened Mr. Hayden was a Commissioner, and himself proposed the resolution for the granting of the new lease to Mrs. Meagher on behalf of the nuns, he being then threatened with an ejectment for non-fulfilment of the covenants contained in his lease. On the same occasion Mr. Hayden also proposed to petition the Lords of the Treasury for their sanction to grant her a lease in perpetuity of this ground, but no such petition was ever sent. Another instance of reduction of rents is that of Mr. J. A. Travers, on the North-quay; the rent under his lease was £20 a year, and this was reduced to £15, and no explanation was given as to the circumstances under which this was done. Mr. Chapman, Ev. 224. Ev. 225. Mr. Burkitt, Ev. 461. Mr. Chapman, Ev. 226. Ev. 230, 235, Mr. R. Burkitt, Ev. 461. Mr. J. Chapman, Ev. 245–247. Ev. 248. Ev. 247. Ev. 10, 258.

The property vested in the Town Commissioners is at present subject to large debts under the Act of the 5 and 6 Vict., c. 111, by which the Board of Harbour Commissioners for Wicklow was constituted, and they were empowered to borrow certain sums of money. The Town Commissioners in 1854 lent them, with the consent of the Lords of the Treasury, two sums of £8,000 and £4,000, to bear interest at 4 per cent. and 5 per cent. respectively, on mortgage of the tolls, &c., to be levied under the provisions of that Act. No interest whatever has been paid on these loans. Subsequently the Public Works Loan Commissioners lent the Harbour Commissioners two sums of £3,000 each, on which there is now due the sum of £6,635 for principal and interest. Priority was given by consent to the Government loans for £6,000 over those for £12,000 advanced by the Town Commissioners, and the harbour dues are now received, and are said to be accounted for to the Public Works Loan Commissioners, by Mr. Robert Halpin, as secretary to the late Harbour Commissioners. Mr. Halpin, Ev. 523. Mr. Burkitt, Ev. 467. Mr. Robert Halpin, Ev. 533. Ev. 525.

The last Board of Harbour Commissioners, consisting of five members, was elected in the year 1867, and they purported to continue in office until the year 1872, since which time no persons have assumed to act in that capacity. Mr. Halpin, Town Clerk, acted as secretary to that Board, and received the moorage and quayage dues payable by vessels frequenting the port and using the quays, but no tolls have ever been received Ev. 524–5. Ev. 532. Ev. 526–530.

Wicklow. Ev. 523. under the Act of 1851, as the harbour was never sufficiently deepened to entitle them to levy them. These tolls were said to have been estimated at £1,500 a year, which would have sufficed to pay interest and form a sinking fund to redeem the capital debt of £28,696 18*s.* 8*d.*

Up to the time that the last Board ceased to act Mr. Halpin used to account to them for the sums received by him. He has continued to receive them, as he states, by the authority of the Loan Fund Commissioners, who are the mortgagees, and that authority, he says, was given him by Mr. Barnes, the London solicitor of the Board, in 1874. He stated that his accounts were audited by Mr. Wakefield, who had been the Chairman of the last Board of Harbour Commissioners, and who, he represented to us, audited them on the part of the London Board. No authority for such a proceeding or for the collection of the tolls, other than the statement of the Town Clerk, was produced to us. The result is that the funds of the town have to pay interest on the large sums advanced to the Harbour Commissioners on the security of a mortgage of town property, while no account has been taken of the expenditure of this money, nor any supervision exercised in relation thereto. Practically, the money appears utterly lost to the town, as no one now appears to take the slightest interest in carrying out the provisions of the Act of 1851.

Ev. 539, 540, 550–552.

Ev. 534–7.

There is a strong feeling on the part of several of the inhabitants that there is no real disposition to improve the port, so as to make it navigable for vessels of a large class, as that would interfere with the trade of the owners of a small class of coasting vessels who monopolize the business of the port.

Mr. Burkitt, Ev. 471.

It appeared to us that our powers did not authorize us to inquire further into the affairs of the late Harbour Board, but it is clearly desirable in the interests of the ratepayers of the town, whose property is so deeply pledged, that a thorough investigation should be made into their proceedings, especially with a view to the ultimate recovery of the £12,000 advanced on mortgage of the harbour tolls by the Town Commissioners in 1854, which, if the harbour could be completed and placed under an efficient board of management, might soon become a not impossible contingency.

Ev. 470, 471.

The two last-mentioned sums of £8,000 and £4,000, with interest due thereon respectively, are the only debts on the corporate property or rates, and the particulars of the interest due thereon are stated in Mr. Halpin's evidence.

Mr. Halpin, Ev. 523.

Fairs for cattle are held on the fair-green, which is the property of the Commissioners, on the last Tuesday in every month, but no tolls are collected—pig-fairs are held in the street opposite the town hall. The Town Commissioners are not an urban sanitary authority, and complaints were made as to the sanitary condition of the town, which in some respects does not appear to be satisfactory. The sanitary officer of the Board of Guardians pointed out the difficulties the sanitary officers had to contend with in cases of nuisances, from the delay attending on their having to get the authority of the Guardians at Rathdrum, a considerable distance off, before they could take any action. He also stated that the water supply at present was not satisfactory, but steps are being taken to procure a much better supply. Another matter was brought to our notice with respect to the expenditure of the rates by the Commissioners. At a recent election for a Town Commissioner, a so called "polling-booth" was fitted up in the town hall by the placing across a table at one end of the room a screen, which the Town Clerk brought from his own house, and for the use of which he charged and was paid the sum of £2 17*s.* Mr. Oakes, one of the Commissioners, also charged and was paid a sum of £3 for his services in presiding at the election. These payments were included in a bulk sum of £10 charged for the expenses of this election, but Mr. Finlay, the auditor, surcharged the above sums against the Commissioners who had signed the cheque for their payment, on the ground of illegality. It appears also that two cheques of £10 each were signed by the Town Clerk and given to Mr. Nolan and Mr. Oakes, both Town Commissioners, for their expenses in going to London to oppose a Bill promoted by the Dublin, Wicklow, and Wexford Railway Company, and in which it was stated that the Town Commissioners, as representing the town, were vitally interested. They took the cheques to the houses of some of the Commissioners and got them signed there, and they were not in fact voted or signed at any meeting of the Commissioners. The auditor surcharged the amount of the cheques against the Commissioners who had signed them.

Mr. J. Nolan, Ev. 374–382.

Mr. Richard Swan, Ev. 473. Dr. George Halpin, Ev. 437–448.

Mr. John Nolan, Ev. 418–425.

Ev. 426–428.

U. CORBETT. (*Seal.*)

W. A. EXHAM. (*Seal.*)

H. A. Robinson,
Acting as Secretary.

MINUTES OF EVIDENCE.

BELFAST.—December 11th, 1876.

(Before Messrs. Corbett, Lawless, Q.C., and Exham, Q.C.)

[The Chairman read the Commission authorizing the inquiry.]

Mr. Samuel Black examined.

1. Chairman.—Are you the law adviser to the Corporation?—Yes; I am.

2. How long have you occupied the position?—I have held the appointment since April, 1871.

3. I think town solicitor is your proper title?—Yes, that is my proper title.

4. Prior to your appointment were you not a member of the Corporation?—Yes, I was. I was a member of the Corporation from the year 1859.

5. Until the time of your appointment as town solicitor?—Yes.

6. And you are, I presume, a solicitor by profession?—I am.

7. Now I will first proceed to the constitution of the Corporation, and the Acts under which they exercise their powers. The Act under which the municipal authority was incorporated was the Municipal Corporations Act of 1840, was it not?—It was.

8. And the Corporation has been, I think, since governed by that Act, and various Acts passed from that time down to the year 1873?—Yes; several Acts were obtained since that time, and if you wish I will give you particulars of them.

9. The first principal Act was the Act of 1845, I believe?—Yes; it was.

10. Was not that Act of 1845, the 8th and 9th of Victoria, chap. 42?—It was.

11. And it is generally known as the "Belfast Improvement Act"?—Yes.

12. It contained, I believe, general powers for the control and regulation of the town?—It did.

13. And to purchase property, widen streets, and so on?—Yes.

14. And also to purchase markets?—Yes.

15. And it gave you large borrowing powers?—Yes; to the extent of £150,000.

16. Of which £100,000 was for widening streets, and the remaining £50,000 for other purposes?—Yes.

17. Including the purchase of markets?—Yes; for other purposes including the purchase of markets.

18. That Act laid down your rating powers at that time?—Yes; it empowered the Corporation to strike a police rate on different classes of property according to the valuation. Up to £20 of annual value the rate was 1*s.* 6*d.* in the pound; from £20 to £80 3*s.* in the pound; and 4*s.* 6*d.* in the pound upon property above that valuation.

19. A differential rate was, I believe, found to be inconvenient and objectionable, and so the 4*s.* 6*d.* rate was afterwards abolished?—Yes; it was abolished by the Act of 1853.

20. That Act limited your rate to 3*s.*?—Yes.

21. By a subsequent Act, has that rate been reduced to 2*s.*?—Oh no; the rate is only limited to 3*s.* 4*d.* and 1*s.* 8*d.* It was fixed by the Act of 1864 at 3*s.* 4*d.* and 1*s.* 8*d.*, in place of 3*s.* and 1*s.* 6*d.* Practically, however, we have only found it necessary to strike a rate of 1*s.* and 2*s.* in the pound.

22. And is that the rate you now levy under that Act?—Yes; the police rate is now 2*s.* in the pound on all houses above £20 annual valuation, and 1*s.* in the pound on all ratings under £20. On property up to £8 annual value, landlords are allowed twenty-five per cent. discount if they pay within a month after the rate is struck.

23. Then the landlord compounds for that rate?—The landlord is liable for that rate; and if he pays it within a month after the rate is struck, he receives a discount of 25 per cent.

24. You call it a police rate, but it is levied for other purposes by the Act I have mentioned?—Yes, it is.

25. Then there was the Act of 1846, the 9th and 10th of Victoria, chap. 294, section 2, which gave you power to borrow £50,000 for the purchase of gasworks, which power was never, I believe, acted upon?—The power never was acted upon, except in so far as that the money was borrowed.

26. Yes, I was coming to that—but it was not applied to the purchase of gasworks?—It was not.

27. It was, in fact, applied to the general purposes of the town?—It was. All the Acts were to be read as one, and the then solicitor to the Corporation of that day, I believe, considered that the £50,000 was applicable to any purpose authorized by the Acts, even other than the purchase of gasworks.

28. Then the next Act was the Act of 1847, the 10th and 11th Victoria, chap. 254?—Yes; that confirmed the purchase of the markets, which had been previously arranged for.

29. But they cost more than £50,000?—Yes; I believe they cost about £101,000.

30. And was it by a subsequent Act that you got power to borrow another £50,000 for the markets?—Oh no; the Act of 1864 confirmed all the borrowings.

31. That Act of 1847 gave you power to purchase lands and a paper mill called the "Cromac Mill"?—Yes; and the Act of 1850 gave us power to borrow £15,000 for the improvement of the Blackstaff. The Act of 1847 gave no power to borrow.

32. It gave you powers to purchase lands specified in a schedule to that Act, and to improve the Blackstaff?—But it gave us no funds to do it with.

33. Were not the council required by that Act to sell any surplus lands within ten years, if not less?—They were.

34. And the Harbour Commissioners were to make a return of the harbour dues?—Yes; these were all provided for by that Act.

35. The next Act (1850), gave you power to borrow £15,000 to improve the Blackstaff river; that was the 13th and 14th Victoria, chap. 108?—Yes; but the Corporation have not exercised that power. The fund was quite insufficient, and the work could be only carried out with the consent of the owners of property, and the owners of property refused their consent.

36. The next Act was the Improvement Act of 1853, the 16th and 17th Victoria, chap. 114. That, I believe, is known as the Belfast Borough Extension Act?—Yes; it extended the municipal boundary to a considerable extent and abolished the 4*s.* 6*d.* rate.

37. Then, in consequence of your having overborrowed and applied the money provided for under the Act of 1846 for gas purposes and street improvements and markets, a Chancery suit, I believe, was instituted against the Corporation, which led to the award by the present Lord Cardwell?—Yes; after protracted litigation, it was referred to arbitration, and an award was made by the present Lord Cardwell. The award so made was given effect to by the Act of 1864, known as the Belfast Award Act.

38. By that Act the original £200,000 which you had power to borrow before was treated as primary mortgages?—Yes; section 5 of the Act of 1864 states that.

39. And as to the further sum of £84,640 0*s.* 11*d.* which remained unsecured, the application of all those moneys was confirmed by this Act. The priority of the mortgages was settled by that Act under clause 11?—Yes.

BELFAST. *Dec.* 11, 1876. Mr. Samuel Black.

40. Then there is the Act of 1865 called the "County Antrim and Belfast Borough Act," the 28th and 29th Victoria, chap. 183. Was not the principal object of that Act to separate so much of the borough as was in the county Antrim from that county for all fiscal purposes?—Yes.

41. It also, I believe, authorized, for payment of expenses, a general purposes rate of 2*s.* in the pound, on the lighting and watching within the district, and of 1*s.* 6*d.* outside the district; it abolished the county cess within the borough; it contained provisions for district drainage, and for a portion of the cost of such works to be paid by owners of property within the district?—Yes, by that Act not exceeding one-half; but a subsequent Act made it only one-third.

42. Under that Act as well as under your original Act of 1845, were not certain building regulations provided?—Yes; both Acts provided building regulations; but now we are principally governed by the Act of 1865 in reference to plans for buildings.

43. The next Act in order is the Act of 1866—the 29th and 30th of Victoria, chap. 113?—That was the Burial Ground Act.

44. Under that Act you were enabled to borrow £25,000 for the purposes of a cemetery?—Yes.

45. That amount was borrowed, I believe?—It was.

46. And a good deal of it has been paid off since?—Yes; the debt has been very much reduced.

47. It has been reduced by £10,300, I think?—Yes; I can give you the exact amount. It is now reduced to £9,200.

48. Then came the Act of 1868, which was in relation to the county Down, to the same effect as that just referred to relating to the county Antrim of 1865—separating that portion of the borough in the county Down for all fiscal purposes, abolishing the Grand Jury cess, and extending the General Purposes Act of 1865 to that portion of the borough within the county Down?—Yes, that is so.

49. That was the 31st and 32nd Victoria, chap. 113—the Belfast Borough Act of 1868?—Yes.

50. In 1873, I believe, after the passing of the Local Government Act, you applied for a provisional order to give you some additional powers?—Yes.

51. What are those powers?—Some amendments to Local Acts, required under the building regulations; also power to borrow on the security of the general purposes rate for district drainage purposes, and power to borrow on loan for the permanent paving of the streets, to the extent of £25,000.

52. That was for power to borrow to the extent of £40,000 in all—£25,000 for the paving of the streets, and for district drainage purposes another £15,000, I believe?—Precisely. It also empowered us to purchase some property for sewer improvements.

53. Well, that provisional order was granted, and in a succeeding session an Act confirming it was passed, called the 36th and 37th Victoria, chap. 109—the Local Government Board Provisional Order (Belfast) Confirmation Act?—Yes.

54. Have you borrowed the moneys you were empowered to borrow under the provisions of that Act?—A considerable portion of them. £17,180 has been borrowed for the permanent paving of the streets. For the Newtownards district drainage we borrowed from the Board of Works two loans of £6,119 each, and we estimate we will have to borrow two loans of £3,698 each for the Windsor district drainage. We have already borrowed on account of that £2,500, but the whole amount is not yet borrowed.

55. What did you borrow on the Antrim-road district?—There is still £2,660 due. I cannot tell you the amount we originally borrowed.

56. Did you also borrow for the Crumlin and Oldpark roads district?—Yes, we did; a sum of £1,300 and odd. £1,300 was the exact amount, I find, on the Crumlin-road district.

57. And you don't know the amount on the Antrim-road district?—No.

58. I see in the last year's accounts an item, and I do not know whether it is an error; perhaps you may be familiar with it, and can explain it to us. The entry I refer to is this—at page 34—"Loans received on mortgage of the general purposes rate, £5,000, under the Provisional Order Confirmation Act"—the Act we were speaking of just now—"for one-third of the Newtownards drainage expenses, payable out of said rate"; and there is another £5,000 also for Newtownards drainage works—at page 46—one charged to the general purposes rate, and another to the Newtownards road district rate?—Under the Acts of 1865 and 1868, the district drainage was executed, and one-third of the cost is paid out of the general purposes rate, one-third out of the district sewers rate, and the other third paid by the owners of property, who have houses fronting the streets through which the sewers are made. By the provisional order we got power to borrow on the general purposes rate in respect of the one-third we had to pay out of that rate, because we found it totally impossible to take so much out of one year's revenue as would pay for the cost of a large district, and we got power to borrow, and spread the repayment over a number of years.

59. You have had two loans really applicable to the Newtownards road district?—Yes, two; but those are only two-thirds of the expense of executing the works. The one is paid out of the district sewers rate, spread all over the district benefited by the sewers; the other is paid out of the general purposes rate, all over the town; and the third by the owners of property fronting the streets through which the sewers are made. The Act of 1873 gives us power to borrow for drainage works. Previously to the passing of that Act we had no power to borrow on the general purposes rate for the district drainage works.

60. What was the total amount you borrowed for the drainage of the Newtownards road district?—£12,238 has been borrowed for the drainage works of the Newtownards district, of which £6,119 was borrowed upon the security of the general purposes rate, and £6,119 upon the security of the Newtownards district sewer rate.

61. How is it that in the account the two principal sums are down at £5,000 each, and not at £6,130?—That would be the amount borrowed in that year.

62. You had previous advances in the year before?—Yes; as we required the money we borrowed it.

63. Were those loans both contracted with the Commissioners of Public Works?—Yes, they gave us all the money.

64. They are payable of course principal and interest together, in the usual form, by annual instalments?—They are.

65. I see by a paper in my hand that those two loans have been already reduced to £5,590 15*s.* 6*d.* each, by the payment of the first instalment and interest?—Yes.

66. Then we now come to the last of the local Acts, the Gas Works Act of 1874—the 37th and 38th of Victoria, chap. 125?—Yes.

67. Known as the Belfast Corporation Gas Act?—Yes.

68. What amount had you power to borrow by that Act?—Up to £500,000.

69. And to what extent did you exercise those powers?—£470,000 or thereabouts.

70. I see the entry—gas loans, debentures, £468,754. Was that the total amount borrowed on debentures?—Yes, that was the total amount of the debentures.

71. Then there are, "Annuities, £2,245 14*s.* 11*d.*"?—Yes; that is quite correct.

72. That would give you for that loan, in round figures, £471,000?—Yes. I may mention that I have already sent forward the money for the first instalment to the Bank of England on their loan.

73. The Constabulary Act is a general Act although it is applicable specially to the town of Belfast?—That was an Act passed in 1865—the 28th and 29th Victoria, chap. 70.

74. That Act limited the number of constables of the Royal Irish Constabulary to be paid for by the Government to 130, did it not?—It did.

75. And it provided that the Lord Lieutenant might add any number not exceeding 320 to the Belfast Constabulary force, on payment of one half of the cost by the borough of Belfast. Is that right?—It is.

76. There is a subsequent clause—the 8th clause—which provides that the Inspector-General of the Royal Irish Constabulary shall fix the number of men, not exceeding 150, to discharge the duties of the night-watch, for each of whom there is to be charged 6*d.* per day, to be paid by the borough of Belfast?—The Inspector-General has exercised that power.

77. To the full extent?—I do not know the number. We have a night-watch, but we do not control the police.

78. That 150 are not, I imagine, additional to, but they are taken out of the 450?—I regret to say that the number is not 450, as it was intended it should be, but it is 540. The number in the town is increased very largely. The Inspector-General thought it necessary to send an additional force. Some of the magistrates, in point of fact, memorialised for an additional force, and the force instead of being 450 is now 540.

79. But have you any extra men free of charge?—I regret to say not; but we are entitled to a much larger number. Some time ago an application was sent by the Corporation to the Lord Lieutenant for an additional number of men free of charge, and his Excellency said in reply, that under the general Acts he had only power to revise the distribution of the force every five years, but that the time for revision would not arrive until the 1st of July next. There was a promise, we understood, that the matter would come up for reconsideration then, and I hope then we shall get the full number of free men to which we are entitled.

80. Mr. LAWLESS.—Do you consider that the proportion fixed by the Act of 1865 has not been preserved?—Certainly not. There is a much larger police force now.

81. What is the estimated proportion of men for night duty, having regard to the number of men in the town?—I do not know the number of men for night duty.

82. CHAIRMAN.—You mean to say, as I understand you, that you pay one half on a larger proportion of the whole force than was contemplated by the Act of 1865?—Yes; we think we are entitled to upwards of 200 men free.

83. And you have applied to the Lord Lieutenant to have the present number of free men increased, and there has been an intimation made to you that next July your application will be considered?—Just so.

84. The population of Belfast has increased greatly within the last ten years. I find that in 1861 it was 121,602, and according to *Thom*, it was 174,394 in 1870, and now I suppose it is over 200,000, probably?—It is.

85. The area of your new boundary, which you got under the Act of 1853 is, I gather from *Thom*, 5,990 acres?—That is correct.

86. That includes the Ballymacarret suburb. Is not that in the county Down?—Yes; the suburbs of Ballymacarret and Ballynafeigh are.

87. I see there are special accounts relating to Ballymacarret?—Yes; the Act of 1868 provided that a certain sum should be expended out of the general purposes rate upon the improvement of the Ballymacarret streets, so as to bring them up to the standard of the other portions of the town, and that sum has been expended, and considerably more than it, too.

88. The river divides the two counties, does it not?—Yes; the river Lagan divides the two counties.

89. I have got from *Thom* the rateable value of the property in 1861 and 1871, and I find that in the former year it was £270,930, while in 1871 it had increased to £426,454. Perhaps you will tell me now what it is in 1876. You see it had risen in ten years from £270,000 to £426,000, in round figures?—Yes, that is so. It is now £508,670.

90. Then it has not increased in quite the same proportion within the last five years, compared with the previous period?—It would increase very largely if we had a proper valuation of the borough.

91. Of course your valuation is the same as the rest of Ireland?—Our valuation was made in 1860, and is Griffith's valuation, but the value of property has increased enormously in Belfast since that year, and yet the valuator is unable to alter the valuation unless in a case where some structural changes are carried out. The result is that new property is valued very nearly at its fair value, but adjoining property not touched, remains, perhaps, paying one-third or one-fourth of what its fair proportionate taxation would be. I could give you many instances of that. I know of one case in particular where a house was valued in 1860 at £38 per annum. I subsequently let those premises myself at £65 on a ten years' lease. When seven years of that lease was up, the man who had taken it came to me and surrendered the remaining three years of his lease, and I gave him another lease for ten years at £120 per annum, and yet that man is only paying taxes on £38 a year. In some parts of the town houses are not valued at more than one-third of their letting value, and in other parts the valuation is one-third or one-fourth below the letting value.

92. But houses erected in recent years are valued up to their letting value, are they not?—About fifty per cent. below their letting value. The difficulty we have to contend with in endeavouring to obtain a re-valuation is that unfortunately under the General Valuation Acts the Corporation are not recognized in any way in obtaining a re-valuation. It is absolutely necessary that the application for a re-valuation should come from the Grand Jury. We applied to the Grand Jury of Down to seek a re-valuation, but they ignored our request, and refused to make any application, considering that if such were made it would affect their own valuation outside the borough. We also applied to the Grand Jury of the county Antrim, and they said, "We will forward your application and confine it to that portion of the borough within the county Antrim." But another difficulty arose, and it was this—that under the Valuation Acts it was necessary that if a re-valuation were made at all, it should be over the entire county, barony, or union. Unfortunately, we only form portion of the union, a portion of the barony, and a portion of the county, so that we could not get any re-valuation.

93. What is the extent of the barony of Belfast?—The barony of Belfast extends, I should say, ten miles from the borough; but now I am merely speaking of the county Antrim. In Down it extends fully that.

94. There are two baronies, are there not?—Yes; there are two baronies, the barony of Belfast and the barony of Castlereagh, in the county Down.

95. Is the boundary of the parliamentary borough of Belfast coterminous with the municipal boundary?—Yes.

96. When the area of the borough was extended, it was extended to that of the parliamentary borough?—It was.

97. Mr. EXHAM.—Are there not a great many new buildings outside the borough?—Yes; new buildings are being erected every day, but we have nothing to do with them. The owners take advantage as far as they can of the proximity of such buildings to Belfast without contributing towards the taxation of the town. If they did—and I must say that I think it is to their own disadvantage that they do not—they would have all the benefits that arise from the lighting, watching, paving, cleansing, &c., of the town.

98. CHAIRMAN.—Is not the municipal area divided into five wards?—Yes.

99. And the Corporation, I believe, consists of ten aldermen and thirty town councillors?—Yes.

100. Two aldermen and six councillors for each ward?—Yes.

101. Are these the wards fixed by the Act of 1870, or has there been any alteration or re-distribution of them?—The wards remain known by the same names, but by a subsequent Act they were extended. They are substantially the same.

[The witness here handed in a list of the members of the Municipal Council.]

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102. When were these wards last fixed?—I think about 1853.

103. At the time of the extension of the borough boundary?—Yes; there was a local inquiry then, and the boundaries of the wards were then fixed.

104. Beyond taking in the extension, did they remain substantially the same, or was there an entire revision?—They were remodelled altogether.

105. Are these wards tolerably equal in point of rateable valuation and population?—Some of them have increased more than others. They are not equal now.

106. You think on the whole it was a fair division?—I do.

107. The business of the Corporation is transacted chiefly, I suppose, by committees. Would you kindly give me the names of those committees and their duties?—We have the Audit Committee, the Finance Committee, the Improvement Committee, the Police Committee, the Market Committee, the Sanitary Committee, the Law Committee, the Sewerage Committee, the General Purposes Committee, the Gas Committee, and the Public Parks Committee.

108. I suppose that the committees undertake pretty much the duties that their names signify?—Yes.

109. With the exception of the Police Committee, and that has, I believe, much larger duties?—Yes. The Police Committee have charge of the fire department, and the engagement and dismissal of firemen, and the regulation of that department generally. In cases of misconduct they fine or dismiss the men. That committee also has charge of the licensing of cars and drivers, and the enforcement of the hackney car by-laws. They also look after the scavenging department and the manure yards; and they see to the lighting of the town, and to the testing of the quality of the gas.

110. Mr. LAWLESS.—But they have nothing to do with the police?—Nothing, unfortunately, but to pay the money for them.

111. CHAIRMAN.—The scavenging that they attend to I should have thought would form part of the duty of the Improvement Committee?—No, it is not; but the Improvement Committee attend to the improvement of the streets of the town. They have special charge of the superintendence of the surveyor's department, including the approval or disapproval of all plans and specifications submitted for private works and buildings, and of all plans and specifications prepared by the surveyor for public works, and the outlay on streets, roads, and footpaths; also the bridges and sewers of the borough.

112. What are the duties then of the General Purposes Committee?—The principal duty referred to that committee by the Council is the selection of members to serve on the several committees of the Council; and matters requiring special consideration are also referred to them.

113. Most matters are it seems referred to the Police and Improvement Committees. Those are the two committees that practically manage the working of the town?—They are, in reference to the streets.

114. Your Law and Finance Committees are separate, I see?—Yes.

115. Then there is the Audit Committee. What does that committee do?—The members of the Audit Committee meet once a week, and examine all the accounts of the different other committees. They also audit the accounts of the cashier and collectors, and all the payments made by the different committees, and take charge of the cash, and see after the cashier's department.

116. What do the Finance Committee do?—They have special charge of the collection of the rates and other revenue the property of the Council, and the management of the mortgage debt, and the paying off and re-borrowing money. They also examine, fortnightly, the returns of the collectors of the rates.

117. You have a collector for each ward?—Yes.

118. Five collectors in all?—Yes; and the collector in each ward collects all the rates for his own ward.

119. Would you tell me the nature of the check you have on the collectors, and how often they pay moneys into the bank?—They are required to lodge daily in the bank the amount of their collection, if the amounts are anything considerable. Their books are checked by the accountant of the Corporation, Mr. Woods, very frequently, to ascertain that they correspond with the receipts given and the returns made; and if any irregularity were discovered, he would at once report the matter to the Town Clerk, who would summon the Finance Committee at once.

120. Under any circumstances do these accounts come before the Finance Committee every week?—Weekly or fortnightly, because the Finance Committee do not meet regularly every week. As a rule, the Finance Committee meet every fortnight.

121. Do these accounts go first before the Audit Committee or before the Finance Committee?—The abstract of them goes before the Audit Committee weekly.

122. I suppose Mr. Woods gets an account of the sums paid in by the collectors every day from the bank, and he also gets the collectors' books to see what they lodged?—The bank book is taken with the amounts entered in it, and Mr. Woods checks them with the collectors' accounts. The collector makes the lodgment, and there is a special form of lodgment docket, which specifies each rate to the credit of which the money has been lodged, and the bank initial the amounts received.

123. Are the rates collected up satisfactorily, as a rule?—Extremely well.

124. And the collectors give bonds?—Each gives £1,000 security for the due collection, and so on.

125. Who has the custody of those bonds?—The town clerk.

126. What other officers give bonds?—Every officer who receives cash for the Corporation is obliged to give security in the shape of a bond, in order to keep the Corporation safe.

127. Have you a list of the officers?—I have.

128. Mr. LAWLESS.—Are the collectors appointed annually?—Yes; the same men are appointed; but a formal appointment is made every year.

129. And are the securities renewed?—When I became town solicitor, I found that the securities were renewed annually, and I recommended the finance committee of the Corporation to take one bond from each of the officers or collectors to cover all subsequent engagements.

130. Are there sureties for those bonds?—Yes; the collector himself and two or three sureties; and once a year the town clerk is obliged to report to the finance committee upon the solvency and sufficiency of the sureties, and if there were any deaths in the course of the preceding year, he is bound to call the attention of the committee to the fact, so that new bonds may be procured.

131. CHAIRMAN.—Who are the other accounting officers? I suppose the clerk of the markets is an accounting officer?—He is.

132. He receives money and gives a bond?—He does. The cashier receives money also, and he gives a bond.

133. What money passes through the hands of the cashier?—Payments for street expenses and the moneys received from fire insurance companies for the services of the fire brigade. With reference to the receipts on account of street expenses, the council may, under the Acts of 1865 and 1868, order a street to be completed at the expense of the owners of property adjoining the streets, and all these sums are received on account of that——

134. These are payments made by owners of property in respect of the paving, repairs, or making of new streets, which they are called upon to pay, and they all pass through his hands?—Yes; and he pays the workmen of the Corporation.

135. And not through the borough surveyor's?—No.

136. Does the borough surveyor receive any money?—No; he does not. He receives no money whatever.

137. Does Mr. Woods, the accountant?—He receives no money.

138. Those we have gone through are apparently the only officers who do receive money?—Some small sums may be received by the street inspectors for the removal of manure, but that is a trifling amount—very small indeed.

139. You could tell me how many officers give bonds, could you not?—The town clerk gives security; the treasurer, although an honorary officer, also gives security; the cashier gives security; the five collectors give security, and the clerk of the markets and the superintendent of the cemetery also give security.

140. The last-named receives fees for burials; does he not?—Yes; some small fees; and we think it better to have some security from him.

141. I see the total amount of the salaries is £6,892 10*s.*?—Yes; that is the amount; but that includes the Recorder's salary.

142. The Recorder receives £500 per annum, and the clerk of the peace, £200?—Yes.

[The witness here handed in a list of the salaries of the officers of the Corporation. Appendix 2.]

143. There is one Act of Parliament you have availed yourselves of here that we have not referred to, and it is a public Act—the Public Parks Act?—Yes; the Public Parks Act of 1869 authorized Corporations to acquire parks for the recreation of the public. Acting upon those powers, we obtained the ground from Lord Donegall, of Ormeau Park, containing 172 acres, at a rent of £10 per acre. We obtained a grant in fee of that land. We never intended that the entire of the ground should be devoted to a public park, but that 100 acres should be set aside for a public park, and we anticipated that the portion of ground that would remain after doing that would be considerably enhanced in value by the making and laying out of a public park beside it; and that we would be able to let it for building purposes at high rents. We have made arrangements to put a portion of that land into the market, and the sale of it under the Public Parks Amendment Act will take place by public auction on the 11th of January.

144. Is that land within the limits of the borough?—It is. The Public Parks Act of 1872 or 1873 went further, and enabled Corporations to acquire parks outside the borough, if necessary. This Corporation had some ground that it was considered would be suitable for the purposes of a public park, just adjoining the cemetery, outside the borough, and they have since allocated a portion of that ground for the purposes of a public park.

145. Is that called the Falls Park?—Yes, it is.

146. What is the extent of that park?—About forty-five acres.

147. Was that a portion of the ground purchased for the making of the cemetery?—Yes; and not required for the purpose; but as a matter of fact the cemetery committee feel now that they will want some of that land back inasmuch as the ground is being more rapidly filled up, I regret to say, than was anticipated.

148. The new park is not marked out yet, then, is it?—It is, but there is a portion of surplus land connected with the park, which will be available for the cemetery.

149. With the exception of the cemetery, the Ormeau and the Falls Parks, have the Corporation any real property?—None, except the gasworks.

150. With regard to the ground acquired under the Act of 1845, and the Act confirming the purchase of the markets, have the ground rents all been sold?—All of the surplus ground we became possessed of has been sold. We still, however, have rents coming in to the amount of about £3,000 a year from portions of the markets. Portions of the markets are let to tenants, and these portions bring in a rent of about £3,000 a year—they are portions of the premises used for market purposes.

151. I now wish to draw your attention to the Public Parks Acts of 1869 and 1872, which I have in my hand; the first Public Parks Act, by which you acquired Ormeau Park, was the Act of 1869, and the Amendment Act is the 35th of Victoria, chap. 6. That is dated May, 1872, and gave power to the Corporations to purchase parks outside the boundary of the borough, and power to sell surplus lands?—Yes, that is so.

152. At present you do not, I believe, derive any rent from Ormeau Park?—Yes, we do; we let it for grazing purposes.

153. Your expenditure connected with that park amounts I see to a good round sum?—Unfortunately it does.

154. It amounted last year to £2,974 3*s.* 9*d.*—over £3,000 in fact, because there is another £100 for the caretaker?—We have estimated the expenditure on both parks for the coming year at £3,368 15*s.* 11*d.*

155. Your receipts from the two parks last year were £234 from the Ormeau Park, including sale of timber, &c., and £25 from the Falls Park for grazing?—Yes; this year we estimate the rents of the Ormeau Park at £250 and the Falls Park at £100.

156. You will be able to let them on much better terms than last year?—Yes, we will; we will be able to realise more out of our park property now than formerly.

157. Mr. LAWLESS.—I see in this printed list of salaries, there are entries, some of them for nine months' salaries, and some for twelve months. Then there is an entry—"F. W. Moneypenny, apprentice, £40 for the twelve months ending the 21st of July, 1875." Who are these apprentices?—We found it very convenient to get a staff of young lads to come into the different offices of the Corporation—the town clerk's office, the accountant's, the cashier's, and so on; and they are allowed to pass through the different offices, so that they may be ready to take a superior situation in any of the offices in which there is a vacancy. They commence at £20 a year, and increase £10 annually. They are, in fact, assistant clerks. They are bound for five years, unless the Corporation have reason, and wish to dispense with their services, or they wish to retire. The system has been found to work extremely well. We get by this means a great deal of the work done at very low salaries, while these young persons have an opportunity for advancement if they remain in the service of the Corporation.

158. CHAIRMAN.—I see you have a car inspector?—Yes, we have two.

159. And I suppose they exercise control over all the public vehicles in the town?—Yes.

160. There is a scale of fares I presume?—Yes; there is a scale fixed by the Corporation and confirmed by the Recorder. There are also by-laws framed under the Act of 1845, for the regulation of cars and car-drivers, and these inspectors go round and assist the police in seeing that these by-laws are enforced. I regret to say that the duty of enforcing those by-laws has fallen almost entirely upon the car inspectors. The police do not seem to think that the duty comes within the scope of their operations as a general rule. They sometimes, it is true bring forward a case but it is a very rare exception. Our car inspectors are engaged almost day and night, performing this very useful duty. Under the Police Act I think the burden of seeing that these by-laws are properly enforced is thrown on the police to a great extent. Section 1 of the Constabulary Act of 1865, provides that the Constabulary Force of the town of Belfast shall discharge the powers and duties then lawfully had and discharged by the Police Force of the town. Mr. Inspector Bayley, has always recognised that the duty should be done by the police, and he has given orders from time to time that the police should carry out those duties; but we think that the police have not been so active as they should have been in that respect.

161. As a rule are the public conveyances worked satisfactorily in the borough?—I think so. As a rule we have a very good class of cars. We have not been able to introduce flys or cabs to the number that we would have wished; but my impression is that the

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fares are too low. You see cars can take four passengers, whilst Hansom cabs can only take two.

162. What is the staff of the fire brigade?—We have a superintendent of the fire brigade, an assistant superintendent, and a permanent staff of I think four men; besides thirty-two others who are always at hand, should any alarm of fire be given. If an alarm is given a bell is rung and these men are within easy distance as a rule and attend at once.

163. I see you received a pretty good sum from the different fire insurance companies last year as their contributions for fires extinguished?—We have certainly received some contributions, but not as much as we think the fire insurance companies should pay.

164. You received, however, altogether £359 14*s.* 3*d.* in various small sums from twenty-two companies and others, under that head?—Under the terms of the Act of 1845, they are obliged to contribute to the extra expense incurred at the extinguishing of fires.

165. Mr. EXHAM.—Is there a scale regulating the amounts these companies should pay?—There is. Under the Act of 1845 we were empowered to recover the extraordinary expenses of the brigade at fires from the assurance companies; and in order to avoid any question as between the insurance companies and ourselves a scale was fixed.

166. CHAIRMAN.—I see that that payment did not cover your extraordinary expense. The extra expense was £597 1*s.* 4*d.* while the receipts were £359 14*s.* 3*d.*?—Yes.

167. I see also an entry of which I should like an explanation—"One year's salary to the Water Commissioners' turncock"?—The water supply of the borough is not under the control of the Town Council; there is a separate corporation having the control of the supply of water for the town, and called the Belfast Water Commissioners.

168. Under what Act?—The Belfast Water Act.

169. Do you know the date of that Act?—1840. I think it would be a great improvement if the corporation had the control of the water supply themselves in place of having two separate bodies.

170. Do you find much inconvenience resulting from that state of things?—There is always a conflict of authority, and sometimes we have to complain that there is a deficient water supply, for instance, at the extinguishing of a fire, and then if we complain the Water Commissioners attribute that deficiency to our men, and there are constant little petty unpleasantnesses between the officers of the two Boards on account of that.

171. What arrangement exists with regard to the flushing of the streets?—None at all. We get water from the Commissioners for the watering of the streets, but their charge for it is so excessive, that we could not possibly think of getting water from them for the flushing of the sewers, or the washing of dirty courts. They charge us 4*d.* a load for all taken from the pipes. Each of the carts holds about 250 gallons. Virtually the charge is 1*s.* 4*d.* per thousand gallons. They give water to the general public at 6*d.* per thousand gallons, but they charge the Corporation 1*s.* 4*d.* per thousand. They do that, they say, because we only take the water in the summer months when it is most valuable to the Commissioners. They, however, would give us water at 1*d.* per load, provided we would take it out of a particular basin which is of no earthly use to them; but it costs us the same to take it from that, in fact, almost more than it would to pay the excessive charge which they make of 1*s.* 4*d.* per load.

172. Mr. EXHAM.—In case of fires what do they do?—They are obliged to give a supply of water in that case.

173. CHAIRMAN.—Is this annual salary to the turncock for attending to that?—Yes; that is what the annual salary is for. It is paid for a turncock. In a great portion of the town they have not laid fire-mains, simply service pipes, and put fire-plugs upon these pipes. Then occasionally the water will be turned off, and there will be no supply of water in these pipes at all. It is necessary to turn on the pipes at particular places, and there are constant disputes as to whether our men—the men connected with our brigade—had turned on the right cock or not; so in order to prevent further disputes we agreed to pay a salary of £7 10*s.* to the Water Commissioners' turncock, and he is expected to attend at fires and turn on the proper cock. As a matter of fact, however, a town like Belfast should have mains specially charged for fire purposes, because it is highly inconvenient to have to depend on service pipes, as very often these pipes have to supply a large number of cisterns, and therefore it is highly doubtful if we can always have a sufficient supply for fires.

174. Are the Corporation represented on the Water Commissioners?—The Mayor is entitled *ex officio* to a seat on the Board; but it is only one out of the fifteen.

175. How many Commissioners do you say there are?—Fifteen, I think.

176. Is there not a certain proportion elected by the Corporation?—Not at all.

177. How are the Commissioners elected?—By the water ratepayers.

178. Are partners excluded from voting for the Water Commissioners?—They are, by the construction given to the Water Act.

179. Mr. EXHAM.—Did the Corporation ever try to obtain representation on that Board?—No; they did not.

180. CHAIRMAN.—It seems to me that there must be a conflict of authority in this way; for instance—in the Commissioners taking up the streets to get at their service pipes or mains?—They frequently require to examine and relay their mains. Of course that leads to a conflict of authority. By an arrangement made some time ago they pay the Corporation, however, for repairing where they have interfered with the streets. Still the whole thing is an inconvenient arrangement, and it is one that should be remedied for the benefit of the town.

181. Mr. EXHAM.—They have power themselves to open the streets?—Yes, they have power to open the streets. They may open the streets, and only give us notice when the works are in progress. However, I am bound to say that I think the officers of the Water Commissioners are anxious to meet the views of the officers of the Corporation as far as they can; but for all that the system is, in my opinion, a bad one.

182. CHAIRMAN.—Is there any other authority that conflicts with the Corporation?—There is another body here—the Harbour Commissioners—but there is no conflict between that body and the Corporation.

183. Are the Corporation represented on the Harbour Commissioners?—The Mayor is, *ex officio*, a member of that board also.

184. But the Corporation do not elect any of the Harbour Commissioners?—They do not.

185. They are quite a distinct body, and there is, you say, no inconvenience found to arise from their existence as such?—Very little.

186. Do you remember what Act or Acts of Parliament the Belfast Harbour Commissioners are incorporated under?—I can tell you. The Belfast Harbour Act of 1847; the Belfast Port and Harbour Conservancy Act of 1852; and the Belfast Dock Act of 1854. There was an old Act previously in existence, the 1 & 2 William IV., but the Act of 1847 was the first the present Harbour Board obtained.

187. Mr. EXHAM.—Do the Harbour Commissioners keep the quays in repair here?—They do.

188. CHAIRMAN.—Do they light them or do you light them?—They light and pay us for the lamps, and they pay the same price as is paid for the town lamps, £3 per lamp.

189. How many public lamps are lit by the gas company for the town?—2,847 were lighted by the last account, and that number at £3 each lamp makes the total cost under this head £8,541.

190. The Corporation have only had the gas works since July, 1874. Can you tell me what was the price per thousand feet that the gas company charged the

inhabitants when they were supplying them before the Corporation obtained the control of the gas works?—4*s.* 6*d.* per thousand, with discount varying from 2½ per cent. up to 20 per cent. in some cases, according to the amount consumed. We were able last year to reduce the price to 4*s.* 2*d.* per thousand with the same discount. This year we have reduced it to 3*s.* 11*d.* per thousand, with the same discount, and I have every expectation that we shall be able to reduce it in price still further.

191. And notwithstanding that you cleared a profit last year of something like £8,000?—Since July, 1874, we have netted for the ratepayers of the town upwards of £22,000 profit on the gasworks.

192. Mr. EXHAM.—Do you supply gas outside the borough?—Yes; for a considerable distance outside—perhaps three miles, I should say, in some places.

193. Mr. LAWLESS.—The Corporation do not exercise any control over the dock and harbour?—None whatever.

194. And you receive no profit?—No profit; we simply receive rates—the police rate is calculated upon the tonnage of vessels entering the harbour, upon the basis fixed by the Act of 1847.

195. CHAIRMAN.—The Act of 1847 provided that the Harbour Commissioners should make an annual return to the Town Council of the tonnage and the amount of rating for tonnage is therein provided for. I do not remember what was the amount of their contribution?—It was provided by the Act.

196. Is that return furnished by the Harbour Commissioners?—Yes; it is always furnished by the Harbour Commissioners. The general purposes rate is assessed on a different basis.

197. The Act provides, I see, that the toll for police rate shall be 3*d.* on the registered tonnage on vessels from foreign ports, and 1½*d.* on vessels discharging goods in the docks of the Commissioners?—Yes.

198. Mr. EXHAM.—Are there stores erected on the quays by the Commissioners, the same as at the North Wall, Dublin?—Yes; there are sheds built on the quays.

199. Are they rated?—They are.

200. CHAIRMAN.—Do you lay a separate burial rate?—Occasionally we do. For the coming year we have not found it necessary to levy any separate rate. It is levied as a portion of the borough rate.

201. Your borough rate is limited to 3*d.* in the pound?—Yes; for ordinary borough purposes; but for sanitary purposes and burial purposes, under special and general Acts the limit is not applicable.

202. What is the limit for burial purposes?—I think the rate is limited to 3*d.* in the pound; but we have never found it necessary to strike that rate in one year. We have had a 2*d.* rate.

203. What is the sanitary rate limited to?—It is unlimited for sanitary purposes.

204. Practically the amount of the rates you levy is divided as follows:—What you call your police rate—your last rate was 1*s.* in the pound on valuations up to £20, and 2*s.* on valuations over that. That is the rate you laid on in 1875?—It is.

205. Your maximum being 3*s.* 4*d.* and 1*s.* 8*d.*?—Just so.

206. For general purposes you laid the maximum rate of 2*s.* within and 1*s.* 6*d.* outside the lighting and watching district?—Yes.

207. For district sewers you laid a rate of 3*d.* in the Crumlin and Old Park-road district?—Yes.

208. And 7*d.* in the Antrim Road district, and 7*d.* in the Newtownards Road district?—Yes.

209. For a district you mentioned, the Windsor district, you have not levied a rate there yet?—The works are only in progress; but there will be a rate levied of 7*d.* in the pound next year.

210. You laid a rate of 1½*d.* for burial purposes in 1875?—Yes; but next year there will be none. I may observe that for the coming year the borough rate will be 2½*d.*, and that for the parks 1½*d.*

211. You did not lay any special sanitary rate?—We did not; we paid the expenses out of the borough rate under the Public Health Act.

212. Then the total amounts you levied last year were as follows:—£36,713 0*s.* 3*d.* was the total amount you levied under the police rate; £49,418 12*s.* 9*d.* for the general purposes rate; £1,810 4*s.* 10*d.* for the three district sewers rates already mentioned; £2,947 14*s.* 8*d.* burial rate, and £5,895 9*s.* 5*d.* for the borough rate?—Yes; that is correct.

213. The only two rates up to the maximum were the general purposes and the borough rates?—Yes; they were the only two. I may remark that we are unlimited as regards the levying of district sewers rates; and the police rate was very little more than half of what we could levy.

214. Mr. EXHAM.—Have the Crown here a local crown solicitor?—They have. The crown solicitor does not prosecute, except in cases of extraordinary emergency. The magistrates found in the prosecutions for street offences and everything of that kind, that it was very inconvenient to be without a public prosecutor, because in almost every case here an attorney appears for the defence, and the fact of having only a subconstable for the prosecution opposed to a cute attorney for the defence caused great inconvenience, and so the magistrates requested that they should get assistance.

215. CHAIRMAN.—What commission do you pay your collectors?—One and a half per cent. on the amount collected.

216. That does not apply to anything besides the rates?—No; they simply get that commission on the rates collected. They have nothing to collect but the rates; each collects all the rates in his own ward but nothing else.

217. The commission is one and a half per cent. on the amount actually collected?—Yes; and to show you the care taken to prevent unnecessary outlay in this respect, I may mention that when the gas committee got charge of the gasworks, they declined to allow the collector to receive the rates on the gasworks, but simply paid the amount direct over to the cashier's hands by cheque, so as to save the collector's poundage.

218. Is there no collector of the gas rents?—Oh yes; I was referring to the rates payable on the gasworks, and I was saying, that in place of allowing the collector to receive those rates as he would have been entitled to do had the works been the property of the company, the gas committee paid the money direct into the cashier's hands, and by that means saved the collector's commission.

219. Who collects the gas rents?—The officer of the Corporation. There are separate and regular collectors appointed for the purpose.

[Witness handed in a list of the officers of the gasworks. Appendix No. 3, page 204.]

220. You say you keep the accounts of the gasworks separate?—Yes, by Act of Parliament. The collectors are paid by salary and not on commission. We took over the staff of the gas company, when the premises came into our hands, and carried out the same arrangements as previously existed as far as we could.

221. You charge a less rate per 1,000 cubic feet?—We have reduced the price. In point of fact the company had arrived at that stage of success that they had no object in economising. They were always able to pay their statutable dividends of seven and ten per cent. on the subscribed capital. They had applied for power, and were going to raise another £100,000 capital, and so we bought them up with the result that I have previously told you. We have every reason to believe that it will be a good speculation for the town.

222. Before the Act of 1874 came into operation, you did, under your Improvement Act of 1845, I suppose, a certain amount of sanitary work?—Yes, always. We had a sanitary inspector always, and I think five assistants, one for each ward. When the Public Health Act came into force we appointed a consulting sanitary officer, Dr. Samuel Brown. Actually his proper name would be the medical officer of health for

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Mr. Samuel Black.

the borough. The Local Government Board and myself differed as to his proper name, but as they paid half the salary we did not quarrel with them about the matter. Then we have an executive sanitary officer whose duty it is to see to and carry out all the sanitary improvements required.

223. He is not the town surveyor?—Not at all. He has no other duties except as sanitary officer. He is also a civil engineer by profession. Then we have five assistants, one for each ward.

224. Those are sub-sanitary officers or inspectors of nuisances?—Yes; with one additional man to do special duty when required, and attend to the office work.

225. Have these men no other work to do?—None, except to attend to sanitary matters.

226. Under the Act all dispensary doctors are sanitary officers. How many are there?—Eight, I think; we do not pay them any salary; they are paid by the Poor Law Union.

227. The reports which the sub-sanitary officers make go, I suppose, through the consulting sanitary officer to the committee?—Yes; these reports go before the committee, and their orders are made upon them.

228. Has there been much progress made in sanitary reform in Belfast?—A great deal has been done, but I think a great deal remains to be done.

229. I only want to know from you whether the Corporation are earnest in their desire to bring about sanitary reforms?—I am decidedly of opinion that they are as far as they possibly can. At the same time I think it right to mention that there has been a scheme of main drainage for a considerable time before the town, which, owing to certain difficulties in the way, we have not been able to carry out. In the first place there is the great cost, which is one considerable difficulty, and secondly, there is some difference between the Corporation and the Harbour Commissioners, as to the proper outlet for that drainage; but it is only a question of time.

230. In the meantime you seem to be carrying out district drainage works to a considerable extent?—We have, and we have been making a considerable number of new streets. Since 1866, when we got powers under the Act of 1865, a lengthy litigation had been put an end to, we have paved and sewered upwards of 700 new streets.

231. Is that all within the last ten years?—Yes.

232. Are the streets and lanes generally kept clean?—They are regularly swept and the scavengers are instructed to go to these places if possible every day. Some of these thoroughfares are swept once a day, some oftener than that, and others twice a week according to the nature of the work.

233. Are the scavengers under the control of the town surveyor?—No; they are under the direction of street inspectors, specially appointed for the purpose. There are two assistant street inspectors under them again. The town is divided into two districts. Each inspector has a district, and has an assistant and a certain number of gangers under him to carry out his orders. If the streets are not being properly attended to one of the street inspectors reports to the police committee and receives instructions from them, from time to time, as to what he should do.

234. I suppose the number of men on the gangs varies according to the time of year, and the nature of the reports of the street inspector. In case of emergency has he unlimited authority to engage men to a sufficient number for the carrying on of the work without waiting for a meeting of the committee?—If any emergency arises he has full power to get as many horses and men as he requires and report to the committee. He is in no way limited as to the number of horses and carts, but he gives a return daily of the number. The horses are supplied by contract, but we furnish the carts.

235. I see there is an item in the accounts referring to the amount you paid for the removal of the statue of Lord Belfast, and it would seem that you received from Lord Donegal a larger sum than you expended. Can you explain that?—We certainly did not charge a larger sum than it cost us. I take it that the explanation is this—A portion was work done and paid for directly by cheque, and another portion will appear in another account.

236. Lord Donegal seems to have paid you £53 0*s.* 6*d.* for the removal of the statue of Lord Belfast, and on the other side of the account it only appears that you expended £24 4*s.* I asked you the question because I thought you might be familiar with the matter and might be able to explain it to me?—I cannot explain it accurately. All I know is that we only received the exact amount we paid. I suppose other payments will appear in other portions of the account. As an evidence of that I may tell you that I perceive another item of £5 15*s.* 6*d.* in another account on the same matter.

237. With regard to your markets—you worked them at a considerable profit, I perceive?—Yes, they are very successful, and a great source of advantage to the public.

238. I see that the net profit on the markets, exclusive of cost of additional buildings, was £6,325 10*s.*?—Yes; that was the net profit on the working of the markets last year.

239. After paying rent, and some small repairs and alterations, and all the wages and salaries?—Yes.

240. The head of the markets is Mr. Wood, "Clerk of Markets," and under him is there a considerable staff, weighmasters, inspector of provisions, and other officers?—There is a considerable staff.

241. You have, of course, a table of tolls?—Oh, yes; for each market.

242. How many markets are there?—There are twelve markets.

243. The two principal being the Smithfield and the potato and vegetable?—Yes; but the pork market is also a large one.

244. The fines, I see, realized a large amount?—Yes; those were fines levied in the police court.

245. No less than a sum of £3,048 14*s.* 8*d.* received on fines from the petty sessions clerk?—Yes; but we anticipate that next year they will be less.

246. Mr. EXHAM.—Do you get all the fines here?—I claimed them all, and succeeded in persuading the law officers of the Crown that we were entitled to them.

247. You have public slaughter-houses here?—Yes, we have.

248. And they realized a net profit of £179 14*s.* 3*d.*, I perceive?—Yes.

249. After paying the superintendent and other expenses connected with them?—Yes.

250. I see there is a weights and measures adjusting account. Just explain that?—There is an officer appointed for the purpose, and a schedule of fees fixed, which are charged to the public, and he adjusts all weights brought to him, and charges according to the schedule of fees. The office cost something like £70 for the year, and we received about £150.

251. You got, I see, an actual profit on that of £84 16*s.* 11*d.*?—Yes; it varies from year to year. We are obliged to have the office, and the police look after the dealers to see that the weights are kept properly adjusted.

252. After paying your car inspectors, you got a net profit of £282 8*s.* upon the licenses?—Yes; we only charge 2*s.* 6*d.* for each license issued. That is a very small charge, and we, in a great measure, allow free trade in licenses. Any man who has a good horse and car can have a license at once if he chooses to apply for it, without having to wait to buy up a number as they do in Dublin.

253. There is an item here—"Amount transferred from burial fund, £2, to police fund." How do you explain that?—It has been some item paid out of the police fund really chargeable to the other fund, and at the end of the year a cheque would be passed from one account to the other for the amount.

Mr. Samuel Black.

254. What is the next item—"House account. From Sub-Inspector H. A. Blake, proceeds sale of forfeited property, &c., &c., £90 15*s.* 6*d.*"?—When articles are found upon cars and not claimed after a certain lapse of time, they are sold after public notice, and the proceeds go to the benefit of the borough.

255. What place are they brought to?—Either to the Constabulary or to the car inspectors.

256. CHAIRMAN.—In the malicious injuries account I see there is always a large and increasing balance in favour of that account. You started with £883 12*s.* 1*d.*, and then you received in arrear from the special rate £56 19*s.* 6*d.*, that rate was laid in 1874, and you left off with a balance in the treasurer's hands of £939 17*s.* 1*d.*?—That was increased by interest on the balance in the treasurer's hands. We have an arrangement with the bank by which they allow us interest on all balances in their hands in our favour. There were very large claims upon the Corporation after the riots of 1872—claims which amounted, as well as I recollect, to about £14,000 for malicious injuries to property. Those claims were minutely examined, and reduced to £3,500, or thereabouts. We had to strike a special rate, as we were only able to take £1,000 out of the general purposes rate. We accordingly struck a special rate; we could not levy less than 1*d.* in the pound for the purpose, and that rate left a considerable balance. That balance is carried forward, and is applicable to the liquidation of any claims for malicious injuries that might arise in future years.

257. You only paid for malicious injuries the sum of £28 14*s.* last year?—Yes; that is so; but I regret to say that we have more claims this year, owing to what transpired in the month of August last.

258. Out of the general purposes rate you are enabled to set apart £1,000 for that purpose?—We are; and we only once—in 1873 or 1874—had to strike a special rate for the purpose.

259. Although these accounts are admirably kept, I was surprised to find that you have an overdrawn account on the two principal accounts—the police and the general purposes rate—you have an overdrawn account on each?—We have.

260. Is that exceptional?—It is somewhat exceptional. During the past two years we have bought property at Peter's-hill for street improvements to the amount of £6,000. We have also expended £2,000 in the purchase of other property for the purpose of street improvements; so that that would affect the police rate; and besides that, the expense of the police is really so heavy upon the town, that our funds have been exhausted in great measure.

261. Mr. EXHAM.—Do you pay any interest on the overdrawn accounts at the bank?—Yes; they charge us interest.

262. CHAIRMAN.—There are cross charges for interest on overdrawn accounts, I suppose. They allow and disallow?—Yes; and as a matter of fact, the balance of interest is altogether in favour of the Corporation, on taking the banking transactions as a whole.

263. You had a balance of £4,329 against you on the general purposes fund, and of £2,002 on the police fund?—Those balances are rapidly diminishing.

264. The gross balance against you was then £6,331?—Yes.

265. Does not the auditor, Mr. Simms, quarrel with that state of things?—No; he does not; as long as the whole account is not against the Corporation. If the whole of the balances were against the Corporation, he would, doubtless, object to that.

266. Do they allow you the same rate of interest on the other side of the account?—They allow us the highest deposit rate of interest for all money in their hands; but they charge us 5 per cent. on all overdrawn accounts.

267. What rate are they at present allowing you?—I think they are allowing us 1½ per cent.

268. In round figures on the borough and burial rate, you have £6,000 in your favour?—Yes; they only, I may mention, charge us 1½ per cent. on a particular overdrawn account; but if the whole of the accounts were overdrawn, then they would charge us 5 per cent.

269. The heaviest overdrawn balance was on the general purposes account, and the amount charged as interest against that account on the year was £5 17*s.* 7*d.*?—Yes.

270. While on the police rate, notwithstanding you were overdrawn at the end of the year, there was a sum of £165 17*s.* 4*d.* allowed for interest to the credit of the Corporation?—Yes.

271. There are, if I understand you, forty members of the Town Council?—Yes.

272. What number constitutes a *quorum*?—We must, in order to have a meeting, have one-third of the members present.

273. Is there generally a good attendance?—Generally a good attendance. During my experience I do not recollect a single meeting adjourned for want of a quorum. There may have been one in the last fifteen years.

274. Does the same observation apply to the committees where I suppose a great deal of your work is done?—Yes; there is an admirable attendance at the committee meetings. Three forms a quorum; and at these meetings we always have quorums as a rule.

275. These committees, I suppose meet once a week?—Yes. The audit committee meets every Monday; the cemetery committee meets every fortnight; the improvement committee meets once a week; the parks committee once a week; the police committee once a week; the sanitary committee once a week; the law committee when summoned, if there is anything special to come before them. The general purposes committee, as well as the gas committee, meets once a week.

276. With the exception of the cemetery committee and the law committee, all the committees meet once a week?—Yes.

277. Mr. EXHAM.—I suppose all the costs paid to you as town solicitor are taxed in the regular way?—Yes; I never got payment for a bill of costs unless they were taxed by the taxing officer of the proper court.

278. You receive no salary?—No salary. The Corporation were anxious to fix a salary for the office, and had fixed the salary they intended to pay my predecessor, and he had drawn the first quarter of it as so fixed; but the late Mr. Walsh decided that the Corporation had no power to make a contract of that kind with their solicitor; and he had to return to the old plan of bills of costs. In an increasing town like Belfast, the expenses under this head must be naturally very considerable; but I think any gentleman who receives merely his taxed costs will run no risk of being over-paid.

Mr. JAMES GUTHRIE examined.

Mr. James Guthrie.

279. CHAIRMAN.—You have been town clerk for a good many years?—Since 1856.

280. Previous to that you held, I believe, some other office?—I acted as sub-treasurer for four years.

281. Do you produce the abstract of the mortgage debts of the Corporation, and can you tell me how they now stand? Your published accounts are only up to the end of 1875?—This list (Appendix No. 4, page 206) is up to Saturday last, but is exclusive of the gas loans. The primary mortgages contracted under the Act of 1845 are now £112,245.

282. They having been originally £200,000?—Yes.

283. Those mortgages then have been gradually reduced by a sinking fund, as provided by the Act?—Yes.

284. Upon what are those primary mortgages secured?—Upon the improvement rates of the borough; the rates struck under the Act of 1845, and all the property that comes in under that Act.

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285. That is now called the police rate?—Yes.

286. The secondary mortgages are under the Act of 1864?—Yes.

287. Which is the Award Act?—Yes.

288. And was not £84,640 0*s.* 11*d.* the amount of these secondary mortgages?—£119,081 12*s.* 6*d.* is the amount of the secondary mortgages issued with the interest added.

289. £84,640 0*s.* 11*d.* was the capital sum named in the 5th section of the Award Act?—Yes; and the interest allowed to be added, under the 9th section of the Act, was capitalized and the whole amounted to £119,081 12*s.* 6*d.*

290. And has that been now reduced to £33,000?—Yes; that is what they now stand at; and there is now about £4,000 in the funds to partly meet that which we cannot dispose of until some of the mortgages mature.

291. Under the Burial Act of 1866, you borrowed the sum of £25,000?—Yes.

292. Which is now reduced to £9,200?—Yes, but it is right to explain that £4,000 of that £25,000 has been lately transferred to the parks accounts under authority. It is £13,200 taking the two together.

293. £13,200 then remains of that—£9,200 stands to the burial fund and £4,000 to the public parks?—Yes.

294. How much did you borrow originally on the district sewage rates?—I have not totted it up. However, there remains due on the Antrim-road sewerage district, £2,702.

295. And £2,400 on the general purposes rate?—Yes.

296. On the Crumlin and Old Park roads district sewers rate there is £520 still outstanding?—Yes; that is all that remains due.

297. You borrowed for this district £1,300 originally?—Yes; that is correct, I believe.

298. And those sums were all borrowed under the Acts of 1865 and 1868?—Yes; we borrowed from the Government £12,000 odd, and it is being paid off by yearly instalments.

299. Under the Act of 1873, were you not enabled to borrow £25,000 for permanent paving?—Yes; we only owe now £17,180; we had power to borrow £25,000, but we only borrowed £17,600.

300. For the permanent paving?—Yes; and we have paid off £420, leaving a balance of £17,180.

301. You also I see owe £2,500 on the Windsor district drainage rate, and £2,500 on the general purposes rate?—Yes; we had power to borrow £7,000 for this drainage district, and we have only borrowed £5,000 so far, and we have a margin of £2,000.

302. And on the Newtownards road district there are two sums still outstanding of £5,590 15*s.* 6*d.* each; the one secured on the district sewers rate, and the other on the general purposes rate?—That is quite right.

303. That makes your total outstanding mortgage debt £197,428 11*s.* exclusive of the gasworks?—Quite right.

304. Then under the Corporation Gas Act in 1874, you raised the amounts here?—We borrowed £468,754 on debentures; and £2,245 14*s.* 11*d.* on annuities. There is an instalment paid to the Bank of England of £11,000, which, taken off, would leave a total net debt under that head of £459,999 14*s.* 11*d.*

305. Did you borrow all that money from the Bank of England?—£220,000 only from the Bank of England and the rest from the public. A great many shareholders of the old gas company re-lent their money.

306. What were the terms upon which the Bank of England lent the money?—At 4½ per cent.; repayable by twenty yearly instalments.

307. Did you pay 4½ per cent. on the private debentures?—No; I think 4⅜ is the highest on the private debentures, and some of them less.

308. What are the rates of interest?—£2,250 at 4 per cent.; £76,520 at 4¼ per cent.; £349,684 at 4½ per cent.; and £40,300 at 4⅜ per cent. If we had money now to borrow we could get the bulk of it at 4 per cent., but at the time this was borrowed it was done on the best terms we could get.

309. Can you tell me the rate of interest paid on the primary and secondary mortgages?—For a long time we paid on the primary mortgages 5 per cent.; and that we reduced from time to time as the mortgages became due according to the state of the money market. We now replace any mortgages being paid off, by borrowing at 4 per cent.

310. Do not the primary mortgages vary from 4 to 4½ per cent.?—Yes.

311. While the secondary mortgages are all at 4½ per cent.?—Yes.

312. What are the checks upon the collectors of the rates?—This is one of the collector's books—it shows the money which he lodges in the bank. (Hands in book.)

313. He keeps an account showing the amount he has lodged?—Yes.

314. What is done with this book?—It is brought to the cashier and entered in his book; and he sees that it corresponds with the bank book. Then the accountant (Mr. Woods) checks the entries with the blocks of the receipts which the collector gives to the parties paying the rates. The collector's lodgments and Mr. Woods' sheet must tally, and both are examined by me, and I certify that they are correct.

315. They are all submitted to you?—Yes.

316. Does the cashier make up the account entirely from the collector's books?—Yes; and Mr. Woods makes a separate account of the returns from the block receipts given by the collectors to the ratepayers. They are further checked by the bank book to see that the amounts correspond. The two statements are made from different sources daily. All are examined by me before being submitted to the finance committee.

317. Are the collectors required to make lodgments daily?—They are authorized to hold small sums up to £5; but every sum over £5 they are required to lodge every day.

318. Have you the custody of the collectors' bonds?—I have.

319. What is the amount of their bonds?—They each give a bond in £1,000.

320. What moneys pass through your hands?—The only moneys that pass through my hands are, that I superintend all the borrowing and paying off of mortgages. If a mortgage is to be paid off a cheque is signed by the finance committee, and I take the cheque and pay the cash, and put away the mortgage. I am a sort of superintendent.

321. You are a medium between the two?—Yes.

322. What is the amount of your bond?—A bond of £2,000; two sureties of £1,000 each.

323. Who is that lodged with?—With the town solicitor, Mr. Black.

324. Will you now give me the burgess roll. There are 5,280 names on this roll?—Yes; that is for the present year.

325. Can you give me the rateable value of each ward separately?—The Dock ward is £96,054 15*s.* number of burgesses 997. This is the revised roll you have before you now. St. Ann's ward, £105,552 5*s.*, number of burgesses 1,136; Smithfield ward, £72,542, number of burgesses 660; St. George's ward, £106,590 15*s.*, number of burgesses 892; Cromac ward, £127,931, number of burgesses 1,595.

326. I observe you keep a regular account of the sinking fund applicable to each loan?—Invariably; we do not mix them at all.

327. And this is published in your annual statement?—Yes.

328. What assistance have you in your office?—I have an assistant and two juniors. These last are apprentices. Mr. Calcott is my assistant.

329. And does not he also act as registrar of the cemetery?—Yes.

330. Is he empowered to act in your absence as your deputy?—No; that is an omission in the Act that should be remedied. If I was ill or laid aside

for a while, nothing could be done. If I was unable to attend to my duties, I think the mayor should have power to appoint a *locum tenens*.

331. You think there should be power to appoint a deputy town clerk in case of the illness or temporary absence of the town clerk?—Yes; but I would not wish to have the responsibility of making the appointment myself.

332. What are the borough surveyor's (Mr. Montgomery's) special duties?—He superintends all sewerage matters, the repairs of roads, laying out new streets, and all other matters that a surveyor and engineer is bound to look after in a large town.

333. He sees, I suppose, that the Building Act is properly carried out?—Yes.

334. I think we understood from Mr. Black that the provisions of the Act of 1865 are those that are now acted upon, and not those of 1845?—I think we work by the later Act.

335. Are the provisions of the Act carefully enforced?—Mr. Montgomery is very particular in enforcing them so far as he can.

336. Do you act in any way as clerk to the gas committee, or is there a separate clerk?—I take their minutes and consider myself their secretary, but they have a staff in the office.

337. I see by this list they have two clerks in their office. Mr. Stelfox, the manager, is here described as a clerk?—He is the manager, and it is his brother who is clerk there.

338. I see; and then there is Mr. Gibbon, who is another clerk?—Yes.

339. The manager, I see, gets £600 a year?—Yes, and a house.

340. Is he a civil engineer?—He was brought up in these works under his father, who was a civil engineer.

341. And was he assistant to his father who was manager when the gasworks were owned by a public company?—Yes.

342. *Witness.*—I want for a moment to call your attention to the fact that as regards the balance of the secondary mortgages we have £4,075 invested in stock.

343. Ready to pay off as soon as the mortgages mature?—Yes; £4,075 three per cent. stock.

344. Now, to proceed, who pays all these wages?—The cashier. He keeps a book. All the receipts go into his hands under the police fund, the general purposes fund, the borough fund, and the cemetery fund, which is prepared every week and presented every week to the audit committee, and signed by the chairman of the committee.

345. He receives everything, in short, except the rates and the gas revenues?—Yes.

346. He is, of course, one of the officers who gives security?—Yes; £1,000 is his security, I believe. He enters the receipts in this book as they are paid into the bank, and gets an account of them from the bank. The market revenues are lodged in the bank in this way. He lodges everything and pays by cheque. The cheque is given by the committee having charge of the department.

347. How is the manure sold?—By auction.

348. How often?—About once a fortnight.

349. Have you the manure depot placed outside the town?—It is inside the town, unfortunately.

350. Is it surrounded by houses?—It is complained of occasionally.

351. *Witness.*—I ought to say, if I have not already told you, that all payments made are made by cheque. The cheque is signed by three members and the town clerk.

Mr. HUGH M'CALMONT WOODS examined.

352. CHAIRMAN.—You are the accountant?—Yes.

353. How long have you held that office?—Next month I shall be eleven years.

354. All the accounts in this book (the annual statement of receipts and expenditure), I understand from Mr. Black, are kept by you?—They are.

355. Would you just tell me from what sources you make this up. Just tell me the system on which these accounts are made up?—The cashier's book forms the basis.

356. That and the bank book together?—Yes.

357. These accounts are made up, I see, under four different heads—the police fund, the general purposes fund, the borough fund, and the burial fund?—Yes; they are all made up the same way. (See Appendix No. 5, page 207.)

358. And there is a separate account kept for the gas?—Yes.

359. Do you keep that?—No.

360. You have nothing to do with that?—No.

361. Now the police rate, we understand, is levied under the Act of 1845, and the amending Acts?—Yes.

362. You appear to have started that account last year with a balance in hand of £2,415 19*s.* 4*d.* in the treasurer's hands?—Yes.

363. And £16 0*s.* 3*d.* petty cash in the cashier's hands?—Yes.

364. That gave you £2,431 19*s.* 7*d.* to start with?—Yes.

365. I will just go through the receipts and the payments, as I have summarized them. You received on this account, £34,818 2*s.* 6*d.* from rates last year?—Yes; that is less the amount refunded—the net amount.

366. Yes; what I want to know from you is, how far that is short of the rate that was laid?—I have got the account here—"Police rate levied, £36,713 0*s.* 3*d.*" last year.

367. And you received £34,818 2*s.* 6*d.*, which included arrears from the preceding rate?—Yes, and included £997 7*s.* 4*d.* which we received from the Government in lieu of rates.

368. Is not that carried into those arrears?—It is.

369. What arrears of the preceding rate were carried forward into that last year?—£997 7*s.* 4*d.*

370. Then I see those arrears consisted wholly of the Government bounty?—Yes.

371. You only strike one rate in the year?—That is all.

372. Under any of these Acts?—That is all.

373. Is that rate always struck on the 1st January?—Yes.

374. Are all your rates struck at the same time and collected at the same time?—Yes.

375. Now, I find here, amount of arrears brought forward, £544 9*s.* 9*d.* Are these all irrecoverable arrears?—No.

376. All collectable arrears?—A small portion of them have been recovered.

377. Does not the collector of the police rate bring forward what is supposed to be collectable arrears distinct from those which he considers cannot be collected? I presume he, at least, submits the list to you as the accountant, and then to the finance committee or the audit committee, and gets the really irrecoverable arrears allowed by the committee?—Yes.

378. Well, then, after deducting those struck off, I remark that there are arrears brought forward into the last rate of ——?—£544 9*s.* 9*d.*

379. That, with the £997 7*s.* 4*d.*, would give a total amount of £38,254 17*s.* 4*d.* to be collected, and, deducting £34,818 2*s.* 6*d.*, the amount brought in, would leave £3,436 14*s.* 10*d.* still outstanding, still to be allowed as irrecoverable or uncollected?—Yes; £3,436 was the actual amount not collected, and of that sum there was for discount 25 per cent. allowed, and payments subsequently received £3,080.

380. Then there would be only between £300 and £400 collectable rates outstanding?—Yes; £346 carried forward into the next rate.

381. After allowing for the discount, &c.?—Yes.

382. The next receipts, after leaving the rates, arise

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Mr. Hugh M'Calmont Woods.

from the markets, and I see that your gross receipts from them amounted to £9,223 7*s.* 5*d.*?—Yes.

383. And the expenditure on the other side for rents and salaries, weighmasters, market patrols, rates, and taxes, amounted to £2,897 17*s.* 5*d.*, leaving a net profit from the markets of £6,325 10*s.*?—Quite correct.

384. Following the order in this book, we have the weights and measures, from which you received £156 13*s.* 3*d.*, and you expended in wages to the adjusters, and sundry small payments, £71 16*s.* 4*d.*, leaving a net profit of £84 16*s.* 11*d.*?—Quite correct.

385. Slaughter-houses come next. From the slaughter-houses you received £528 5*s.*?—Yes.

386. What are those receipts made up of?—The use of slaughter-houses for slaughtering cattle.

387. This is, of course, confined to the public slaughter-houses?—Yes.

388. How many of them are there?—A whole block of buildings.

389. Are they outside the town?—They are not; they are towards the river Lagan.

390. Are they so kept as not to be a nuisance in any way?—As to that I cannot say.

391. Do you know whether there are any complaints of their being a nuisance?—The only complaint that I heard of was from the gas manager.

392. Does he live near them?—He does.

393. Mr. EXHAM.—Do they charge so much per beast for the use of the slaughter-houses?—The clerk of the markets will be able to tell you that.

394. CHAIRMAN.—Then as to your expenditure on them, you have, I see, a superintendent?—Yes.

395. Then his wages and those of the people employed under him, and gas, water, taxes, repairs, and alterations, insurance, &c., amount altogether to £348 10*s.* 9*d.*, leaving a net profit of £179 14*s.* 3*d.*?—Yes.

396. Then we come to a large item—the fines accounts. The gross amount of receipts from fines was £3,063 16*s.* 8*d.*?—Yes.

397. And the expenditure for stamps, checking returns, and summonses was £166 17*s.* 6*d.*, leaving a net balance of £2,896 19*s.* 2*d.*?—Yes.

398. Your next receipt is £282 8*s.* for licenses?—Yes.

399. Of which £248 18*s.* is for carriage licenses, and the balance from owners of lodging-houses, and slaughter-houses?—Yes.

400. On the other hand you paid for car inspectors—wages and clothing, £185 19*s.* 6*d.*?—Yes.

401. Next comes your rent account. What are these houses for which rent is paid you in Church-street and Chichester-street? Are they houses for markets?—No; they are not in connexion with the markets at all.

402. I understood you had no real property except the property for the markets, and the public parks?—I believe that is the only house there is.

403. The only two houses?—This house from which we receive £15 in Chichester-street, is part of the market property.

404. Mr. LAWLESS.—What is that other house?—It is the only house we have apart from the market property.

405. Do the Corporation use it?—We pay head-rent of £12 6*s.* 2*d.* on it.

406. And you receive £36 a year for it?—Yes.

407. CHAIRMAN.—Where is this slob land from which you appear to get £6 a year?—It was merely a temporary purchase.

408. Where is it?—At the Lagan; convenient to Ormeau Park.

409. You have also some small weekly tenements?—One small house at the Albert-bridge, and there is another small house at the Linfield-road.

410. How do these small tenements happen to be the property of the Corporation? Have they been recently purchased, or have they belonged to them for a long period?—Before I joined the Corporation they belonged to it. As regards the house at Albert Bridge-road, Albert-bridge was built by a private company, and they have part of the house at the bridge; but eventually the Corporation and the counties of Antrim and Down, bought the rights of the owners in this bridge and threw it open to the public, and the bridge and the whole of the house vested in the Corporation. That is the house referred to. As regards the house on Linfield-road, we had a claim upon the house and the little piece of ground near it, for some work executed in the street in front of it. The property was sold in the Landed Estates Court, and this was put up as a separate lot and would not bring anything, and we thought that if we were to widen the bridge there, we would have the ground for doing it, and the Landed Estates Court handed us over the place, in consideration of the claim we had against them.

411. The net amount you receive on the rent account is £56 10*s.* 1*d.*?—Yes.

412. Next comes the fire brigade, which cost you £1,810 17*s.* 3*d.* Is that all the expenditure connected with it?—Yes.

413. And you receive, as we already heard in Mr. Black's evidence, £359 14*s.* 3*d.*?—Yes.

414. Leaving a net charge against the fire brigade account of £1,451 3*s.*?—Yes.

415. Income tax, as entered upon the expenditure side of your account, stands thus:—Assessed on estimate amount of interest for one year £54 19*s.* 2*d.*, and the receipts from sundry persons £54 5*s.* 11*d.* They do not balance themselves?—We pay the amount of income tax on the interest.

416. But you do not get the full amount; you ought to get what you pay?—It is always a little more than we receive.

417. They ought to balance themselves exactly; however, they do to within a very few shillings. Then next there is your lighting account. You pay for gas for the public lamps £7,044 2*s.* 5*d.* for one year, and for lamp columns and other expenses connected with them you pay £244 10*s.* 7*d.*?—Yes.

418. And then, deducting from that £36 which you get back from private individuals for moving and refixing lamp-posts, shows a net charge against this fund on the gas account of £7,252 13*s.*?—That is so.

419. You get, I see, from the Belfast Bank £165 18*s.* 4*d.* to the credit of this fund, although it is overdrawn at the close as interest on your bank account for the year?—Yes; they started with a balance of £2,000 odd in hand.

420. "House Accounts." Are these the accounts for keeping the courts and the cells for the prisoners?—You might call it the court account.

421. It consists principally, I see, of expenses connected with the police cells, and the coals and gas for the courts and town-hall?—Quite right.

422. That, of course, is an account showing a considerable balance on the wrong side, for after deducting "£90 15*s.* 6*d.* from Sub-Inspector Blake, proceeds of the sale of forfeited property, &c.," your expenditure connected with the courts and the police cells shows a balance on the debit side of £640 6*s.* 6*d.*?—Yes.

423. Mr. EXHAM.—Does not the Government pay a portion of the keeping up of the court-house?—We get those fines.

424. Are there not many who are not fined at all?—We have to pay all the expenses connected with prisoners in the gaol, amounting to £6,000 or £7,000 a year.

425. CHAIRMAN.—That is a different matter. You pay that under the Antrim and Belfast Borough Act?—Yes, under the Act of 1865. We paid that previously as portion of the county. If they were committed in the county, they would have to pay it in the county.

426. Mr. EXHAM.—From what fund do you pay it?—It is under the general purposes fund. The Government receive all the stamps upon summonses and things of that sort, and all they have to pay is the petty sessions clerk's fees.

427. You get all the fines?—Yes; but they get the proceeds of the stamps.

428. CHAIRMAN.—The only salaries which appear charged to this fund are Mr. Green's and Mr. Cobain's.

Who is Mr. Green?—He was the superintendent of the borough police court, and he has now retired on his allowance.

429. There are, I see, two other Greens superannuated—Francis and Samuel?—He only retired lately.

430. And the salary of Mr. Cobain, the cashier, is charged partly to this fund and partly to another?—Yes.

431. The salaries on this fund are £375 10*s.*, and superannuation allowances, £202 2*s.* 6*d.* Then there is the miscellaneous account, being the large item of £649 10*s.* 6*d.*, of which, however, very full details appear to be given, and which have been all, of course, submitted to the auditor?—Yes.

432. The law costs which stood in your accounts as £1,123 12*s.* 8*d.* would, if the two first items of this miscellaneous account were added, be brought up to £1,188 3*s.* 1*d.*?—Yes; if you include the expenses of a deputation to London, amounting to £41 6*s.* 3*d.*

433. And if you add to the printing, stationery, &c. from these miscellaneous items, £28 13*s.* 11*d.*, which properly would seem to belong to that account, you would bring that up to £147 5*s.* Other items might very well have been classed under the heading of street improvements, but taking the miscellaneous items as they stand at £649 10*s.* 6*d.*, deducting as per contra the £59 3*s.* 7*d.* which you received principally from Lord Donegall for the removal of Lord Belfast's statue, the net charge under this head is reduced to £590 6*s.* 11*d.*?—Yes.

434. Then comes the next, and the heaviest charge in this account—constabulary, £15,160 15*s.* 11*d.*, in addition to which there is apportioned, I find, to the general purposes fund, a further sum of £1,082 18*s.* 3*d.*, which makes the total expenses of the police to the town, £16,243 14*s.* 2*d.*?—Yes.

435. How do you apportion these? There is no portion, I think, charged on the borough fund account?—No; there is not.

436. Who makes this apportionment?—I do. (Hands in estimate.)

437. This does not explain the principle upon which you apportion such a small proportion to the general purposes fund. The Act of 1865 gives you instructions how to apportion it. You make the apportionment, and you must know how it is done. You put the largest amount on what I would call the improvement rate?—We put as much as possible on the police rate.

438. You call it the police rate, because you pay so large an amount of the police expense out of it, but I should call it the improvement rate: it answers to the improvement rate elsewhere?—As far as I remember, we were advised that it would be absolutely necessary to do it.

439. I have no doubt there is some very good reason for it.

440. Your expenditure on market improvements was £2,991 0*s.* 11*d.* Were these mainly substantial improvements, irrespective of repairs?—Yes.

441. And on the erection of slaughter-houses you spent, I see, £40 12*s.* 7*d.*, and on street improvements, £5,835 9*s.* 2*d.*, against which you got back from private owners, £83 17*s.* 8*d.*, making your net expenditure under this head, £5,751 11*s.* 6*d.*, and on municipal buildings, which is all the same class of expenditure, you spent £1,571 12*s.*?—Yes.

442. That makes up all your expenditure except what was set apart under the Improvement Act of 1845, and the Award Act of 1864, for a sinking fund. There was £3,028 13*s.* 6*d.* set apart, I see, for that purpose under the former Act, and under the Award Act you set apart £1,800 16*s.* 6*d.*, which makes up altogether £4,829 10*s.* paid to the sinking fund out of the current rates?—Yes.

443. That left you not in nearly so favourable a position on this account as when you started in the beginning of the year. There was then a balance in hand of £2,431 19*s.* 7*d.*, and now the account is overdrawn by £2,086 11*s.* 9*d.*?—Yes.

444. On the other hand there is a trifling balance, I see, in the cashier's hands of £8 6*s.* 6*d.*?—Yes.

Adjourned.

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Mr. BLACK re-examined.

445. CHAIRMAN.—I believe you desire to supplement your evidence with regard to the police fund?—Yes; I wish to explain the principle of the apportionment of the police rate upon the two funds—the police fund and the general purposes fund. The first Act relating to the subject is the 28th and 29th Victoria, chap. 70, a public Act that altered the distribution of the constabulary force in Ireland to make better provision for the police force in the borough of Belfast. After fixing the number of constables, and so on, the 5th section goes on to say that one moiety of the expense of the additional police force shall be paid by the Council by means of the rates to be applotted and levied in the same manner as the moneys theretofore raised and applied, or which might be applicable to the maintenance of a police force in the town of Belfast. That section authorized the payment of the cost of the constabulary out of the police rate. Then came the Local Act of 1865 which was passed immediately after the Constabulary Act, and if you refer to section 50 of that Act, you will perceive that the Council are there authorized to levy a general purpose rate, and the section I refer to empowered the Council to estimate yearly the amount that would be required during the ensuing year, for several purposes, including the following—To pay such proportion of the cost of maintaining the police force of the borough as the Corporation might declare to be chargeable against the entire borough. Section 54 of the same directed the rate to be applied to the purposes referred to in the section I have just referred you to. Therefore the Corporation are of opinion that they have power to charge any portion that they may think reasonable of the cost of the police force against the general purposes rate; and under the public Act I have referred you to before that, that the remaining portion should be charged to the police rate, so that the expense shall be put partly on the general purposes and partly on the police fund.

446. There is no doubt you have power to apportion the cost of the police force on those two funds, but no principle is laid down on which you shall so apportion it?—No; it is left quite discretionary with the Corporation; and as they could not exceed the limit of taxation in respect of the general purposes fund they were obliged reluctantly to put a large proportion of the cost of the police on the other rate—the police rate—than they would have been disposed to do under other circumstances.

447. Mr. LAWLESS.—Is there any minute of the Corporation bearing on that?—I have not looked.

448. CHAIRMAN.—Who makes the apportionment?—The finance committee. The finance committee yearly make an estimate—the estimate I gave you yesterday—that is brought before the Corporation at a special meeting usually held about the 29th of November—it must be held before the 1st of December—and the Corporation approve of that estimate, or alter or amend it as they think necessary; and sometimes I have known instances in which the estimate was amended by altering the proportions of the cost of the police to be charged upon each fund.

449. Have you then known the estimate to be altered by the Town Council, after the finance committee have made their estimate. The finance committee make their estimate upon an estimate prepared by the officers of the Corporation—usually yourself or the accountant, I presume?—It is usual for the ac-

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countant and myself to make up the estimates, and in doing so, we are always guided by the law, as well as by the state of the finances.

450. Mr. LAWLESS.—There is a balance remaining on the malicious injuries account after the rate was made in 1874, of between £800 and £900. At the beginning of the year it was £883 12*s.* 1*d.* in the hands of the treasurer, and then there is a sum of £56 19*s.* 6*d.* arrears of the rate struck for malicious injuries in 1874, and brought in to the general purposes account before us. I wish to know whether—you having struck a rate for a sum of above £1,000, which you were empowered to apply out of the general purposes rate for the payment of malicious injuries—the Act does not provide that any balance remaining over should be applied in aid of the rate?—Yes; in aid of the malicious injuries rate.

451. That is the question—whether it is in aid of the malicious injuries rate. Of course it is necessary that you should keep a balance in hand for malicious injuries; but the question is, whether the words of the Act do not apply to the general purposes rate. The section of the Act I refer to is section 48, and that section is to the effect that any balance remaining over in hand for any particular purpose for which a special rate is levied, shall be applied by the Corporation in aid of the rates to be levied for the next following year. It is quite an open question whether that means the malicious injuries rate to be levied in the next following year, or the general purposes rate, inasmuch as you would not levy a malicious injuries rate unless you wanted a sum of over £1,000; and so it occurred to us that it must be the general purposes rate?—Sections 45 and 47, both refer to a special rate; and section 48 provides that any balance remaining over—any balance of a special rate—shall be applied by the Corporation in aid of the rate to be levied in the next following year.

452. But it does not follow that it should be the malicious injuries rate. You will find that the special rate is referred to both in the 46th, 47th, and 48th sections of the Act?—We would have, I may tell you, no desire but to put it in aid of the general purposes rate if we could.

453. That special rate produced £3,577 15*s.* on the first levy in 1874?—It was a rate of 2*d.* in the pound in the lighting and watching district, and 1½*d.* in the pound in the other portion.

454. CHAIRMAN.—The compensation had been previously assessed in the year before—1873?—Yes.

455. And it was, of course, paid?—Yes; the actual amount paid was £3,577 11*s.* 8*d.*

456. And we understood that claims amounting to £14,000 were reduced to that sum?—Yes; in addition to that £14,000 we had also claims for injuries to the person, but I succeeded in defeating all of those claims.

457. Your special rate was to meet that £3,577 11*s.* 8*d.*?—Yes, it was. The reason it was necessary to levy a rate of 2*d.* was this—because a rate of 1½*d.* would not have been sufficient; besides, if we attempted to levy a rate of 1½*d.*, we would get into eighths, because we have to keep a certain proportion—a fourth—between the lighted and watched district, and the other proportion outside the borough; so that we had to strike a rate of 2*d.* in the pound in order to do that.

458. In 1874, after satisfying the £3,577 odd, there remained a balance of £963?—Precisely, and any claims for any injuries that have occurred since have been paid out of it.

459. That is kept as a separate account?—Yes.

460. Mr. EXHAM.—What is the value of the portion to which the 1*s.* 6*d.* rate applies, because I thought the lighting extended to the whole borough?—Oh no; but substantially it is the whole borough.

461. Then it must be a very small portion that is under the 1*s.* 6*d.* rate?—Yes; it is a very small portion. The total valuation outside the lighting and watching district is £6,953—about one-hundredth part of the valuation.

462. How is it that all the salaries are charged to the borough fund with the exception of one or two?—The officers of the corporation—the town clerk and all his department we have always looked upon as chargeable against the borough fund. The surveyor's department being connected with the streets and sewers, is charged to the general purposes rate.

463. I can understand that that should be charged to the general purposes fund, but almost all the other salaries are charged to the borough fund?—Yes, that is the rule we adopt.

Examination of Mr. WOODS resumed.

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464. CHAIRMAN.—We will now turn to the general purposes fund—that is your largest fund I believe?—Yes.

465. Last year, the year we have before us, ending December 31st, you had a balance of £52 0*s.* 10*d.* in the hands of the cashier?—Quite right.

466. And there was a balance in the hands of the treasurer, under the head of malicious injuries account, of £883 12*s.* 1*d.*?—Yes.

467. On the other hand there was a balance due to the treasurer on the general account, of £8,260 2*s.* 2*d.* at that moment?—Yes.

468. You struck a rate of 2*s.*?—Yes; 2*s.* within the lighted and watched district, and 1*s.* 6*d.* outside that district.

469. Practically we may call that a 2*s.* rate, of which there was collected, with the arrears of former rates, £45,007 12*s.* 11*d.*?—Yes, that is so.

470. And you received from the Government in lieu of rates, £997 7*s.* 4*d.*?—Yes.

471. The total amount struck of rate was £49,418 12*s.* 9*d.*?—Yes.

472. Can you tell me what were the arrears carried into that rate from the preceding one?—£864 5*s.* 6*d.*

473. Collectable arrears?—What were supposed to be collectable arrears.

474. That gave you £50,282 18*s.* 3*d.* to collect, exclusive of the Government payment in lieu of rates?—Yes, that is so.

475. Of that you collected £45,007 12*s.* 11*d.*, and that left you exactly £5,275 5*s.* 4*d.* to collect at the close of the year?—That is quite correct.

476. Of that £5,275 5*s.* 4*d.*, how much have you had pronounced as irrecoverable?—£4,715 17*s.* 5*d.*

477. That is by reason of void and uninhabited houses, and the allowance of twenty-five per cent. to landlords on houses under £8 a year?—Yes, quite correct. I may mention that the discount allowed would represent 3·52 of the total assessment upon that rate.

478. Can you tell us how much of that £4,715 17*s.* 5*d.*, the discounts would represent?—I have not got that made out.

479. That left you a recoverable arrear of £559 7*s.* 11*d.*, and that was I suppose carried into the new rate?—Yes.

480. Mr. LAWLESS.—By what authority do you allow that discount to landlords?—By the Act of 1845.

481. Is that balance of £559 7*s.* 11*d.* now in course of collection with the new rate?—There is a slight difference in that, and it occurs in this way—the Government valuator amends the value on appeal and these accounts are sent in about the month of April, and the rate books are amended in accordance with that, and that has increased the amount slightly, making it up to £582 17*s.* 8*d.*

482. You refunded I see £16 16*s.* 2*d.* That is a rate I suppose that had been paid in error and refunded. How does that arise?—When an occupier leaves a house; if it is at the latter end of the year, the amount is refunded by cheque drawn upon the treasurer.

483. If an occupier pays the rate for the whole year and only occupies the house for part of it, you return the balance; and do you then get it from the incoming tenant?—Yes; if the house is occupied. There is a section in one of our Local Acts of Parliament bearing on the subject. If the tenant enters a fresh quarter he pays the whole quarter.

484. That gave you as the net receipts from the general purposes rates £45,988 4*s.* 1*d.*?—Yes; that is quite correct.

485. And then you got that balance we have already alluded to from the malicious injuries rate of 1874, which amounted to £56 19*s.* 6*d.*?—Yes.

486. That cleared up that rate?—Yes; with a trifling sum of £4 19*s.* 6*d.*, which was carried forward.

487. The 380th section of the Act of 1845, I see, deals with the apportionment of the rates on the occupier quitting the premises, and provides that the Council shall recover the portion of such rate for such portion of time as he shall be in occupation of the premises, provided always that no allowances shall be made for any portion of a quarter of a year?—Yes; that is so.

488. The commission on the amounts the collectors received reached the sum of £663 0*s.* 1*d.* at 1½ per cent.?—Yes.

489. And then we get a payment for malicious injury to property amounting to £28 14*s.* Was that all that accrued due under that head last year?—Yes; that was for all.

490. You had to pay a balance of £5 17*s.* 7*d.* to the Belfast Bank for interest, but considering that you owed the bank at one time £8,000, at the time I can hardly understand how it is that the charge for interest is so small?—The large amount of rates got in in the first month of the year and placed to our credit accounts for that.

491. Then you were overdrawn to the extent I have referred to for but a very short time?—Precisely; only a month or two; and then, the time at which the bank make up their interest account is in July, and not in January.

492. And probably in the preceding July you had a balance in hand nearly equal to the balance against you in December, and that is how the two accounts so nearly balance each other?—Yes.

493. The net result at all events is that you were only charged £5 17*s.* 7*d.* interest by the bank during the year upon this account?—Yes.

494. I will now proceed to go through the receipt side of the account. The next receipt is one of those loans which we referred to yesterday, of £5,000 on mortgage of the general purposes rate for the Newtownards-road drainage district. You borrowed from the Commissioners of Public Works £5,000 on the general purposes rate?—Yes.

495. Which is entered as credit to that amount here?—Yes.

496. And then there is a small cross entry for income tax. On the police rate yesterday, we noticed that they did not pay you quite as much as you were assessed at on your estimate. In this account, on the other hand, you received a little more than your estimate, 16*s.* 3*d.*?—We were receiving loans day after day which accounts for that.

497. With regard to this £5,000 that was borrowed on the general purposes rate for one-third of the Newtownards-road district drainage expenses. Was that sum expended on the Newtownards-road district drainage entirely?—It was.

498. Where does the expenditure appear in this account?—It does not appear in that account. The works had been principally completed before the loan was got.

499. Did the expenditure appear on the preceding year's account then?—It does partly appear there.

500. Just refer me to that?—I will.

501. It was all expended on the sewerage and works connected with the sewerage in the Newtownards-road district—was it?—It was.

502. I find that the sum of £13,828 17*s.* 7*d.* was expended on the Newtownards-road district last year, and £2,150 had been expended during the year before?—Yes.

503. Of that £13,828 17*s.* 7*d.*, £9,859 1*s.* 10*d.* was a payment to the contractor on account, and £3,020 was paid to what you call your store yard account for bricks?—Yes, that is quite correct.

504. What are these "permits" which are the next item—"amount refunded to sundry persons, £1,381 10*s.*"?—They are deposits lodged by ratepayers when they desire to erect new premises or alter old ones, and have to put up boardings—to secure that they make good the footway when the work is completed, and if that is done to the satisfaction of the Corporation, the money so lodged is refunded. The course adopted is this—A party applies to the Corporation for liberty to erect a boarding in a particular street, and take up a portion of the flagway in that street for the purpose opposite the building, and in order to secure that that flagway shall be properly restored when the work is done, the surveyor requires that a certain sum, £12 or £20 or £30 as the case may be, shall be deposited with the cashier of the Corporation, who gives a permit for the work to be done in the shape of a receipt for the deposit. At the proper time after the work has been completed the surveyor initials the permit as evidence that the work has been done to his satisfaction, and the flagway properly restored, and the person may then get back on the permit the amount of money lodged as a deposit.

505. And thus then these two cross accounts arise. You received £1,415 for these permits, and you refunded to persons in consequence of their having fulfilled their guarantee, £1,381 10*s.* which leaves £33 10*s.* a balance to the credit of this year's account in the end?—Yes.

506. And now come your miscellaneous items. I should have added the stamps to the stationery account, and "the compensation for way leave for sewers," and "the fees in the suit against Mr. M'Tear," in that matter to law costs. In round figures, however, your miscellaneous account shows a balance of £155 3*s.* 7*d.* against you?—That is quite correct.

507. Of which part are applicable to law costs, and part to other items, stationery, &c.?—Yes.

508. Then we come to the store-yard account, which to my mind is the most complicated account of the whole. The result, however, seems to be this—that you purchased materials for various works in the town to the amount of £17,157 6*s.* 3*d.*, which were principally paving stones, bricks, flags, curbstones, quarried stones, &c., amounting to the large sum of £17,157 6*s.* 3*d.*?—Yes, that is so.

509. These are properly carried into your store-yard account as expenditure?—Yes.

510. And sums are set down on the opposite side as receipts from the different works for which these stores, and also other stores, which you had in hand of the same description were used. You actually supplied out of your store-yard materials for repairs, &c., representing the sum of £29,302 9*s.* 11*d.*, which is entered to the credit of this account?—Yes, that is quite correct.

511. Leaving a balance in favour of that account of £3,145 3*s.* 8*d.*?—Yes.

512. Do you give out these materials at about the same price as you buy them?—At about the same price.

513. Mr. EXHAM.—Is there any labour applied to these materials in the store-yard before they go out, and if so, how do you arrange for that on the other side of the account?—The material goes out, I may say, at the same price.

514. CHAIRMAN.—The labour in connexion with all these works is found at the opposite side of the account charged separately?—Yes.

515. Then in the Ballymacarrett account you got a sum of £7 8*s.* 6*d.* from certain persons, their contribution towards making crossings, &c.?—Yes.

516. The whole cost in the Ballymacarrett account for the repairs of streets, watering them, &c.; and constructing the middle-path, street sewer, &c.,

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amounts, after deducting the £7 8*s.* 6*d.* so repaid, to £3,084 14*s.* 7*d.*?—Yes, that is quite correct.

517. Of course you take stock of the stores in your store-yard account from time to time?—Yes; every year.

518. And the estimated value of the stores in hand is submitted to the committee, I presume, or do the committee not take cognizance of it?—The stock is taken at the end of the year by the surveyor, and he supplies an estimate of the value of the stock in hands.

519. Just, I suppose, as they do at the gasworks when they take stock of the coals and other materials in hands?—Yes.

520. Mr. EXHAM.—But that does not appear on the account. Have you any account that will show that?—If you look at the account for 1874, you will find that the cost of the material purchased in that year was £15,142 10*s.* 2*d.*, and the amount transferred £12,038, which would leave a balance of about £2,903.

521. CHAIRMAN.—Your scavenging for the year, including what you gave the Belfast Water Commissioners for watering the streets, amounted to £10,504 17*s.* 3*d.*?—Yes.

522. Against which you sold manure amounting to £2,679 18*s.* 3*d.*, leaving a balance of £7,824 19*s.* against the Corporation on their expenditure for keeping the streets in order?—Yes; that work was all done in the Antrim portion of the borough; that is on this side of the Lagan.

523. I do not see any expenditure under that head in the county Down portion of the borough, unless that is contained in the Ballymacarrett account?—Yes; you will find it in the Ballymacarrett account.

524. Yes, in the Ballymacarrett account there is, I see, a sum of £891 6*s.* 10*d.* for scavenging out of the total sum I previously mentioned?—Yes.

525. So that in point of fact £8,716 was the total expenditure on scavenging for the two portions of the borough?—Yes.

526. After setting off the sum of £2,679 18*s.* 3*d.* which you realized by the sale of manure?—Yes; but against those receipts you have the expenses of the street inspectors, &c., which are charged to the county Antrim side of the account.

527. The net result is, that after deducting the proceeds of the sales of manure the scavenging cost £8,716 5*s.* 10*d.*?—Yes; that is correct.

528. The repairs of streets do not appear to be charged to any special portion of the borough. On the general repairs of streets you expended £12,126 6*s.* 8*d.*, and you got back from the gas department, the Belfast Water Commissioners, the Sanitary Committee, and other persons for repairs over the street mains £711 17*s.* 7*d.*, leaving a net charge on the general purposes fund £11,414 9*s.* 1*d.*?—That is quite correct. That is for the Antrim portion of the borough.

529. That is for the general repairs of the streets only on this side of the Lagan?—Yes.

530. In what sense are the permanent flagging and paving and making of crossings, &c., on sundry streets described as "special works"?—Those are works permanent in the sense that we expect them to last for some time.

531. Are these all for the Antrim portion of the borough?—Yes.

532. You appear to have thus expended a sum of £1,282 18*s.* 5*d.* for paving and crossings. You got back from private individuals for flagging footways opposite their houses £442 4*s.* 11*d.*, leaving the expenditure under that head at £840 13*s.* 6*d.*?—That is quite right.

533. Why is Town-hall-street a separate item under the head of estimated works. Why should not that be calculated with the other streets?—It was estimated work to be done, in which the owners were to pay the actual cost when ascertained.

534. The owners did not do it though?—The Corporation are owners of a considerable portion.

535. Is it the street in which the Town-hall is situated?—Yes.

536. You spent on that work £1,029 5*s.* 7*d.*, and got back from private owners £478 18*s.* 6*d.*?—Yes.

537. Leaving the net expenditure under that head £550 7*s.* 1*d.*?—Yes.

538. Then you borrowed under the Provisional Order Act of 1873 £9,800 for permanent paving beyond what we have just noticed, and you spent £9,823 14*s.* 8*d.* on four streets?—Yes.

539. Which is £23 14*s.* 8*d.* more than you borrowed?—Yes.

540. Of that there was no less than £7,324 odd which went back for material supplied to the credit of the store-yard account which we have just passed?—Yes, that is so.

541. Here is a long cross entry for what are described as "ordered works" under the two borough Acts?—The County and Borough Acts, 1865 and 1868.

542. Are these works which would have been paid for out of the Grand Jury cess?—No, they are not. They are new streets that are ordered by the Corporation, where the owners of the property have a month, which is allowed to elapse for the purpose of commencing the works themselves. If they take no steps to proceed with the carrying out of the works the Corporation take them in hand themselves, and afterwards recover from the owners of the property the amount of their portion of the cost of such works. If the estimated cost exceeds the actual cost, the difference is refunded to the owners of property; but if, on the other hand, the works cost more than was estimated, they pay the balance to me.

543. That is done as regards the Antrim portion of the borough under the 89th section of the Act of 1865, and there is a corresponding proviso in the 23rd section of the Act of 1868 as regards the county Down portion, I presume?—Yes.

544. These "ordered works" occupy two pages of your accounts, but the net result, as far as I can make out, is that you received, in the first instance, £1,761 19*s.* 9*d.* from the owners, and refunded £217 8*s.* 2*d.* upon over estimates, leaving a net receipt of £1,544 11*s.* 7*d.* from the owners?—Yes.

545. While you expended only £977 15*s.* 8*d.*?—Yes.

546. So that you have to expend something like £600 more to do the work you have undertaken to do, unless you did it the preceding year?—They pay upon the estimate, and the works are not yet completed. The works are still going on.

547. You have money in hand from the owners at present, or rather you had at the end of 1875, to the extent of £566 15*s.* 11*d.*?—Yes.

548. Now we come to the drainage works in special districts. I see you struck a district sewerage rate on the Crumlin and Oldparks road district, and the rate you collected amounted to £201 18*s.* 7*d.*; was not this the 3*d.* rate for the district?—Yes.

549. Did you get all of it in?—Yes.

550. And you paid interest on mortgage in respect of that district to the amount of £35 15*s.*, and you repaid on the mortgage account an instalment of £130?—Yes.

551. Making up, with commission to the rate collector, your net expenditure (out of that rate of £201 18*s.* 7*d.*) to £168 15*s.* 5*d.* on the roads of the Crumlin and Oldparks district?—Yes.

552. Were no works then done there last year?—No.

553. The next item is the Antrim roads district, where you struck a rate of 7*d.* in the pound—what did that rate amount to?—£641 16*s.* 3*d.*

554. Of which you got £603 9*s.* 10*d.*?—Yes.

555. And you received from sundry persons in that district, as their one-third of the cost of the sewers, £102 12*s.* 4*d.*?—Yes.

556. And you expended in paying off instalment of loans and interest on mortgages, and in the final payment of £50 to Thomas Monk on this contract, £609 2*s.*?—Yes.

557. Did that complete all your payments in regard of the works of the Antrim road district?—Yes.

558. And left you a balance in hand of £97?—Yes.

559. Now we come to the larger works—those of

the Newtownards road district. We have already had the statement that you borrowed £5,000 on the general purposes rate for that district, and you borrowed another £5,000, which was a special charge on the Newtownards road district sewerage rate—that made a loan of £10,000 altogether, applicable to that drainage district?—Yes.

560. And you got, I see, £2,704 9*s.* 6*d.* from private individuals, as their one-third of the estimated cost of the sewers?—Yes.

561. And made a 10*d.* rate, which realized how much?—£946 6*s.*

562. Of which you collected £824 6*s.* 9*d.*?—Yes.

563. And that brought up your receipts to £8,529 13*s.* 4*d.*, exclusive of the £5,000 borrowed on the general purposes rate?—Yes.

564. So that, as a matter of fact, you had a sum of £13,529 13*s.* 4*d.*, which you received, and which was applicable to the Newtownards road district drainage?—Yes.

565. And you expended £13,828 17*s.* 7*d.*, so that although on the Antrim road district you had a balance in hand, the Newtownards road district owes you, as nearly as possible, £300?—Yes; I may mention that the total amount of the loans on the Newtownards road district is £1,119, received this year, which completes the loan. Previously we had only got £10,000.

566. Have you got any more to receive from private individuals, as their one-third of the estimated cost of the works?—We have.

567. Then the Newtownards road district will not be in difficulties, and probably has not a deficit by this time?—It has not, or will not have, by the time the money due is collected.

568. The result of all these complicated transactions on the general purposes rate is, that you left off at the end of the year with a balance still against you, but about £4,000 less than it was at the beginning of the year's account. According to the treasurer, the balance against you at the end of 1875 was £4,329 8*s.* 6*d.*, per contra, you had £89 0*s.* 5*d.* cash in the hands of the cashier, and £936 7*s.* 11*d.* in the hands of the treasurer to the credit of the malicious injuries account?—That is quite correct.

569. All these particular items have, I presume, been gone through by the auditor, and he has satisfied himself of their correctness?—Yes.

570. I see I omitted to notice page 33 of this account, where I find, besides the salary of the borough surveyor, £575, and his assistants, £458 2*s.* 6*d.* There are the salaries charged of two persons named Millar and Munce—who are they?—Millar is the surveyor of roads, and Munce is the book-keeper in the surveyor's office.

571. Are they both in the surveyor's department?—Yes.

572. Then the annual charge directly under the head of salaries for the surveyor's department is £1,282 5*s.* 10*d.*?—Yes.

573. Of which Mr. Montgomery receives the largest salary of any person, £575?—Yes; but his salary is now raised to £650 a year.

574. Then I see there is on the same page a sum of £245 6*s.* 1*d.* charged for advertising, printing, and stationery?—Yes, that is quite correct.

575. And then you paid in instalments on mortgages £468 7*s.* 2*d.*, and you also paid interest on mortgages to the amount of £297 3*s.*?—Yes.

576. We have now noticed everything that appears on the "general purposes" fund account?—Yes.

577. I see in the borough fund account you commenced the year 1875 with a good balance in hand—£6,041 15*s.* 10*d.*?—Yes.

578. You struck a three penny rate on the borough fund, and I find that it realized £5,897 16*s.* 6*d.*, whereas it was only estimated to produce £5,895 9*s.* 5*d.* You will perceive that there is a difference of something over £2?—Yes. That is accounted for in this way, by the Government valuator giving us an amended valuation. We adopted that amended valuation, and that raised the amount of the rate a little.

579. Then after the rate was struck was there an amendment in the valuation?—Yes.

580. In consequence of your having a general purposes rate of 2*s.* your borough rate is limited to three pence, but you can, as I understand, if necessary, lay a separate burial rate. You did so last year, and you laid a penny or three halfpenny burial rate the year before?—Yes; for the present year it is a penny, but next year we will be enabled to do without any rate for burial purposes.

581. You laid your maximum rate for the borough fund, and that rate amounted on the amended valuation to £5,897 16*s.* 6*d.*, I understand?—Yes.

582. And you had a sum of £1,381 3*s.* 4*d.*—an outstanding balance from the rate of the preceding year?—Yes.

583. So that you had £7,278 19*s.* 10*d.* to collect last year—of which you collected £5,915 0*s.* 8*d.*?—Yes, quite right.

584. Then I see that £99 14*s.* 7*d.* was struck off, I presume by the finance or audit committee as irrecoverable rate?—Yes.

585. And that left you £1,264 4*s.* 7*d.* still to be collected?—Yes.

586. The reason the irrecoverable rates represent so much smaller an amount on the borough rates than the others, is, I suppose, because you do not allow the twenty-five per cent. to landlords?—Yes; nor do we allow for vacancies in the collection of this rate.

587. What constitutes your irrecoverable rate in that case?—New premises rated at the first year, if not occupied, the town solicitor has advised the Corporation that the rates should be written off those premises as irrecoverable.

588. But houses that have been previously occupied are not allowed for in consequence of vacancies?—Yes, that is correct.

589. But in the case of a new house that has never been occupied, the rate is not charged on that, if I understand you, until it is occupied?—Yes; and then it is charged from the date of occupation.

590. That course is, I may take it, adopted under the provisions of the Act of Parliament?—Yes. I may here observe that the year, in the case of the borough fund account, ends on the 31st of August, 1875, so that the account before you does not take in the whole year's collection of the borough rate which ends on the 31st of December.

591. Then this rate was balanced five months before the end of the year. Why was that—why so much earlier than the others?—I do not know upon what principle the plan is resorted to; but the year ends on the 31st of August, by the terms of the Municipal Corporation Act.

592. Mr. EXHAM.—I wish to know as a matter of fact whether or not the £900 which remained uncollected of the outstanding rate for 1874, has been since collected?—I can explain that. At the close of the rate books, we got £456 6*s.* 8*d.* of the uncollected rate, and at the end of 1875, we brought forward into the next year's account, £365 8*s.* 7*d.*, arrears still outstanding at the end of last year; and at the end of last year there was written off as irrecoverable a sum of £197 8*s.* 2*d.*

593. CHAIRMAN.—The borough rate does not appear to be written up so well as the others?—The year ends as I have said before, on the 31st of August, and the year's collection, on the 31st of December. I can only explain any want of clearness in the account by that fact.

594. You don't go to the landlord for the rate on unoccupied houses, you wait until such houses are tenanted?—The collectors call upon them, but they won't pay until the houses are occupied.

595. The rate is payable on the property, but you don't get it from the landlord, but wait until the tenant comes in, and then the tenant pays and deducts it from the landlord?—Yes, precisely.

596. You got for dog licenses, in 1874, £233 17*s.* 7*d.*, and for corporate seals—what does that mean?—There is a fee of £1 4*s.*, paid when the

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city seal is affixed to any document. Portion of the amount so realized goes to the mayor, and a portion to the town clerk, but the latter pays the sum into the credit of the corporation as he is only paid by salary.

597. Mr. EXHAM.—Have you any appraisers to look after the pawnbrokers?—There are some appraisers appointed by the Town Council.

598. The powers of the grand jury are transferred to you?—We have none of those powers.

599. CHAIRMAN.—I see in the miscellaneous account another item, £12 10*s.* fine paid by Alderman Campbell, on the resignation of his office. Is that prescribed by the Act of Parliament?—No; the Act of Parliament prescribes a certain fine, but it is by the by-laws of the council that the amount is fixed. If the councillor has previously served within a prescribed time it is reduced to half. £25 is the amount fixed by the by-laws, and Alderman Campbell paid half—£12 10*s.*

600. Then the whole of your receipt under the head of miscellaneous—including the amount realized for dog licenses in 1874, £233 17*s.* 7*d.*, the sum paid by Mr. Guthrie, town clerk, for corporate seals, pawnbrokers' certificates, burgess lists, &c., £17 19*s.*; and the fine of £12 10*s.* paid by Alderman Campbell, on his resignation of office—reach a total of £264 6*s.* 7*d.*?—Yes.

601. You received as interest from the treasurer on your bank balance, £140 12*s.*?—Yes.

602. Then there are the rents from the Ormeau and Falls parks. I see you got £177 10*s.* for rent from the Ormeau-park for grazing and grass cutting, and £56 16*s.* 2*d.* for the sale of timber and garden produce?—Yes.

603. And from the Falls-park you got for grazing, £25, making a total on both parks, of £259 6*s.* 2*d.* of receipts?—Yes.

604. That makes your total receipts on this fund—including the balance with which you commenced the year, of £12,621 1*s.* 3*d.*?—Yes.

605. Now, when I turn to the expenditure side of this account I find that your two largest payments are for the public parks and the salaries. Most of the salaries of the officers are charged on this rate?—Yes, most of them are.

606. The salaries and allowances amounted to £2,749 19*s.* 6*d.* What are the allowances?—The clothing of the sergeant-at-mace and the hall porters.

607. The collector's commission on the borough rate amounted to £103 9*s.* 6*d.*?—Yes.

608. Making a total of £2,853 9*s.* for the officers?—Yes.

609. The apprentices who begin with salaries of £20 per annum rise to £50—do they?—They rise to £60.

610. I see one has risen to £50 in the course of the year?—Yes.

611. Your salary was £300 last year, and has now been increased to £350 a year?—Yes.

612. The salary of Mr. Montgomery, the town surveyor, is not charged to this account?—No; it is charged to the general purposes account.

613. Then there is a sum of £168 15*s.* 5*d.* in connexion with burgess lists and the election of Town Councillors, of which a sum of £52 3*s.* 8*d.* was for polling booths?—Yes.

614. Were those genuine booths—not such as we heard of at Wicklow?—Yes.

615. Then comes the principal amount, that of the expenditure under the head of public parks, which come to £3,309 10*s.* 5*d.* The items are all described in the schedule?—They are.

616. And so are the contingent expenses?—Yes.

617. The great item in the park payments is a sum of £1,738 4*s.* 2*d.* to Lord Donegall for rent?—Yes.

618. And £641 1*s.* 10*d.* for rangers' and labourers' wages?—Yes.

619. And £239 14*s.* 7*d.* for materials supplied from the store-yard, and which are accounted for in the account of the general purposes fund?—Yes.

620. £2,974 3*s.* 9*d.* seems to be the total expense incurred on the Ormeau-park, and £235 6*s.* 8*d.* on the Falls-park?—Yes.

621. Then there is the salary of Mr. Dickson, the superintendent, of £100. He is the superintendent of both parks, is he not?—Yes.

622. Did you put up a new house for the ranger?—No; we put an old house into a proper state of repair.

623. What is the salary of the ranger of the Falls park?—12*s.* per week. Mr. Dickson is the superintendent of both parks, and there are two rangers under him.

624. They are both laid out as pleasure and recreation parks, are they not?—Yes.

625. And planted with young trees, shrubs, and flowers?—They are. They are ornamental parks.

626. There is a large miscellaneous charge of £511 2*s.* 5*d.*, out of which I see, there is no less than £180 for the mayor's chain of office?—Yes; but the chain cost nearly double that.

627. You don't get a new one every year?—No; I may observe that each of the ex-mayors gave a link value £5, and in that way there were twenty-five new links added to the chain.

628. There is a charge of £73 5*s.* 11*d.* for the cleansing of the Blackstaff, which it was said was such a big job that you could not attempt to do it with your present powers, so that there was no use in borrowing £1,500 for the purpose?—It would cost £3,000 to do it. That charge is only for dredging the mud out of the river.

629. Mr. EXHAM.—Is that all that was expended on that work?—Yes; all that was expended in that year. In the year before, the sum spent was larger. In the year 1874, it was £127.

630. CHAIRMAN.—Is the *Northern Whig* the only paper you subscribe to?—No; we subscribe to the *News-Letter* too.

631. I presume all your newspaper expenses are for advertising. The *Whig* seems to be the only one newspaper subscribed for?—We subscribe to the *News-Letter* as well as the *Northern Whig*.

632. Then there was the large sum of £243 1*s.* 5*d.* for printing and advertising in the different newspapers circulating in the borough?—Yes; that is quite correct.

633. What is the sum of £8 16*s.* paid to the Inspector-General of Constabulary for?—It is the rent of an office for keeping the weights and measures in, and for the expenditure in connexion with that.

634. In connexion with the Ormeau Park you do not appear to have deducted the poor rate when paying the rent to the Marquess of Donegall. It is specifically put down?—Under the agreement we cannot do so. Half of the poor rate we pay is upon that park.

635. We have noticed all the payments now except those contained in the sanitary portion of this account. There is a separate schedule for that. The expenses, I observe, are not heavy under this head considering the size of the borough?—No; the Act did not come into operation until after the commencement of the current year.

636. Then the amount expended was only for eight months?—Yes.

637. These two officers, Dr. Browne and Mr Scott, were appointed for the first time?—They were.

638. And Dr. Browne has £300 a year as consulting sanitary officer?—Yes.

639. Mr. Scott is the executive sanitary officer, at a salary of £200 a year?—Yes.

640. Sanitary inspector Mr. Norwood, retired on the appointment of Mr. Scott, and you gave him compensation to the amount of £137 10*s.* What was the authority for that?—It was approved of by the Local Government Board.

641. What salaries do you pay to the sub-sanitary officers—There are five at 26*s.* per week each. There is one at £1 also. I may add, that these men get clothes in addition to their wages.

642. You paid £2 7*s.* 6*d.* compensation for the destruction of infected clothing?—Yes.

643. Here I find a sum of £5 5*s.* law costs in the case of "The Corporation against Fisher." Is that some

action in connexion with the carrying out of the sanitary measures?—We got a conviction against the owner of a house that had no water-closet or rear accommodation of any description. The conviction was appealed against, and on the appeal being heard, the conviction was set aside with £5 5*s.* costs. The result of that case has crippled our proceedings in sanitary matters very much.

644. The other expenses under the head of "sanitary," amount to £38 6*s.* 8*d.*?—Yes.

645. So that on this borough fund account you began with a balance of £6,041 15*s.* 10*d.*, and wound up the year with a balance in hand of £4,758 10*s.* 3*d.*?—Yes; that is quite correct.

646. You commenced the year I find on the burial fund account, with a balance in hand of £1,873 1*s.* 1*d.*, including £43 16*s.* cash in hands of the cashier?—Yes.

647. You laid on the 1st of January a 1½*d.* rate. What was the amount that realized?—£2,948 18*s.* 2*d.* on the amended assessment.

648. And you had outstanding of the rate on the preceding year £575 0*s.* 10*d.*, making a total to collect of £3,523 19*s.*, and of that you collected £2,071 11*s.* 5*d.*?—Yes.

649. £24 18*s.* 7*d.* was pronounced irrecoverable, and that left you with a balance lying over uncollected of £627 9*s.*?—Yes

650. The burial rate is on the same principle as the borough rate?—Yes.

651. There is no allowance to landlords, and no allowance for vacancies, except in the case of new houses?—Yes; quite so.

652. You received £25 from Mr. Burrows for half a year's rent of beetling mill—a mill I presume standing on the land that was bought for cemetery purposes, on the surplus portion which is now set apart as a park. The mill is still standing, but it comes into the park account?—Yes; we get £50 a year for the mill.

653. You got £11 14*s.* 6*d.* from the treasurer for interest on the balance you received of £106 5*s.* from private individuals, for the formation of vaults, and £1,197 3*s.* 4*d.* for the purchase of proprietary ground from sundry persons?—Yes.

654. And £411 as fees for the opening of graves?—Yes.

655. And £169 6*s.* 10*d.* miscellaneous receipts, of which £90 was for hay, and £42 10*s.* for grazing on the surplus land, &c. Now, is the surplus land which you let for grazing purposes a portion of the Falls Park?—This was in connexion with the cemetery at the time this money was received. We are receiving nothing now from the surplus land of the Falls Park.

656. I think I understand now how it is. Is not this account a year behind the other?—The burial fund account is for the same period as the borough fund account, *i.e.* to 31st August, 1875; the transfer from the burial ground to the park only occurred last year. In other words these receipts from the burial fund will never come under that head again. They will all go to the parks account.

657. Out of that £169 6*s.* 10*d.* was there not a sum of £28 16*s.* received as the amount of cost of the formation of the ground set apart as the Jewish burial ground?—Yes.

658. The total receipts of the burial fund amounted to £6,671 8*s.* 9*d.*, including the balance in hand?—Yes.

659. And if we turn to the expenditure side, I perceive that your expenditure commenced with £44 1*s.* 10*d.* paid as commission to the collectors on the rate?—Yes.

660. And then there is a sum of £83 16*s.* 10*d.* as rent and rectorial rentcharge, together £80 in round figures for rent alone, and apparently the Marquess of Donegal, Mr. M'Cance, and Mr. Macartney are the three owners of the cemetery. Have you got a lease for ever of the ground?—We have a grant for ever—the fee-simple.

661. On the same terms as Ormeau Park?—No; quite different. Ormeau Park is held in fee-farm, subject to an annual rent. The cemetery property is held in fee-simple, not subject to any rent whatever. The rent was taken off the cemetery and put upon the other portion of the ground.

662. It is a charge this year on the cemetery, but for the future it will be, you mean, charged on that part of the ground that is portion of the park?—Yes.

663. So that the cemetery will be actually free of rent?—Yes; that is done under the Act of 1866.

664. You paid £760 4*s.* 2*d.* interest on mortgages for the year?—Yes.

665. You transferred to the sinking fund in the year a sum of £2,446?—Yes; but we paid off £2,700 altogether. We had to our credit Government stock which realized £253 5*s.* 3*d.*, and we devoted that also to the sinking fund.

666. But you paid out of income £2,446 14*s.* 9*d.*?—Yes, that is so.

667. Advertising, books for registering burials, printing, stationery, and so forth, came to £112 16*s.* 9*d.*?—Yes.

668. The formation of vaults cost £190 14*s.* 1*d.* for which we saw just now that you had received £106 5*s.*, so that you have not got back the whole amount from the private owners yet?—We have a stock of bricks, flags, and soforth, and we do not charge private parties for making drains in connexion with the vaults to the main drains. We have a large stock up at the cemetery.

669. Then a good portion of that £190 14*s.* 1*d.* was expended on drainage?—Yes.

670. The shrubberies and road work connected with the cemetery cost £219 10*s.* 1*d.*, and the drainage £21 16*s.* 6*d.*?—Yes.

671. The amount of wages paid for grave-digging was £401 10*s.* 8*d.*?—Yes.

672. The salaries amounted to £180 8*s.* 4*d.*?—Yes.

673. Are those the salaries that you pay the registrar and superintendent of the cemetery?—Yes; and there is a porter, but he is paid weekly wages.

674. Then there were miscellaneous payments, water-piping, and plumbers' work at the lodge, &c., all that came to £142 15*s.* 8*d.*, but there appears nothing under that head which requires special notice?—No; that is so.

675. Then there was £15 17*s.* 6*d.* paid for county cess and poor rate?—Yes.

676. What is the building for the temporary reception of the dead which cost £832?—That is the mortuary.

677. Was that a sum paid on account of the contract for the building of the mortuary?—Yes.

678. And then there is your balance, which, at the beginning of the year, was £1,829 5*s.* 1*d.* in hand, which is reduced to £1,211 19*s.* 9*d.* Have you still that balance?—Yes.

679. What is the total amount of the contract for the mortuary do you remember?—£1,040.

680. After realizing £253 5*s.* 3*d.* by selling out Government stock, and having paid the instalment of the loan of £25,000, have you still any surplus income standing in stock on the burial fund account?—Not on that account. That £253 5*s.* 3*d.* was the only sum we had.

681. Your original loan on the cemetery account was £25,000, and I see you paid last year £2,700 of sinking fund. You will not require now so large a sinking fund as that?—£1,250 is all we require. Some of the mortgages had not matured, and then we invested the money, and paid off as much as cleared off our arrear of sinking fund. We have £4,000 invested on the police fund applicable to secondary mortgages, and as soon as a mortgage falls due we would sell out and apply the proceeds of such sale to the payment of the mortgage.

682. As all the accounts pass through your hands, could you not save us a good deal of unnecessary time, and prevent the necessity of calling the different collectors, by giving us shortly the system of checks you exercise over their collections, and the collections from the markets and other moneys that

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pass through your hands?—The moneys do not pass through my hands.

683. I should have said the accounts; the moneys go direct to the bank I know, but the accounts all pass through your hands; and we heard from the town solicitor yesterday, that there is a check exercised by you upon all these accounts before they go to the finance committee. (Witness hands in form of notice supplied to each collector.)

684. Is that the usual form of notice?—Yes; they give the schedule of each rate, and the amount in the pound.

685. And this is the receipt book?—Yes.

686. It includes every rate, and is a very full form I see?—Yes; all the particulars are given.

687. And the counterfoil gives the fullest information?—It does. The counterfoils are handed to me daily.

688. And are they initialed by you after examination?—Yes; by me or by one of my assistants. Each rate is marked—the police rate, the general purposes rate, and so on.

689. There is, I see, a column for each?—Yes; and then we have the total.

690. Is this entered by you or by the collectors?—By the collectors. The total rates collected in that ward (St. George's ward), is £7,785, and there is a deduction you see, allowed upon that, for discount and irrecoverable rates of £386 8*s.* 1*d.* A declaration is made before the magistrates where vacancies in the houses exist, where the rates are not recoverable.

691. Does the collector make that declaration?—He does; the list is always examined by me, and afterwards by the solicitor. If there are any in that amount which we find ought to be recovered we strike them out, and bring them forward.

692. Even after the declaration before the magistrate?—Yes.

693. Are the collectors' rate books examined and compared with these counterfoils to test the correctness of the entries of payment?—Yes; by my assistants or by myself, as the case may be, and they are checked off here, and initialed by me if there is nothing wrong. If the rates are not fully paid, my assistants draw my attention to it, and I inquire and have them made right.

694. And do you test the correctness of the payments to the bank by the bank-book every day?—Yes; every day.

695. Before every meeting of the committee?—Yes; it is done every day.

696. Do all the market accounts pass through your hands?—Not all; all the surplus accounts pass through my hands—all connected with the weighing.

697. Are the prices of all materials purchased checked when the invoice is brought in, by what you know to be the price current which should be paid for such materials?—Yes.

698. And is every invoice then posted in this book?—Yes. The invoice is checked by me, and the cheque is drawn for the amount.

699. Do you pay the wages?—No; the cashier pays the wages, and gets a cheque for them from each committee by whom the payments should be made.

700. So that these cash balances are always cash balances in the hands of the cashier?—They are.

701. He is the only person who holds a cash balance?—Yes.

Mr. Samuel Black.

Mr. SAMUEL BLACK re-examined.

702. Mr. *Black*, the town solicitor, here handed in list of contributions paid by the borough to the county Antrim Grand Jury from 1865 to 1875, inclusive (Appendix No. 6, page 209), and was re-examined thereon.

703. CHAIRMAN.—The principal items, I assume, in respect of which these contributions are made are the County Lunatic Asylum, the County Infirmary, and the Gaol?—Yes: there are some others.

704. Which are set out in sec. 6 of the Act of 1865, but these would be the three principal items?—Yes, and we have here the account showing the per-centage that we paid on each item——

705. The last award determining the rate of contributions in pursuance of the provisions of the Act of 1865 was, I believe, made in 1872?—Yes.

706. In that year, 1872, the payment seems to have been £9,680, and last year it was £16,817 16*s.*. I see that from 1872 it has increased, on an average, from £2,500 to £2,300 each year?—Yes.

707. What was the cause of that great increase?—The maintenance of prisoners, and also the payments to the industrial schools and reformatories.

708. Did the lunatics increase very much?—No; not much. We are now getting a contribution from Government. The one thing we feel sore upon is the price we pay for the maintenance of the prisoners in the gaol. We pay 92 per cent. of the entire cost, and we have no voice whatever in the expenditure of that money. We have neither representation on the Grand Jury nor the Board of Superintendence of the gaol. Not a single member of the Corporation is on the Board of Superintendence of the gaol, and we pay 92 per cent. of the entire expenditure.

709. Mr. EXHAM.—Does the whole county Antrim only pay 8 per cent.?—Yes.

710. Do you not also pay 50 per cent. of the money expended on the lunatic asylum as well as 92 per cent. on the maintenance of the prisoners?—Yes. If the Prisons Bill passed, it would relieve us from the last. The charge is based on the number of committals, without respect to the length of time that the committal is for, so that a committal for twenty-four hours will amount to the same as a committal from the country for two or three months. Those from the country are much longer than those from the borough. The hardship was admitted by both the arbitrators, but they felt they had no alternative but to make the award in the way they did. There is no way to alter it except by Act of Parliament.

711. What are your contributions to the county Down?—It only averages about £700 a year.

712. The contribution to the county Antrim Grand Jury is revised every five years. Is that to the county Down revised in the same way?—No; we send no prisoners to the county Down gaol at all. It principally depends on the valuation of the property in the county Down part of the town.

713. But you do contribute to the county Down—to the lunatic asylum and to the gaol, I presume?—We do. To the maintenance of the county lunatic asylum, to the maintenance and enlargement of the county gaol, and the salaries of its officers, and for the militia accommodation. We have only a small portion of the town in the county Down, and the contribution is very small.

Mr. Edward S. W. De Cobain.

Mr. EDWARD S. W. De COBAIN examined.

714. CHAIRMAN.—How long have you been in the employment of the Corporation?—Between twelve and thirteen years.

715. As cashier the whole time?—No; between eleven and twelve years as cashier.

716. What are your duties?—To receive all the moneys exclusive of the rates and the gas revenues, and the market tolls, and to make disbursements under the various funds.

717. You do not, I believe, pay the wages in the markets?—No.

718. And you do not pay anyone connected with the gasworks?—No.

719. Do you pay all other wages?—Yes.

720. And make all petty disbursements?—Yes.

721. Are not all above a certain sum made direct by cheque to the individual concerned?—Sums over £5 are paid direct by cheque.

722. To the party to whom it is due?—Yes; they are.

723. Among the principal moneys that you receive are the police fines, which amount to a large sum, over £3,000 a year, and such small rents as there are belonging to the Corporation?—Yes.

724. Also licenses, and contributions towards fire expenses?—Yes.

725. And I suppose also, all these payments that are made by private owners for the improvement of streets?—Yes; the original cost of the construction of streets.

726. In 1875 there was over £4,000 under the police fund only; and on the general purposes fund you receive nearly £3,000 more from all these manure sales, besides various large sums in respect of permits and street improvements?—Yes.

727. Upon this fund alone your receipts seem to have exceeded £13,000?—Yes.

728. You receive also payments for grazing on the parks; sales of hay, and so on; and in fact everything connected with the surplus lands of the parks, which amounted to £523 12*s.* 9*d.*; and the whole of the cemetery receipts also pass through your hands?—Yes; they are lodged with me by the registrar of the cemetery.

729. They are received by him in the first instance, and afterwards lodged by you direct to the bank?—Yes; lodged by me.

730. These amounted to £1,908 10*s.* last year?—Yes.

731. Something very little, if at all, short of £20,000 passed through your hands?—Yes; in the form of revenue.

732. What is your course of procedure when you receive these sums; are you required to lodge the money at stated times, or when the amount in your hands is more than a certain sum?—I generally lodge when the sum of money is sufficiently large to warrant me.

733. What do you call sufficiently large?—I keep £30 or £40 to meet current expenses.

734. I observe there is generally a small balance in your hands?—Yes, there is.

735. What do the weekly wages amount to?—I should say to £12,000 a year, or perhaps, to a very little more than that.

736. Is not your account of receipts and disbursements presented every week either to the audit or to the finance committee?—To the various committees.

737. With which the expenditure arises?—Yes.

738. And after that it goes to the audit committee?—Yes, and they check the vouchers. I present the accounts of all my receipts and payments in the week to the various committees. These accounts are sent from that committee to the audit committee, by whom they are checked; and they supply me with the means of meeting this expenditure.

739. Do the audit committee know exactly what cheques are drawn on the bank by the various committees?—Yes; there is a statement of necessary expenditure presented to each committee. They go over those accounts and authorize the payment of them, and pass cheques in my favour enabling me to make the payments. These accounts passed by the various committees are entered in the various cheques, and they are submitted to the audit committee at each meeting weekly, and they check them.

740. Are all the sums you lodge lodged to the credit of the various committees?—Yes. With regard to the check upon the lodgments irrespective of the collectors, they lodge in a separate book, and I enter upon the debit side of my account the entries to the respective dates. I send over my books to the bank, and the lodgments are transferred from their books to my books, so that if there is any difference between the two it would appear at once. That enables them to be perfectly checked.

741. And is it a daily check?—Yes.

742. Mr. EXHAM.—With regard to the whole outcomings of the markets, you get a return I suppose?—Yes; there is a docket lodged with me by the collector of the amount that he lodges in the bank, and the entry is made in the bank pass-book, so that it is checked.

743. You pay wages to the scavengers?—Yes.

744. Who gives you a return of these?—There is a wages book returned to the accountant, which is checked, there is a statement put by him to the committee and he certifies the item, and a cheque is drawn in my favour to enable me to discharge the debt.

745. £20,190 is, I find, the exact amount received by you; your disbursements in small sums under £5, wages, &c., amounted, I believe, to £43,120, so that in point of fact, you got cheques amounting to nearly £23,000, in addition of the £20,000 received by you?—Yes.

746. Cheques pass through your hands to the extent of nearly £23,000 more than you received?—Yes. In point of fact, I get cheques for that full amount.

747. Yes; I mean in excess of your cash receipts. You give only £1,000 security?—Yes.

748. But I understand you to say, that as a matter of fact, you never hold more than £50?—From £40 to £50 generally; I retain that amount to meet current expenses.

749. Do your accounts all go through the accountant's hands before they go to the committee?—The accountant certifies to the accuracy of the account itself. I make up a list of payments which is presented to the committee to show the amount of expenditure for the week. It is also entered in this pass-book, and when the statement is brought before the finance committee fortnightly, they compare the accounts of their returns with the amounts lodged with the bank, and find the amounts to correspond.

Mr. HUGH CRAWFORD examined.

750. CHAIRMAN.—How long have you been acting as assistant clerk of markets?—Close on nineteen years.

751. So that you are thoroughly familiar with the practice, as regards the markets?—Yes.

752. How many markets are there?—Twelve markets.

753. "Smithfield market, Pork market, Corporation-street market, Potato and Vegetable market, Castle market, May's market, George's market, Cattle market, and Horse fair, Flax and Fruit market, Fish market, Police-square market, and the Hay and Straw market." Your total receipts for last year were £9,223 7*s.* 5*d.* Your outgoings, which we found in going through Mr. Woods' accounts, were £2,897 17*s.* 5*d.*, left a clear profit of £6,325 10*s.* on the markets?—Yes.

754. Who receives the money, and what is the check upon the receipts, and to whom is it all given?—There is a collector in each market.

755. Is there not more than one in any of these markets?—In some of them there are more than one. In the grain market there are four, but in the hay and straw market only one.

756. Are not these tolls levied principally on weighing?—Yes.

757. There is a weigh-master, I suppose?—Yes, in each market.

758. And all articles going into these markets are weighed by the weigh-master, I presume?—A great deal of the potatoes are not weighed.

759. They are taken in, I suppose, by basket?—They charge for what they have by the cwt., but the dealers take the farmer's word for whatever they state they have?—If they say they have 20 cwt., the dealers will take their word.

760. The tolls on the potatoes are $\frac{3}{4}d.$ per cwt. Suppose they are not weighed, are you paid?—It is just the same charge—$\frac{3}{4}d.$ includes the weighing.

761. The weight is declared, although they are not weighed?—Yes.

762. I suppose the collector receives the whole amount in each market?—Yes.

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Mr. Hugh Crawford.

763. What does he do then?—He enters it in the book—the name of the party and the commodity, and he gives him a ticket which passes him out of the market, and that is returned to the clerk of the market.

764. How often are these examined by the clerk of the markets?—Once every week.

765. By the clerk of the market, or by you, as assistant?—I and another man: he brings the books that he uses every week.

766. Does he pay the money the same day?—Yes; the day that he receives it he hands it in to the clerk of the markets.

767. Then what does the clerk of the markets do with it?—Lodges it in the bank.

768. Does he lodge daily or weekly?—He lodges it sometimes daily. If there is a small amount, he does not lodge it.

769. What do you call a small amount?—Below £20.

770. Does he lodge all above £20 as he receives it?—Yes.

771. What bond does he give (the clerk of the markets)?—I think it is £500, but I could not say exactly.

772. Do you give security?—No.

773. Does no money pass through your hands?—None, except as assistant of the clerk of the markets.

774. Is the clerk of the markets held responsible for anything that passes through your hands?—Yes.

775. The largest amount received from any of these markets seems to be Smithfield market?—Yes; it consists principally of stalls and booths.

776. What is Smithfield market for?—For selling turf and hides, and for all sorts of furniture, and so on.

777. It is, in fact, very like a bazaar?—Yes.

778. Are those shops and stalls let out to weekly tenants?—Yes.

779. Then the bulk of the money received from this market is for stalls?—Yes.

780. Paid weekly, I suppose?—Yes, weekly in advance.

781. Do you know how much the rental of the stalls and shops in Smithfield market is?—I think about £2,000 last year.

782. And the odd £230 would be for tolls on certain produce?—Yes; for small things that might come in.

783. Mr. EXHAM.—Is turf sold there?—Very few go for turf to Smithfield market, the bulk of it is sold in Police-square.

784. Then the next largest market is the potato and vegetable market—the receipts were I see nearly £1,600 in the year?—Yes.

785. And then the pork market is the next largest?—Yes.

786. That produced £1,251?—Yes.

787. Is the pork market for live stock?—No.

788. Only for pork after it is killed?—Yes.

789. There is one of the markets in which I see the charge upon pigs varies?—That is in the pork market—farmers are charged 3*d.* each, and dealers who bring in a large quantity are only charged 1*d.* each.

790. Is that for live pigs?—No; and if they weigh them they are charged the same rate as the farmers, but there are very few of them weighed.

791. Does that charge of 3*d.* include weighing and inspection?—Yes.

792. Are they examined there?—No; the dealers' pigs are not examined.

793. Are the farmers'?—No.

794. Where do the dealers get these pigs killed?—They come in slaughtered by rail.

795. CHAIRMAN.—Is there not any inspection as to whether they are fit for food or not?—If there were any diseased pigs in the lots they would be seized—the inspector would seize them.

796. There is then an inspector?—Yes; there is one in the market—Edward Hamill is the name of the inspector.

797. Mr. EXHAM.—It takes a great deal of care to ascertain if they have got what is called measles or not?—It would be imposssible for him to examine them all.

798. CHAIRMAN.—The difficulty seems to me to be with the pigs that are brought in in large lots by the dealers?—Yes; they cannot be examined so closely, but he could see very well if the pigs were diseased as he passed along.

799. It is impossible though to say that there is an examination of every one of these pigs?—Yes.

800. Your butter market is not apparently a very large market?—No; it is a small market.

801. Is there any live stock market?—Yes; the cattle market and horse fair.

802. The receipts of that appear very small for a place like Belfast, £424 10*s.* 9*d.* Is there usually a large attendance?—No; on fair days the principal business is done. We have not a large attendance except on fair days.

803. Where is it situated?—In Oxford-street.

804. It is not in a fair field?—No; it is enclosed.

805. Under head of "Borough slaughter house" I see receipts £528 5*s.*, and expenditure £348 10*s.* 9*d.* What do those receipts arise from—is it so much for each animal slaughtered?—Yes, so much per animal—1*s.* for cattle and 3*d.* for sheep; and there is the sale of the manure, and two slaughter places are let to yearly tenants.

806. Under whose charge are the slaughter-houses? Who is responsible for keeping them clean and wholesome?—There is a superintendent there. Arthur Graffigan is the name of the superintendent.

807. We heard there were complaints made of it by the gas engineer, who lives near it. Are you aware of that?—I never heard anything of it; there might be, but I did not hear of it.

808. Have you ever heard complaints of it from anyone else?—No.

809. Is it a thickly populated district of the town?—It is not; it is just at the extreme end of the town in Macauley-street.

810. Mr. EXHAM.—Where is the drainage of the slaughter-houses discharged into?—It is discharged into the Lagan.

811. CHAIRMAN.—Have you often occasion to inspect it?—No.

812. You do not know, therefore, whether, in fact, it is kept thoroughly clean and washed out?—It is.

813. You cannot know of your own knowledge?—Not to my own knowledge.

814. Where do they get the water for flushing it?—The town supply.

815. We heard yesterday that the charge on water was so great that it is not used for many purposes that it might be used for. Do you know whether there is a constant supply to the slaughter-houses?—Yes; there is a constant supply.

816. Mr. EXHAM.—Do they slaughter and take away the offal for 1*s.* per beast?—Yes.

817. CHAIRMAN.—£14 4*s.* was, I see, the cost of the water for the year?—Yes; it is paid by metre.

818. It is not a large amount for public slaughter-houses in a place like Belfast, for they, of course, want continual flushing?—Yes.

819. Mr. EXHAM.—Where do the butchers take the offal, and how often must they take it away?—They must take it away immediately after the slaughtering of the beast. They do not take away the entrails; that goes into the manure.

820. CHAIRMAN.—Is that removed every day?—Yes.

821. Mr. EXHAM.—Does it go over to the manure depot in Ballymacarrett?—No; the parties have a contract to draw it away daily.

822. Where do they take it to?—To the country.

823. CHAIRMAN.—Are you familiar with the adjusting of weights and measures?—Yes.

824. What are the charges for testing weights?—$\frac{1}{2}$ cwt., 4*d.*; $\frac{1}{4}$ cwt., 2*d.*; 14 lbs., 2*d.*; and from 7 lb. to $\frac{1}{4}$ oz., 1*d.*

825. And for measures?—For a 5 gallon measure, 1*s.*; 4 gallon measure, 10*d.*; 3 gallon measure, 8*d.*; 2 gallon measure, 6*d.*; 1 gallon measure, 4*d.*; and ½ a gallon, 2*d.*; from ¼ gallon to ½ a glass, 1*d.*

826. I see the receipts from that department were £156 13*s.* 3*d.*, and the expenditure, £71 16*s.* 4*d.*, leaving a net profit of £84 16*s.* 11*d.*?—Yes.

827. Mr. EXHAM.—Do the police look after the adjustment or do the people bring them to you voluntarily?—The police look after them.

828. CHAIRMAN.—Who receives the amount paid for the adjustment of the weights and measures?—The adjuster receives them in the first place and he hands them over to Mr. Woods, who receives them weekly.

829. In the same way I suppose the superintendent of slaughter-houses hands his receipts over to Mr. Woods?—Yes, just the same way.

830. Mr. LAWLESS.—Is there any stamp or certificate given with adjustment of the weight?—No.

831. Mr. EXHAM.—Is the weight stamped?—Yes; the weight is stamped by the police; each weight is stamped with a die, and the measures are stamped in the same way.

832. How many other slaughter-houses are there. Have you anything to say to them?—There are thirty-two licensed slaughter-houses.

833. Are they all inspected?—Yes; but we have nothing to say to them—the sanitary staff look after them.

834. Do the police keep order in your markets?—Yes.

835. The local police I suppose?—Yes.

836. CHAIRMAN.—Have you a number of men always on duty there?—Yes; but there are not a sufficient number to keep order.

837. I see the principal outgoings are the cost of the staff. Your yearly salary is £150, and Mr. Woods' £225, and the inspector of provisions £104. Is he personally responsible for the condition of the meat, fish, &c., exposed for sale?—Yes.

838. £1,345 1*s.* 2*d.* is paid, I see, in regular weekly wages alone, and £168 11*s.* 11*d.* on workmen's wages during repairs?—Yes.

839. Then there is £155 17*s.* 7*d.* rates and taxes, £226 17*s.* 7*d.* cost of lighting, £20 for insurance, and £35 miscellaneous expenses, and books, printing, &c., £37 11*s.* 10*d.*?—Yes.

840. I see in one case, and in only one, you pay head-rent?—Yes, in the case of Castle market.

841. You pay there £210 a year?—Yes; and we have only seventeen or eighteen years of the lease to run.

842. The Castle market is, I think, for the sale of vegetables and fruit?—Yes.

843. And is that the only market which is not on your own freehold?—Yes; that is the only one.

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Dr. SAMUEL BROWNE examined.

844. Mr. EXHAM, Q.C.—You are the consulting sanitary officer of the Corporation?—I am.

845. How long have you occupied that position?—Since December, 1874.

846. I believe you were a long time a member of the Corporation?—Twelve years.

847. Had you anything to say to the sanitary arrangements of the city, before the Act of 1874 came into operation?—I was appointed medical officer of health in 1848 and 1849, and again in 1853 and 1854.

848. Then practically you have had to a great extent the superintendence of the sanitary arrangements of Belfast, over a series of years?—Yes; I may say that in conjunction with the late Dr. Morgan, I instituted the first sanitary inquiry into the state of Belfast in 1848.

849. And have you been looking after it ever since?—Well I have taken a great interest in it.

850. CHAIRMAN.—After the Act of 1874 was passed was not the staff all remodelled?—Yes.

851. And after that of what did the staff consist?—The staff consisted, before the Act, of an inspector and five sub-sanitary officers.

852. Since the Act was passed of what does the staff consist; of how many and what officers?—There is a consulting sanitary officer—that is myself; Mr. Scott the executive sanitary officer, then there are six sub-sanitary officers, and there are the nine medical officers connected with dispensaries, who are called sanitary officers. Six of these are within the borough, one in Ballymacarrett and two whose districts are partly rural and partly urban—Numbers 9 and 10 districts.

853. Does Mr. Scott devote his entire time to his duties?—Yes; he gives his entire time as executive sanitary officer.

854. There are seven sanitary officers within the town and two partially outside?—Yes; seven, counting Ballymacarrett. Numbers 9 and 10 districts are partly outside and partly inside, as you will see by my report.

855. Mr. EXHAM.—Do the six sub-sanitary men under Mr. Scott give their time exclusively to sanitary work?—Yes.

856. And the medical portion of the staff—that is, the dispensary doctors—are they paid by the poor law authorities?—They were sanctioned by the Council—they are *ex-officio;* they are paid by the Poor Law Guardians. They are *ex-officio* sanitary officers as dispensary medical officers under the Act of Parliament.

857. And, I presume, the salaries paid are sanctioned by the Local Government Board?—Yes; all of them.

858. What duties do the sub-sanitary officers perform—the six men?—Well, the town is divided into districts, and each one has charge of a district. They alternate their duties occasionally according to Mr. Scott's arrangements. They have to go out and observe any nuisance that may be reported, and to make a report upon them; to serve the various notices that Mr. Scott issues; to see that they are carried into effect; to report the date on which they are executed; and also, if they have not been executed to make a report.

859. CHAIRMAN.—Do they report in the first instance to you or to the dispensary doctor—*i.e.*, the sanitary officer?—They do nothing with the sanitary officers at all except take reports from them and bring them to the town hall.

860. In other towns the consulting sanitary officer has had nothing to do with them—but your system seems to be quite different?—Every morning one of the men calls at the dispensary of a district and obtains from the medical officer of that district whatever report he may have had occasion to write regarding nuisances and other matters. There are several of these reports and one of them is the report of what zymotic disease (if any) occurs during the preceding twenty-four hours.

861. Mr. EXHAM.—Are those reports brought direct to you or to Mr. Scott?—The nuisance reports go directly to Mr. Scott, and the reports regarding disease come directly to me.

862. Do these six men look after lodging-houses?—Yes; they inspect the lodging-houses regularly.

863. And report their condition to Mr. Scott or to you?—To Mr. Scott; and if any question arises Mr. Scott refers to me. There are 102 licensed common lodging-houses.

864. Do these men to your knowledge see to the carrying out of the by-laws—I suppose there are by-laws for the regulation of common lodging-houses?—Yes; you should have a copy of them. [They were handed in.]

865. Do these six men see that those by-laws are carried out?—Yes; they see them strictly carried out;

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Dr. Samuel Browne.

and if there should be any infringement they report to Mr. Scott and he refers to me.

866. Do they see that these houses have the necessary accommodation?—They have been carefully examined by Mr. Scott, and where there was any doubt on the subject he made a measurement of the rooms and submitted it to me, and where he had any doubt on the subject he took my advice. I may observe that the by-laws relating to common lodging-houses are approved of by the Local Government Board.

867. And what is the lowest number of cubic feet allowed according to the by-laws in the lodging-houses?—300 cubic feet for each inmate—that is the maximum, but I generally have much more.

868. You mean you generally have more, but you are never below the minimum?—We observe that strictly.

869. Then is there proper ventilation in them all?—There must be proper means of ventilation.

870. Are they limewashed regularly, according to the by-laws?—Yes.

871. Then are all the by-laws strictly carried out?—Yes, strictly carried out. (Copy of by-laws handed in, and also the ticket that is put up in each of the rooms of the lodging-houses.)

872. With regard to the bakehouses, are they regularly inspected by these men?—There are fifty-seven bakehouses inspected regularly by these men. Indeed I may say that Mr. Scott always undertakes that inspection himself. It is done by night. He inspects these bakehouses along with one of the men—the man belonging to the district.

873. As far as the lodging-houses are concerned, have they got water-closets, privies, or what?—Water-closets, or rere accommodation, in that class of houses.

874. What is done where they have not got water closets?—They must not be without privy accommodation and ashpits.

875. What arrangement is there for the removal of the refuse?—The arrangement is that which exists throughout the whole town. They are occasionally cleansed according as they may be noticed.

876. Are they cleaned out by the Corporation?—The parties have them cleaned out, and the Corporation carts remove the refuse.

877. How are the lodging-houses supplied with water? Is water laid on to them generally, or are there taps out in the street?—They are generally supplied with tanks—not by a tap as a rule. In fact that is generally so in that class of houses.

878. Then they have always water on the premises?—Yes.

879. Pipe water?—Pipe water is laid on to all the houses.

880. Mr. Scott, you say, sees that the regulations with regard to the bake-houses are carried out?—Yes; and he states to me once a week if there is any infringement.

881. With regard to the bake-houses, what is the amount of cubic space insisted upon?—300 cubic feet, that is the minimum.

882. And you adhere to that minimum?—Yes; and generally I go much beyond it. For instance, where we have three workpeople for a room, and the amount of cubic feet goes near to that minimum, we have one of the parties taken out of that room. If there is 1,000 cubic feet of space, we will only allow two parties in that. I may say that probably there is scarcely a lodging-house or bake-house in Belfast that has only the minimum.

883. CHAIRMAN.—Did the council, acting under your advice, fix a space for each room of a lodging-house?—Yes.

884. Is there any difficulty in procuring lodging-house accommodation here?—I am not aware that there is.

885. Have you had many infringements of the bake-house Act?—There are fifty-seven bake-houses, and we have very seldom had an infringement of the Act. There have been only two cases in which we had to remonstrate with persons for employing workpeople under age.

886. Mr. EXHAM.—With regard to the slaughter-houses, are they regularly inspected?—There are thirty-two licensed slaughter-houses inspected regularly.

887. I suppose they are inspected regularly by the sub-sanitary officer?—Yes.

888. Is any manure allowed to remain in the slaughter-houses for any length of time?—The owners are obliged under the licensing regulations to have it removed within a very short period—I think it is twenty-four hours.

889. Are the slaughter-houses properly supplied with water?—Yes.

890. With pipe-water?—Yes; there might be, perhaps, in Cromac-street one or two where a pump is used. Whether it is so now I cannot say.

891. They are, at any rate, properly flushed and cleansed with water?—You are aware that slaughter-houses must have a good supply of water, and I believe they have that here. They are obliged to have a cistern containing a certain amount of water.

892. I suppose there are proper conducting sewers to the main sewer from these slaughter-houses?—Yes; there is immediate connexion—there are connecting drains. I am now speaking of licensed slaughter-houses, but we have private slaughter-houses as well. There are also public abattoirs. I remember at the time the regulations were passed we had a dispute as to the size of the tank. At that time I was a member of the Corporation. Before I leave the subject of the lodging-houses, I may mention that there were only two cases of contagious disease occurring in lodging-houses during the past twelve months. That is a matter of great importance. The owners are obliged to report the occurrence of any case of infectious disease.

893. The public slaughter-house is the Corporation slaughter-house, I presume? Is it furnished with all proper appliances with regard to sewerage, and so on?—They are very satisfactorily worked. We had a difficulty in the early part of the summer with regard to some nuisance collected, but that has been overcome since. There was a complaint made regarding the slaughter-house, and I consequently went down and inspected it. I found that there was some cause for the complaint, and the nuisance was immediately removed. I have heard of no complaint since.

894. Who has the actual charge of the public slaughter-house—the looking after it?—There is one man who looks after it specially. I think there are three altogether for the slaughter-houses, and then of course they have subordinates, and there is almost daily inspection by some of these officers.

895. There is you say almost daily inspection by some of your sub-officers?—Yes; a man of the district named Bolton looks into that place very frequently.

896. Are there many dwelling-houses in the neighbourhood of that public slaughter-house?—It is a considerable distance from any inhabited house. It was built specially with a view to avoid proximity to any of the inhabited houses.

897. You have school-houses here—are they inspected?—Yes; all the public school-houses under the Board of Education are inspected repeatedly by the staff—by the men belonging to the districts.

898. Are they well supplied with all the necessary conveniences?—We have had complaints regarding the accumulation of night-soil, but that matter has been attended to as a rule after the notice was served.

899. There are some graveyards still within the limits—*intra mural*?—There are four within the borough still, but three of them are nearly entirely closed up. The Shankhill graveyard—one portion of it is entirely closed up under order in council, and a large part of Friar's Bush is also closed up under order in council. The new burying ground behind the poor-house was also partially closed, and as far as I know there has been no infringement of the Burials Act brought under our notice, except in two instances in both of which we instituted prosecutions.

900. That is part of the duty you say that is looked

after specially?—Yes; a report is made once a week to the committee, which sits weekly, and at whose meetings I am always present.

901. You have already mentioned that the sanitary doctors send in reports almost daily?—Wherever a case of disease occurs they always make a return—at least I understand they do.

902. When they send in their reports do they go to Mr. Scott?—Yes, all on nuisances, immediately.

903. And does he act upon them almost immediately?—He acts promptly, except in cases where there is a doubt regarding them, and they should consequently be brought before the committee.

904. Does he serve a notice for the abatement of the nuisance?—Yes; and follows that up immediately, if it be not attended to.

905. And then we have it that there are two local crown solicitors appointed by the Corporation to prosecute in these cases?—Yes; in all cases connected with the Town Council, and attending both courts—the custody court and the summons court—as they are required.

906. I suppose a report-book is kept as part of the records of the Corporation in which these reports of the sanitary officers are entered?—There are a large number of books kept for this purpose.

907. Then with regard to the order of the council upon that, I suppose there is a record kept of that?—That is entered on the minutes of the committee.

908. Does anyone then report as to whether what is ordered to be done is done?—Mr. Scott, the executive sanitary officer is held responsible for that.

909. Does Mr. Scott actually furnish to the sanitary committee a report as to whether what they have directed or you have directed is done?—He follows that out and reports.

910. In a case where the sanitary medical officer reports that there is disease of a contagious character, what course is adopted then?—We endeavour to have the party removed to hospital as soon as the party can be removed from the place where he or she is lying; and the infected place itself is after the removal fumigated, and if it be a serious case of disease, the bedding is destroyed. We disinfect and deodorize all houses where there is infectious disease.

911. Do you find as a general rule, that the people are ready to go to hospital?—No; but there are exceptions. We have some parties that will refuse to go to hospital under any circumstances.

912. Are you ever obliged to resort to the 26th section of the Public Health Act of 1866, by which you are enabled, if in the opinion of the medical officer, the party has not sufficient and proper accommodation, to force his removal to hospital, by obtaining an order from a magistrate for the purpose?—We have not done that; but in a case at a lodging-house, we did it at once without waiting for an order from a magistrate.

913. Is there any hospital provided specially by the Corporation?—None.

914. What hospital accommodation is there?—That provided by the Poor Law Guardians—an extensive, ample, and well-managed hospital.

915. Are there any cars provided for the purpose of removing the sick?—The Poor Law Guardians have cars for the purpose. There is, I may mention, a by-law of the Council which prevents any car from off one of the public stands from taking a person suffering from infectious disease at all, under a very heavy penalty.

916. I suppose there is no difficulty in getting the means of conveyance through the relieving officer for cases of sickness?—Not the slightest.

917. CHAIRMAN.—There is no conveyance, you say, kept specially by the Corporation for the purpose?—No; the Poor Law Guardians have taken the entire charge of that portion of the sanitary duty.

918. Is there not sometimes a difficulty then arising from the extent of the borough?—Well, I may tell you that such has been found occasionally to arise. For instance, in periods of severe epidemics such as in 1847, 1848, and 1849, I had to hire special cars for which the Poor Law Guardians, or Board as it was then, paid.

919. By the Act of 1874 you will remember that you are empowered, as the urban sanitary authority, to maintain an ambulance for this purpose?—Yes; but we have had no necessity.

920. Has the Corporation provided a place for the purpose of having a disinfecting apparatus erected?—That was under consideration and engaged a good deal of attention, and it was found that it would be too expensive a proceeding. At the Board of Guardians they have a place for the purpose of disinfecting clothes, and they do so after they are sent to them at once.

921. I suppose there is a conveyance there for the purpose of carrying infected clothing?—I cannot say that they are taken in that way. The parties themselves take their clothing with them when they go to hospital.

922. But what about the bedding that is left behind?—We invariably pay for it, and destroy it if recommended by the officer that it ought to be destroyed.

923. What is the distance of the workhouse infirmary, where the disinfecting apparatus is kept, from the centre of the town?—About a mile and a quarter—barely a mile and a quarter.

924. Then it is within the borough boundary?—Yes. A mile and a half within the borough boundary.

925. Have you felt the want of one in a more convenient situation?—No; we have not felt the want of it nor do we think it necessary; and I am sure the Council would erect one if a necessity arose for it.

926. Is there a mortuary provided by the Corporation?—There is.

927. In the town?—In Arthur-square—near the Town Hall—a place to which dead bodies are removed. We have no mortuary devoted to the purpose of having bodies removed to who have died from infectious disease at their homes.

928. But what do you do in cases where persons die at their own homes of infectious diseases?—We endeavour to get them interred as soon as possible; and the house is then fumigated and cleansed.

929. You have power to erect a mortuary under the Public Health Act of 1866?—We have; but it would be a very difficult matter to carry it out. The prejudices of people would be very much hurt.

930. What you call a mortuary is in fact a morgue?—It is a place to which bodies found in the river and other places are removed. The Coroner's Court is adjacent to it.

931. I don't know whether you have "wakes" here or not?—I think that is nearly abolished in Belfast; but in such cases I have issued very strong cautions to the people not to intermix with people living in places where infectious disease has been prevalent.

932. Suppose a case of fever breaks out in one of those small habitations in which children live, and so on, if the party does not go to hospital, are any precautions taken to prevent the spread of the disease—are the children removed, or any steps taken to separate the healthy persons from the infected person or persons?—We have not interfered by force yet. We endeavour to do everything by persuasion, and I may give as a reason for that, that we don't wish to make our department unpopular by using what is called force. We take every precaution by advising the people as far as possible to avoid contact with contagion, and we have the rooms in which such sickness occurs disinfected. I have gone to the houses and cautioned people myself personally very frequently.

933. What is the sanitary condition of the houses of the lower orders in Belfast—what accommodation have they?—There is a very large number of houses inspected, of the working classes, which are very good, but there are others in a lamentable condition.

934. Are many without privies?—There were at one time upwards of 4,000 houses in Belfast without

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rear accommodation. There are at the present time somewhere about 1,500 still in that condition.

935. And in their case what has been done?—A large number have been swept away *in toto*, and others have been made to get common accommodation—that is, a privy for the accommodation of four or five houses. We have endeavoured to do the best we could under the circumstances. I may tell you that we used very often to notice parties to close houses that did not possess proper sanitary accommodation, and we followed that up by getting an order from the magistrates, and that worked very well for a period, until a case was referred to the Recorder, who gave his decision against us; and since then I myself did not like to interfere, and Mr. Black advised us not to interfere with these houses until we have some ample means to deal with them. I look upon it as much to be regretted that that decision went against us.

936. Mr. EXHAM.—The Recorder, I believe, was of opinion that the Act of Parliament did not apply to any house built at the time of the passing of the Act?—Yes; and where disease had not actually occurred on the premises.

937. Was that Mr. Otway's decision?—Yes.

938. The practical effect of that would be that you could not force people to put up privy accommodation in houses as long as the inhabitants of those houses had not had fever?—I am not sure that it went so far as that.

939. In the case of the houses, 1,500 or 1,600, that you say are without privy accommodation, what do the people do there?—They have to deposit night-soil on the streets, and then by doing so they are infringing a local Act, and if they are discovered they are brought up and fined; and they have been repeatedly discovered and fined of late.

940. I see by your report that you have been calling the attention of the Corporation to this matter with the view of trying some plans to get rid of this nuisance?—Well the plan that has been adopted has been to get the people to leave the manure out in the street in the morning and the Corporation carts will come and take it away; but unfortunately parties will very often leave it out after the carts have passed round.

941. CHAIRMAN.—Are you aware of the nature of the pail system in use in Rochdale?—Yes; I know of it, but we have tried no regular system here. We are, however, anxious to try any system that would do away with the evil.

942. Mr. EXHAM.—Are the streets scavenged on Sundays?—No, they are not.

943. Then if this stuff is put out on a Saturday after the carts pass round it must remain out during the whole of Sunday?—Yes; either it must remain in the people's houses or out in the streets; that is one of the evils of the want of rear accommodation.

944. Are the owners of the houses required to make connecting drains between their houses and the main sewers?—I should mention, before passing on, that all the streets are swept very late on Saturday nights.

945. Are there connecting sewers with the main drains?—Yes; all houses that have water-closets must have drains.

946. Unless they have cesspools?—We have no cesspools in connexion with water-closets.

947. You do not permit that?—No; as far as possible not within the town. We would not permit cesspools to be made within the town.

948. If the house is situate within 100 feet of the main sewer you make the owner put down a connecting drain?—That has been done invariably; that is a point that has been looked after very specially.

949. What is the water supply of the houses without this accommodation?—The greater number have a tap inside the door. There is a stopcock—a cock that must go on running unless it is immediately turned off.

950. Have they to pay for that or is it supplied to them free?—The landlord under certain circumstances pays for the water. The Commissioners of course charge all parties for the water. I may say as a rule that these houses are very well supplied with water.

951. Are there supplies of water to the public fountains in the streets?—A large number.

952. Are they paid for by the Corporation?—No.

953. How are they paid for?—They are given gratuitously by the Water Commissioners. There are a large number of drinking fountains for the use of the people and also for cattle.

954. Any private wells?—Yes; a large number in the Cromac district.

955. Are they largely used by the public?—Largely sold and used by the public.

956. Has the water in these wells been analyzed?—Repeatedly; and found to be very good. I think, however, there were two wells found not to be pure and we ordered them to be closed and they were closed. The Cromac water is looked upon as the best in the country.

957. In what condition are the main sewers?—They are in a good condition where there is a good fall. Of course if you take some low-lying sewers you must have a large deposit from the want of a fall, and I do not think then that the flushing of such sewers would be of much advantage. All the low-lying sewers must be cleansed out, and it costs a great deal of money annually for the cleansing of those sewers and it is one of the evils we cannot avoid.

958. Are they opened by the Corporation periodically and the accumulation taken away?—Wherever there is any suspicion, the sewer is immediately opened and cleansed by the surveyor's department.

959. Are there any traps in these sewers for the purpose of letting off all the sewage gas?—They have open ventilating grates; but they are trapped at the sides where the water goes in.

960. That helps to take away the sewage gas and it also takes away the pressure from the houses?—Yes; and we have "man-holes" in the principal sewers in order to enable the men to get down and cleanse them.

961. But you are only able to do that within a short distance of the "man-holes?"—I have known the men to go through the whole sewer.

962. Do any of the sewers go into the river?—Nearly the whole of the sewers go into the river.

963. What is the condition of the famous Blackstaff?—It is sometimes very bad, and sometimes not very bad, according to the amount of water running down it. You would not find it very bad at this season of the year, but if you were here in June you would find it unpleasant.

964. Has anything been done with regard to the condition of the Blackstaff?—Nothing, except cleansing it out, levelling the edges, removing obstructions, but not anything to keep the sewage out of it. You are aware that there is a plan before the council regarding it which has been practically adopted.

965. CHAIRMAN.—Is the Blackstaff the outlet for a great portion of the sewage of the town?—For a large portion, but not a great portion.

966. Mr. EXHAM.—Is it in a bad state in the summer?—Unquestionably.

967. Well, as sanitary officer, is its condition in summer, in your opinion, dangerous to public health?—I must say that in the neighbourhood of the Blackstaff I never found that we had more disease than anywhere else, even in times when there were epidemics, strange to say.

968. Some years ago you made a strong report against its condition to the corporation?—It has been reported on repeatedly.

969. Mr. LAWLESS.—Have those reports ever been acted upon?—Main sewerage to direct the sewage out of it has never been made yet; but upon that point you will get full information from the surveyor.

970. Is the Blackstaff in the same state now as

when you reported upon it?—Precisely; in the summer it is in the same condition, or even worse than it was when I reported on it, because the amount of sewage going into it increases annually, and a large portion of that sewage comes from the mills, which mills get a great deal of cooling water from that stream.

971. CHAIRMAN. — Are there no intercepting sewers?—None.

972. Mr. EXHAM.—There has been nothing, I believe, done upon a large scale with regard to the condition of the Blackstaff for several years?—Nothing practically done for several years.

973. What is the outlet for that portion of the sewage of Belfast that does not go into the Blackstaff?—The Lagan is the receptacle for all the sewage, because the Blackstaff runs into the Lagan.

974. Do you consider its condition in summer dangerous to public health?—I consider its condition very dangerous to public health.

975. If an epidemic broke out, might it not be a source of enormous evil?—Yes; although, as I have said, during epidemics, we did not find the neighbourhood of the Blackstaff any more dangerous than other localities.

976. Since the last Public Health Act came into force, have you reported against the condition of the Blackstaff?—The matter was last referred to me when this scheme for the removal of the nuisance from the Blackstaff was submitted to me.

977. Did you approve of that scheme?—I did approve of that scheme decidedly, although perhaps I do not approve of the water-closet system as a rule.

978. You approved of most of the features of that scheme?—Yes.

979. But that scheme has not been adopted?—Not yet; there has been a difficulty about an outlet between us and the Harbour Commissioners. The system comprises two levels—one high and one low. The low level will require to be pumped, and the high level will discharge itself by gravitation. It is the high level I refer to now.

980. Do you think the Corporation will carry out that scheme, provided they get the consent of the Harbour Commissioners?—I am sure the Corporation will do anything that is practical in the matter. I must, at the same time, tell you that there have always been great difficulties in these cases in connexion with the relieving of the town sewerage, which has always been one of our greatest difficulties.

981. You have had, I find from this report which has been handed to me, 3,744 streets and lanes inspected with respect to the sanitary regulations from the 1st of January of the present year?—Yes.

982. That is eleven months, and there were in that time twenty houses provided with back yards, and the necessary accommodation?—Yes.

983. And it goes on to say that there were 2,668 feet of pipe drains laid, connecting house drains with street sewers; 103 house drains constructed, eighty-five privies and ashpits erected, and 204 re-built; twelve water-closets erected, and twenty-seven repaired, and 1,372 house drains cleansed?—That is correct; and I may as well tell you that with regard to the water-closets, that was where they had not formerly existed, that of course does not refer to new houses being built.

984. Have all these matters reported and referred to here been done at the instance of the owners or occupiers under your directions?—Yes.

985. Then there were I see 148 stench-trap grates put on house drains; 810 yards retiled and sixty-seven repaired; thirty walls cemented to prevent offensive matter soaking into the adjoining premises, eighty back passages cleansed; forty-five houses provided with water spouts; six pools of stagnant water abated, and three accumulations of offensive matter removed; thirty-two roofs repaired, eight houses closed up which were unfit for habitation?—That was done by consent of the parties after being noticed.

986. Do the inspectors examine the roofs?—In going round they observe dilapidations of any kind, and it is reported to the surveyor's department, and attended to.

987. There were also I perceive three chimneys raised to abate the smoke nuisance?—Those were chimneys found to be too low.

988. There are also said to have been 1,980 houses whitewashed, and 4,690 privies and ashpits cleansed; and 252 houses fumigated and whitewashed where contagious diseases occurred?—Yes; we have had very little contagious disease as you are aware during the last twelve months.

989. Did you not report a number of houses unfit for human habitation, specially mentioning Smith-place?—Yes, that is the place I reported as unfit for human habitation, but now a scheme is being considered for the improvement of dwellings of that class.

990. Mr. Black mentioned that the artisans' dwellings scheme was under the consideration of the Corporation, and are we to understand from you that the Corporation are about taking proceedings under the provisions of the Artisans' Dwellings Act for the improvement of artisans' dwellings?—Yes; and here is the joint report of the sanitary and town improvement committees of the 20th of September last, with my reports to them on the subject recommending the Town Council to declare the districts therein referred to an unhealthy area, and that a scheme be prepared for its improvement. (*Vide* Appendix No. 8, page 210.)

991. Is there any company established in Belfast for providing such dwellings?—None whatever.

992. Mr. LAWLESS. — Are the lanes and alleys where the poorer portion of the population live well attended to in the way of scavenging?—Yes, there the scavenging is very fairly done. As I said before there is a difficulty occasionally experienced from the fact of the parties themselves not being of very cleanly habits, and from the circumstance that they pitch things into the streets, and so on.

993. Have the Corporation provided any public necessaries?—Yes, in connexion with our markets they have provided places of public convenience.

994. CHAIRMAN.—In your report you say that the narrow streets, courts, alleys, and backyards of places inhabited by persons of dirty habits are not as carefully kept, from a sanitary point of view, as they should be?—Yes.

995. But as far as the scavengers can attend to it is the work well done?—Yes; as far as I can see it is well done. Every morning the men go round, and we have an inspector and two sub-inspectors attending to this duty.

996. Mr. EXHAM.—Is there as much attention paid, in the way of cleansing, to these parts of the town where poor people live, as there is to the portions of the town inhabited by rich people?—That does not come under my view, so I cannot say.

997. CHAIRMAN.—There is, you say, daily supervision exercised, but in consequence of the untidy habits of the inhabitants, it is impossible to keep those poorer quarters of the town as clean as you would wish. Is that what you wish to convey to us?—Yes; if you examine the Chairman of the Police Committee he will be able to tell you with regard to many of those points; they do not come under my observation.

998. From a sanitary point of view would a better supply of water be advisable?—We never could have too much water in the town, but I do not complain of the water supply to the inhabitants.

999. I mean that the Corporation should have at their command a better supply of water for the flushing of these small lanes and alleys, so as to have them washed and cleansed?—In my opinion there should be an almost unbounded supply for cleansing purposes.

1000. Mr. LAWLESS.—Do you think the Corporation have at present a sufficient control over the water supply for sanitary purposes?—They have no control over the supply.

1001. CHAIRMAN.—I suppose it is a question of price?—It is as you say; they have no power of using the water themselves.

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1002. Mr. EXHAM.—Is there an ample supply of water for all purposes?—I think generally speaking that they have an ample supply for the inhabitants.

1003. Suppose the Corporation themselves were owners of the waterworks, is there a sufficient water supply for the houses?—I think there will be, but I think myself that there has not been hitherto, and, as you are probably aware, on two or three occasions we have been nearly on the point of a water famine. That is not, however, the fault of the Water Commissioners. The growth of Belfast has been so rapid that it has been almost impossible to overtake it with regard to the water supply.

1004. They have a new reservoir for the water supply made?—Yes; it is thirty years ago since the first was made.

1005. They have got a couple of extra ones since?—A number of new ones have been made since; they are down in the neighbourhood of Carrickfergus.

1006. Then taking all that into account you still don't think the water enough for the increased growth of Belfast in population?—Not at all; and I imagine the Water Commissioners anticipate getting a larger supply.

1007. CHAIRMAN.—Do the Corporation get any supply of water for the purpose of washing the streets and sewers from the river?—We used to pump up water from the river for the streets in summer; but as that was not a very wholesome proceeding, I always advised them to get clean water for the purpose, and to buy it from the Commissioners.

1008. That would be of course far better than using the water of the Blackstaff?—But the Commissioners have to be very chary of giving too much water; because they might run the public dry in the summer, as that is the time when there is a greater demand for water, and the Commissioners have been very careful on that point. During the past few months the Commissioners have instituted a house to house examination with a view of preventing the waste of water.

1009. I see you, as consulting sanitary officer, go a great deal further than anyone in your position that we have yet met elsewhere in Ireland; you send in regular reports and you don't wait to be invited to attend meetings of the Corporation?—I consider the law defective, and I consider it my duty to do all I can without waiting to be asked for advice; I look on that as part of my duty, and I do not merely wait to be asked for my advice. I come to the town hall every day, and consult with the executive sanitary officer, and once a week with the committee, regarding what is best to be done. I make a report once a month, and a general report every three months.

1010. You are provided with a proper office and clerks I suppose?—We have very good apartments in the town hall; there is a private apartment for the executive sanitary officer, and one for myself.

1011. And are reports kept regularly and filed there?—Yes.

1012. You apparently act as general advising medical officer?—Yes; such as there is in Liverpool, Manchester, and so on.

1013. Practically, you are the medical officer of health?—Yes; practically I am.

1014. Mr. EXHAM.—In every way in their power, exclusive of the Blackstaff, the Corporation seem to have done everything in their power to improve the sanitary condition of the town?—The Corporation are most anxious and willing to do anything in their power for the improvement of the sanitary condition of the town.

1015. In your report for 1875 you call attention at page 15 to the main drainage, sewering, and paving of the streets. You state in that report:—

"I am aware that within the last few years the main drainage, sewerage, and paving of the streets have been greatly extended. These most important works should not be curtailed or delayed, but every effort should be made to have the main sewerage and drainage effectively carried out; while the streets that have not yet been properly formed, paved, and drained, should, without delay, be put into the condition that would allow surface-cleansing to be effectively performed. On this subject of surface cleansing, I may say that while the great thoroughfares are kept properly swept, the narrow streets, courts, and lanes (especially those without back-yards), and which are usually inhabited by persons of careless, if not filthy habits, require a closer supervision with regard to their cleanliness. However, much depends upon the inhabitants themselves, and I regret to say they are not nearly so careful as they should be."

As far as possible have those suggestions been carried out and that work done?—There has been a very large amount done during the past twelve months.

1016. You said that public accommodation had been provided by the Corporation in the markets. Have they also provided such accommodation in those poorer places to which you refer in your report?—They have accommodation in various places. They have not done it themselves, but they have compelled such places to be erected.

1017. So as to lessen the nuisance?—Those 1,500 houses, I may mention, have not often a public place in connexion with them; and on the other hand, in many streets one of the houses has been taken down for the accommodation of the others, and a properly built place put there.

1018. Have a large number of public urinals been erected?—Yes; a large number.

1019. CHAIRMAN.—With regard to the public slaughter-house, I asked was it in a thickly populated part of the town, and I was told it was not, and that the only person who complained of it was the gas engineer. You have inspected that place, I presume. Is it kept in a proper and wholesome condition?—The man in charge of it appears to be most anxious to keep it in good order. I know myself that the manure is removed from it very frequently; I think every second day.

1020. In your judgment is it to any extent a nuisance and dangerous to public health?—Not to the smallest extent. It was built with the view of obviating any public offence.

1021. The depot at which the manure and the refuse of the streets is kept is also within the town, I understand, and near to houses?—Not very near any houses; the nearest are some houses in Stewart-street.

1022. Is its locality an objectionable one, or one that is calculated to make it a nuisance and dangerous to public health?—It would be better if it were removed outside the borough, decidedly; and I know that that is a question that has come before the committee. I imagine that as far as they can see their way they will have that attended to.

1023. Have you found injury to public health arising from its present position?—None whatever.

1024. But still you think it should be removed for better security for the public health?—As a matter of precaution, I think all those places should be removed outside the city.

1025. Mr. EXHAM.—Have the Corporation ever tried to take steps to prevent the owners of house property, and so on, from draining into the Blackstaff?—No; at least I am not aware that they have.

1026. Because the refuse of the mills, where there is a large population daily employed, must necessarily pollute and foul the river; and also, can you say, if any steps have been taken to make such owners form large cesspools?—I am not aware; that does not come under my observation.

1027. Under the Sanitary Acts it might come to be your duty to see that these owners should not be allowed to drain their refuse into the river?—You are aware that under the present Act we are a very short time in operation, and we have not had much opportunity of taking all the necessary steps. I think it would be a very proper thing if all the sewage were diverted out of the Blackstaff. Unquestionably these mills should be prevented from using the water of that river also.

1028. Are there a separate set of carts provided for sanitary purposes as distinct from the scavenging?—No.

1029. They are always able to get rid of the nuisances?—Yes.

1030. There is no difficulty in getting what carts

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and horses are necessary for the purpose of removing the night-soil?—Not the smallest.

1031. Does it ever happen here that horses are kept in the houses of the people, or anything of that kind?—If we find anything of that kind, the people are instantly noticed to remove them.

1032. Are pigs ever found under such circumstances?—There is a difficulty about pigs in the town; but we take as much precaution as we can to prevent pigs being kept in the houses; and if they are complained of as nuisances the people are immediately ordered by Mr. Scott to have them removed; or if the medical officer reports them, they are immediately ordered to be removed. I may observe that we have had from the inhabitants during the year 1,000 complaints all of which have been attended to; 2,288 notices have been served, and those were all attended to; and we had to summon ninety-three parties—in some cases we got convictions, in others not.

1033. You have a public analyst here?—Yes; Dr. Hodges, and you are aware that the food and drug department have been put under my charge, and whenever I have reason to suspect anything wrong with food or drugs, I get a man to take a sample to Dr. Hodges, who makes the analysis and reports to me, and the committee or myself may order a prosecution, or our paid solicitor.

1034. Do you think there is a sufficient staff for the working of that Act?—I would suggest that there should be a man specially set apart for that work. He might have combined with it the inspection of some portion of the markets. In consequence of the sickness of the clerk of the markets, we have not yet got an arrangement with regard to the services of a man, but it will I am sure, work very satisfactorily. I think before the end of the year we will have it all arranged and combine the two duties.

1035. There has been apparently very little disease?—Yes; the statistics have been very low. The death-rate during the first quarter was 24·97 of the corrected population; that is for the year 1876.

1036. In 1875 it was 26·1?—You will find that the death-rate was high in all towns in that year. We were decimal point one above Dublin last year.

1037. CHAIRMAN.—According to their return you were ·1 below Dublin last year?—For this year the first quarter is 1·24, and the second $22\frac{3}{10}$. We have had very little zymotic disease this year, but the early part of 1875 was high in that respect.

1038. Had you a good deal of scarlatina and fever?—Yes, and a great deal of measles. This year we have had a great deal of whooping-cough and diarrhœa among the better classes, and a singular immunity among the poor. You can ascertain that by comparing the numbers returned by the dispensary medical officers, and the amount of deaths by the registrar-general's returns. I do not think our annual death-rate would be more than about twenty-three.

1039. Have you found much adulteration of food here?—Well, principally in milk. We have taken up some butter and flour, but as a rule there has not been much food adulteration. We have had about 100 specimens examined.

1040. Mr. LAWLESS.—Are complaints from the inhabitants brought before your notice?—If the occasion requires, but not otherwise.

1041. Supposing the executive sanitary officer does not do what the complainant requires, what does the complainant do then; can he bring it before you?—Yes; and before the committee, and the committee will attend to any complaint that has not been attended to by the officers. Mr. Scott, in any case of doubt, always comes to me about it and consults me. We work very harmoniously in our department.

1042. As a rule are the complaints of the public attended to?—When well founded they are invariably attended to, and as far as possible the cause of them removed.

1043. CHAIRMAN.—Are they at least always investigated?—Yes; some of them are very trifling—a wrangle between two women, and that sort of thing.

1044. Mr. LAWLESS.—In your opinion are the meetings of the sanitary committee held sufficiently frequently at sufficiently short intervals?—I think so, decidedly; because in the meantime we do all that is necessary. The meetings are regularly held every Thursday.

1045. Mr. EXHAM.—Do a sufficient number of the committee attend to form a quorum?—We have always a quorum. We never have had any adjournments. Three form a quorum in all committees. I may remark that the sanitary committee makes a full report to the council.

1046. I suppose the water supplied by the Water Commissioners is good water?—Excellent water, and it has been frequently analyzed. The water supplied through Belfast is principally the drainage of pasture and upland, and that next to spring water is about the best.

Dr. JAMES ATCHESON ALEXANDER examined.

Dr. James Atcheson Alexander.

1047. CHAIRMAN.—You are, I believe, an alderman and have been a member of the Corporation for several years?—Yes, fourteen or fifteen years.

1048. You are the chairman of the police committee, I believe?—Yes: since Mr. Black became solicitor to the Corporation; he preceded me.

1049. And that committee has charge of the cleansing and lighting of the streets, I believe?—They have.

1050. Do the town surveyor and the officer who has charge of the cleansing and sweeping of the streets, the street inspector, act under the directions of that committee?—They do.

1051. Are the streets well swept and cleansed in your judgment?—They are.

1052. Are the back lanes and back alleys attended to as well as the main thoroughfares?—The back lanes, narrow lanes, and places of that kind are swept regularly daily, early in the morning.

1053. Did you hear by Dr. Browne's evidence on that point, that in consequence of the uncleanly habits of the occupants of the lanes and alleys it was impossible to keep them as clean as was desirable?—It is, very often; and I think our police force do not do what they should in that respect, by enabling us to bring up people who deposit things on the streets immediately after they are swept. We have appointed men to look after that, in addition to the police, to prosecute parties who deposit nuisances on the streets.

1054. Have any communications passed between you and Captain Bailey the chief inspector of the police force on that subject?—Yes.

1055. And has he expressed himself as willing and desirous that the police should act in that capacity?—I cannot say just from memory now so exactly as to that or not, but there have been frequent communications between us, and Mr. Bailey has been always willing to aid us and has given orders that these things should be carried out.

1056. Mr. Black has told us that the police do not do some of these duties very satisfactorily?—I might say it was the unanimous voice of the town that the police do not act as they are expected to do in carrying out the requirements of the local Acts and the by-laws. There is one thing that is much complained of—the regulation of the traffic.

1057. And though your committee is styled the police committee, it has nothing whatever to do with the police beyond drawing cheques for the yearly accounts. Really and truly the duties of your committee are to take charge of the cleansing of the streets and the lighting of the borough. Are not these the main duties?—Yes; these are the main duties. We feel it very irksome to have nothing to do at all with the police but pay the accounts when presented. We have nothing to say with regard to the accounts, and we contend fairly enough, I think, and it is generally admitted, that where there is taxation there should be representation, but we have no

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Dr. James Atcheson Alexander.

voice in the matter at all. I think the principal reason for that is the large payments for extra police brought in on special occasions here. The police payments last year amounted to £16,000, while a few years back they only amounted to £8,000 or £9,000, and we cannot estimate for these payments at the beginning of the year. We have no control over them whatever, and when the extra police even have been brought here they have been retained much longer than we thought was necessary; and I may just state that it is the almost universal opinion of the inhabitants of the town that the regular force we have here would be quite sufficient to preserve the peace of the town, aided by the military, whom we have always here. The general opinion is that the military would be much more successful in keeping the peace of the town than an extra force of police would, and the former would cost us nothing. If it could be done we would be willing to pay something to the military if they were called out, because we would thus save the travelling expenses of the police to and from long distances.

1058. We understand that a redistribution of the force cannot take place until July next?—There ought to be a revision. The people expected or hoped that they would obtain some assistance by this inquiry, in order to get some alterations made with regard to the police.

1059. All we can do is to take a note of your objections from a financial point of view. I think we cannot travel beyond that.

1060. *Witness.*—You will permit me to mention that the police committee have the charge of the fire brigade. Soldiers have been permitted to come out and assist at fires, and we have found them very efficient, and paid them the usual charge for helpers. We therefore think that they might be allowed to come out on some occasions to quell riots, and we would be quite willing to pay in the same way for the duty that would be involved in their so doing. I heard an observation made with regard to the manure yard. It is the intention of the committee to provide a better site for it if they can obtain one. They have been doing all they could to get other places in which to deposit the manure taken out. We have had an objection raised occasionally, but very seldom, about the present locality; but at the beginning of this year we raised a wall around the yard considerably, and we have heard no objection to it since that.

1061. Dr. Browne stated that you, as a medical man, would give us your opinion as to whether it is injurious to public health where it now stands?—I frequently visited it, and never could say that it was injurious to public health.

1062. Do you agree with him that it would be better in a less thickly populated neighbourhood?—The neighbourhood is not thickly populated. It would be better outside the town than in it; I quite agree with him in that.

1063. And it is at present under consideration if you can get a convenient place for it?—Yes; it has been under consideration for the past two years. We endeavoured to get a tramway laid, so that it could be sent out from the Central Railway, which runs adjacent to the manure yard; and we intended to have rails laid there, so that trucks could run alongside and the deposit be taken outside the town altogether.

1064. Has the scheme of main drainage and the purification of the Blackstaff come specially under your observation as chairman of the committee?—Not specially.

1065. It has come under your observation, I suppose, as a member of the Corporation?—Yes, as a member of the Corporation.

1066. Would you tell us what are the difficulties and the obstacles as to carrying out that scheme?—I frequently asked information on that point myself, and I have always been told that private interests have prevented the Corporation from carrying out what they wished to do. They have no authority to do what is necessary.

1067. You say "private interests"—do you mean that there is opposition to it on behalf of private individuals?—Not at all. Those having property adjacent to the Blackstaff have water rights and interests in the river. It is the mill owners and others, and I may as well state that in my opinion if there was not a single sewer discharging into the Blackstaff it would be polluted, because the water is used several times for cooling purposes in connexion with the mills, and it gets mixed up with the oil and other matter, and heated, so that in that way it becomes a nuisance of itself even without any sewage matter passing into it.

1068. What is your idea of the best outlet for the sewage of the town—the best means of preventing the water from being infected?—My own opinion is that it should be carried as far down the river as possible; but we are prevented from doing that I believe.

1069. How—by the Harbour Commissioners?—Well expense is one cause, and getting the drainage through private property is another, and carrying it two or three miles down the river would be very expensive.

1070. That is part of the scheme that is now under the consideration of the Town Council to carry out the sewage to a certain point, and that is what the Harbour Commissioners object to your doing?—They wish us to carry it much further down the river than the point where we intended to discharge it. My own opinion is decidedly that the further it is carried down the river the better, because if it is deposited at certain places it is liable to be brought up again. One objection to the system of drainage is that so much slob land will be bared, and if the river was narrowed at certain places, and did not leave any ground uncovered with water I think it would improve that very much.

1071. Mr. LAWLESS.—In other words if that slob land were reclaimed?—Raised, and the river narrowed.

1072. CHAIRMAN.—Do you think the Corporation are really desirous to carry out an effective system of sewerage for the town if they can see their way to doing so without involving themselves in litigation?—Every member of the Corporation is as anxious as any other person could possibly be.

1073. Mr. LAWLESS.—I suppose the use of the water of the Blackstaff is considered necessary by the mill owners for cooling purposes?—Yes.

1074. And then their proprietary interests would interfere to prevent them assenting to any change in the present state of things?—Just so. But I know some of them would be very glad if improvements were carried out, provided the dams were made higher up so as to give them a supply of water for their mill purposes.

1075. If it happened that some of those gentlemen were members of the Corporation, would they be as willing as others to carry out these plans?—I have spoken to some who are members of the Corporation, and some who are not, and one, at least, has expressed his willingness that improvements should be carried out, and said he would contribute towards the expense of making impounding dams; others said they had already expended a good deal of money themselves, and that, therefore, they could not be expected to contribute anything towards the cost of the dams.

1076. CHAIRMAN.—There was one point in Dr. Browne's evidence to which I wish to refer you, and I wish to ask you if it has been considered by you or other members of the Corporation. He mentioned the difficulty experienced in accurately determining the health statistics in districts Nos. 9 and 10, because they are partly outside the urban sanitary authority, the municipal boundary; and he states, I observe, that if the portions of 9 and 10 districts could be joined to the other urban districts to which they are adjoining, it would tend to greater convenience for the purpose to which he alludes. Has the question as to whether that suggestion could be carried into effect ever been considered by the Corporation—by reducing the number of the districts and adding 9 and 10 to the adjacent districts?—It has been talked of, but whether by the Corporation or not I do not know. It

was talked of by the Poor Law Guardians and by the dispensary committee that regulates the district; but I do not know whether the question has ever been considered by the Corporation.

1077. Of course that could not be done without the consent of the Local Government Board. Any re-distribution of those districts would have to be submitted to the Local Government Board, would it not?—I cannot speak as to that of my own knowledge.

1078. If you are desirous of getting accurate returns of the vital statistics of the borough, the carrying out of Dr. Browne's suggestion would be a convenient thing, would it not?—I think the present returns are incomplete, and anything that would contribute to their being made more reliable, would be desirable. With regard to the scavenging of the town, I wish to observe that we have a contract for a certain number of horses, and we supply the carts. We have a contract for the horses by the year. If the number is less than the contract at any time, the inspectors have instructions to employ others, wherever they can get them, and at whatever price they can get them at; and the instruction of the police committee has been—"Employ any number that may be necessary at any cost." They are not restricted; and we wish to carry out the regulations as well as we possibly can.

1079. They are not obliged to wait for another meeting of the committee for extra horses, if they require them?—Not at all.

1080. The manure is sold fortnightly, I believe, so that it is not allowed to accumulate?—Yes, it is sold fortnightly by auction.

Mr. CONWAY SCOTT examined.

Mr. Conway Scott.

1081. Mr. EXHAM.—You are the executive sanitary officer here?—Yes.

1082. And by profession you are a civil engineer?—Yes.

1083. You were appointed immediately after the passing of the Act of 1874?—I was appointed just two years ago at the beginning of next year—the first of the month.

1084. Do you give your entire time to the Corporation—to looking after the sanitary operations?—Yes; I give my entire time to looking after the sanitary operations.

1085. Are they all carried out under your direction?—Yes; I am responsible for them to the sanitary committee.

1086. You have six sub-officers. Five at 25*s.* a week, and one at 20*s.*?—Yes, and he got an increase lately or will get one.

1087. Have you authority yourself to act in the ordinary cases without waiting for the action of the sanitary committee?—Yes; I act at once in all ordinary cases. Such a notice as this is served (hands in form of notice).

1088. You serve the necessary notice, and certify the time at which it is to be done or proceedings will be taken against them?—Yes; and proceed against them.

1089. In other cases than the ordinary ones what do you do?—If I could not go myself, or if I had some doubt about it I would send to the dispensary officer, and he would go and report.

1090. Do you yourself personally see that in all cases of complaint the cause of complaint is removed?—As far as practicable I do. I would select a certain number out of the weekly reports, and go round and see them made right.

1091. Do you send a sub-officer to see the other places?—I would keep check by their not knowing to what place I intended going to see. The weekly report would be in this form—(hands in form of the weekly report).

1092. Do you give this in every week?—Every week. I read them every Thursday morning.

1093. As I understand this you insert the entire work done under your direction?—Yes.

1094. At the end I see reports of a number of summonses, and these cases were withdrawn the nuisance being abated?—Every week the sanitary committee have a record of what is done the week before, and they have a full report of the work that is carried out.

1095. CHAIRMAN.—What is the nature of your inspection of schools?—We find it is very desirable to inspect the National schools where there are a great many children, and we endeavour as far as possible to see that there is no overcrowding. Sickness very often begins in the schools.

1096. Is twenty-nine the number of slaughter-houses?—I think it is about thirty-four.

1097. You never seem to inspect less than twenty-nine in the week?—Some of them would not require so much inspection as others.

1098. And you inspect from seventy to eighty lodging-houses in the week?—Yes.

1099. Mr. LAWLESS.—6th December, 1876, 112 streets and lanes are inspected for sanitary purposes. I suppose the men under you give returns of what they do?—Yes; and then there is a summary made out.

1100. CHAIRMAN.—There appears to be not a single week in which less than 100 to 140 privies or ashpits have been cleaned out?—Yes; it takes the greatest care to see that it is done.

1101. Mr. EXHAM.—In the portion of the town where there are no privies or water-closets what do you do?—I could not say that there are any houses in Belfast with none. They may have confined accommodation, five or six of the houses having the use of the one pit; and in such case I would call on the landlord to clean that pit. We have not got many water-closets amongst the poor classes in Belfast.

1102. About how often are these pits cleaned where you say there is one common pit to five or six houses?—We would try to get them cleaned once a week.

1103. Are they covered-in places?—The privy would be covered in, but the pit would be the usual open pit.

1104. I understood from Dr. Browne that there was a considerable portion of the town in which the people could do nothing except throw the filth in the streets?—That would require explanation. They throw it in the streets to prevent us from noticing them to cleanse the pit. Even if they have accommodation they will throw it in the streets. Of course there might be some houses where they might have no accommodation, but they are very few.

1105. Are the houses which have water-closets connected by drains—with the main sewers, where there are main sewers within 100 feet of the houses?—I think as a general rule the water-closets are connected with the sewers.

1106. Have you made an examination from house to house to find that out?—I have not. That is a thing I could hardly tell. I examined the Antrim-road, and I found the houses were connected where they possibly could be connected. Some of them were more than 100 feet from the main sewer.

1107. Did you see that those beyond 100 feet from the sewer had cesspools?—They made all the arrangements they could.

1108. With regard to the scavenging of the smaller lanes and alleys of the town, do you see that it is properly attended to?—I have nothing to do with it. It is done by the scavenging department.

1109. Do you find any difficulty from not having a sufficient supply of water for public purposes in carrying out the sanitary operations—flushing the sewers or washing the streets?—I could hardly give an opinion as to that. It would not come under my notice.

1110. What about the Blackstaff?—I think there is a good deal depends on the cleaning of the bed of the Blackstaff. When we notice any accumulation in

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Mr. Conway Scott.

the river we send word to the surveyor's department, and they send the men to clean it.

1111. Have you taken any steps to prevent any persons—millowners or anyone—from sending matter into the river—I do not mean the refuse from the mills, but the sewage matter?—I would hardly like to say to one party anything for doing what is done all over the river. Up to the present I have taken no steps in the matter. I would not exactly know how to go about it. The thing has gone on for a long time.

1112. You say the bed of it is cleaned out occasionally?—Very frequently, when the tide is low, they send men to clean out that black sediment that accumulates in it.

1113. Is it sent down the river or put on the shore?—It would be put on the shore and carted away as far as I know.

1114. Are complaints made to you about the condition of the river by people near it?—I do not think there was ever a formal complaint lodged in the office about the condition of the Blackstaff.

1115. Then the action of the sanitary authority in getting it cleaned comes from themselves, and not because complaints are made by the inhabitants?—I do not say there is not a good deal of public feeling about it, but I do not think there was ever any complaint lodged in the office complaining of that particular thing.

1116. While things remain as they are it must continue as it is?—It will always be the same as it is until some arrangements are made to prevent the sewage matter from going into it.

1117. I suppose you see that the lodging-houses comply with the by-laws?—I measure them every year to see that they fix the number of lodgers. I measure each room—the number of feet in it.

1118. In case of infectious disease, do you see that the houses in which it takes place are afterwards disinfected?—Yes; we notice the landlords to have the houses whitewashed and fumigated. In a great many cases they take chloride of lime and try to get the people to go to the hospital.

1119. With regard to the clothes, do you see that they are destroyed?—We burned clothes a short time ago—the bedding and mattress—in a case of small-pox. We do that when the doctors say that it is required.

1120. Have you known many cases of infectious disease where the parties would not go to the hospital?—I think the prejudice against the hospital is rapidly being removed. There used to be a great prejudice against it. The people used to be very unwilling to go to the hospital. I do not find that to the same extent now.

1121. Are you always able to get a car from the hospital to have them removed?—They keep a horse and car, and send it down to the place and have the people taken away if they are willing to go at all.

1122. CHAIRMAN.—Have they got more than one ambulance?—I am not certain about that.

1123. As a matter of fact you have not found any difficulty in getting that ambulance when required?—We have not.

1124. Mr. EXHAM.—In the case of a person dying of any infectious disease, what do you do with regard to the body—do you do anything?—We never had any occasion to take any steps. I think there are legal powers which would enable us to remove the body, but we never had occasion to do so.

1125. CHAIRMAN.—You have no mortuary to which you can remove the body of any person dying of infectious disease?—No; there is only the Morgue.

1126. Mr. EXHAM.—Has anyone reported that there are six open and offensive drains near where they lived?—They would be drains that people were getting cleansed. Where there is a drain running along a field for a long distance it would be too much to expect them to pipe it.

1127. CHAIRMAN.—Dr. Browne said they were outside the borough boundary.

1128. Mr. EXHAM.—Are these six drains in the populous parts of the town?—No; they are not inside the town.

1129. I see you had a good many houses this year in which there was contagious disease, for you fumigated 252?—Yes, by the owners; and sometimes we got them done ourselves.

1130. Did that number of cases of contagious disease exist this year?—I have no doubt of it. That, no doubt, included measles, and so on. We generally returned anything that the doctor returned to us as contagious disease.

1131. CHAIRMAN.—Would that, then, embrace the houses in which there were cases of measles and whooping-cough?—Yes. We generally like to get the houses cleaned, and I would take that opportunity to have it done.

1132. Mr EXHAM.—From your personal knowledge of Belfast, are you able to say that the sanitary condition of the town is improving?—I am certain of it; I think it is.

1133. Mr. LAWLESS.—I see here in the sanitary week ending the 6th September, 1876, you have had five places provided with yards and accommodation. Do you mean to say that the Corporation gave additional premises for making them?—I would notice the man to give additional accommodation. There might be property in the rear which he gets into his hands, and after he did so he would be made to provide sanitary accommodation. A good many were done in that way. If a space in the rear of the house is purchased by the owner he is made to get yards and privies constructed.

Mr. John James Montgomery.

Mr. JOHN JAMES MONTGOMERY examined.

1134. CHAIRMAN.—You are the borough surveyor?—Yes.

1135. And have been surveyor for fifteen years?—Yes.

1136. You are, I believe, a member of the institute of civil engineers?—I am.

1137. Have you charge of all the engineering works and the repairs of all public works within the borough?—Yes.

1138. A great many streets we heard already, within the last few years, have been opened and sewerage made—does that apply to the town on both sides of the river—the part in the county Down and the more important part in the county Antrim?—Very much in the county Antrim and very much in the county Down.

1139. The 29th clause in the Belfast Act of 1868 provides that Ballymacarrett and Ballynafeigh are to get £6,000. Was that sum set apart for them?—Very much more than that has been set apart for them.

1140. Last year it would seem that upwards of £7,000 was expended upon Ballymacarrett?—Yes; about £23,000 have been spent in drainage works in Ballymacarrett, but a large portion of that comes from the owners of property. More than £6,000, however, has been set apart out of the funds of the Corporation irrespective of what was recovered from the owners of property. It was at my own suggestion that that £6,000 was put in the Act, so that I know all about it.

1141. The 27th section provides that the cost of the sewers shall be apportioned 1*s.* 3*d.* on the general purposes rate, and the residue on the district sewerage rate, and on the owners of property, as provided by the 60th section of the Belfast Act of 1865; does it come under your department to see that that is done in all cases?—Yes.

1142. There is another clause in this Act immediately following the one referring to Ballymacarrett, which gives power to close a passage in the rear of the Belfast Bank, between Donegall-street and North-street, has that been done?—I must explain that. At the time of the passing of that Act we were not quite sure of the exact position of the piece of ground that

we were to get, and the banking company would not positively give an undertaking to set the bank back within any given time; but in point of fact, they have entered into an agreement with the Corporation in pursuance of the powers of that Act, and strictly within the powers of that section by which we have agreed with the owners of the bank. They have given the Corporation ground to widen North-street, and entered into an agreement with the Corporation, either to set the bank back, or to give the Corporation a sum of money (£1,500) towards the continuation of the widening of North-street, which has already taken place, adjoining the bank. In the immediate neighbourhood of the bank you will see that considerable improvement has been carried out, and at any moment the Town Council wish to call upon them to contribute this £1,500 towards the widening of the street in the neighbourhood of the bank, they will pay it, and we are now in treaty with owners of property to do so, as far as £1,500 will go. They have already paid £650 for improvements out of the £1,500

1143. The real object of course was to widen the street?—Yes. We were most anxious that the bank should be set back, but unfortunately the bank some time ago lost £150,000, and that has prevented them from rebuilding, but I have no doubt the bank will be rebuilt soon, and set back as intended.

1144. Mr. EXHAM.—Will they be obliged to set it back after giving you the £1,500?—Yes; there is a clause in the agreement providing for that. In that case we are bound to disgorge the £1,500—(hands in agreement between the Corporation and the Banking Company.)

1145. CHAIRMAN.—Was it not you who prepared this scheme for the drainage of the borough?—It was. [For summary of this scheme *see* Appendix No. 9, page 210.]

1146. Did you consult Mr. Bazalgette on the subject?—Yes; he came to Belfast and examined that scheme, and reported in its favour, and afterwards assisted us in promoting a Bill in Parliament to carry it out. He substantially adhered to my scheme.

1147. Did you prepare any estimate of the cost of that scheme?—That scheme was prepared in 1866, and it would therefore cost a very much greater sum now. I have apprehensions as to the applicability of that scheme at present. It only proposed a system within the borough, and it was to have cost then £160,000; but in my report other works were included which were intended to remove annoyances from water under which the people of Belfast suffer—the water from the Cave-hill Mountain that causes floods was not dealt with in this £160,000. It was laid down in the scheme, but not included in the estimate of these works. The impounding reservoirs that were proposed in that scheme to save the town from so much flooding would have cost at least £100,000; and it was hoped that we would have been able to turn into a blessing, from being as they now are a public calamity, these waters from the mountains, and be able to give the mill-owners an abundant supply of water. I think I heard it mentioned here that we were in treaty with the mill-owners as to a joint scheme for impounding the water. We had two or three meetings at which Sir Charles Lanyon and myself were present, and we did all we could with them; but we could not go on. There was a third part of the scheme to prevent these floodings. A great question was how to dispose of the sewage; and that was not included in the estimate because we proposed to waste it in the tideway—a most injudicious course of proceeding. Supposing that this scheme was carried out it would have cost £200,000. That would not save us from the flooding, but would create the greatest nuisance in the harbour. However, I do not pin my faith to any works of the kind because I honestly believe that one-third of the scheme would be very little use, and it was rather fortunate we did not get that scheme without the reclamation and the irrigation.

1148. Your chief object was, of course, to make the water your servant and not your master?—Yes. You have heard a great deal of the Blackstaff, but really the Pound Burn is the worst portion. From time immemorial it has been used as a common sewer for a large portion of Belfast. You know this river was the conduit to carry off the refuse water of that district, and it is so still. When I was appointed to the office of surveyor, the town was subject to flooding three or four times every year. I and my assistant had to give orders for horses and carts to rescue the people out of their dwellings. Durham-street was flooded often. The people were in danger of their lives. Subscriptions were got up to relieve the sufferers. I was very much ashamed to hear anyone say that this state of things is not decidedly better now, because the works that the Council have carried out reduced the flooding very nearly as much as they will be able to reduce it at any time. It is true that when the whole country was flooded part of Belfast was flooded, but nothing in comparison with what it was in previous years. I say that since these works were completed the flooding is abated, except in isolated cases—for instance, cellars built thirty years ago below the level of the drains and below the level of the tide. I have got most of these built up. Before we got the Act of 1865 we had very little power over persons laying out streets and buildings; and two or three streets some years ago were laid out below the level of the tide, and these streets were completely flooded the other day, and will be always flooded. We do not allow anything of that sort to be done now. We insist upon all the floors being laid above the level of the tide.

1149. You got those powers under the Act of 1865 and 1868?—Yes. I saw by the newspapers the other day that the passage under the Record Court was flooded the other day. The architect of these buildings, without consulting me, as he should have done, made a subterranean passage below the level of the tide. This passage should never have been allowed to be constructed, and the sooner it is filled up the better.

1150. Does this passage lead to the cells?—It is the way by which they bring the prisoners to the cells. I should have mentioned to you that dealing with this plague pest of ours, the Blackstaff, the council have constructed four great arterial overflows from it—short cuts towards the tideway of the Lagan—and that is what has abated the floodings. There are four of them; a man can walk in them from one end to the other; they are three or four feet high, and when great floods come these channels take away the water down the tide-way, and without exaggeration I may say that nine-tenths of the floodings have been abated by providing these four additional outlets. This river is cleaned out—I can't say every month, because the tide won't allow us, but it is cleaned out frequently—when the men can get in, and the lowering of the bed has contributed greatly to the carrying off of the water, and therefore immensely prevented the floodings. I presented a very careful report on this matter many years ago, in which I advised that the bed should be brought to a uniform level, that a uniform fall should be given from end to end, and after that that it should be made into a wholesome open sewer because I contended that a wholesome open sewer with the river flowing through it is much better than any sewers that are long stagnant.

1151. Is the Blackstaff a rapid stream?—At times exceedingly rapid. It has its source in a mountain 1,600 feet high; this sends torrents of water down it. Some persons wished to cover it over, and I advised them not—that it was better to regulate it, and keep it open. A scheme was prepared, and we got Mr. Harrison, our counsel, to come down to Belfast, and he with our solicitor and myself spent two days over this notable scheme, but we found the rights of the mill-owners so strong in this river, and our rights so weak, that we could not touch it without an Act of Parliament. The bed of the river has been raised artificially for impounding water for the mill-owners' purposes at all the great mills. We proceeded rather injudiciously to

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remove one of those mill dams that had been disused, and we were served with a notice from Chancery; and we had to go back to the party and ask pardon, and put back the rubbish. Mr. Harrison's advice was that we would have to pay compensation to every mill owner upon the stream; and therefore the scheme for regulating the river fell through. They then told us to go to Parliament for this scheme; but some of the inhabitants got alarmed at the cost, and they did not proceed with the bill. It was promoted in 1870 and 1871, and the preamble had passed standing orders. It was first withdrawn in consequence of a divided opinion as to what was to be done, and that divided opinion still exists. Glasgow, Birmingham and Manchester are in the same state and don't know what to do with their sewage.

1152. By your scheme, at what point below high water would you discharge the sewage?—At the farthest point away from the borough we could go—to discharge into the next deepest channel, and only to discharge it at the top of the tide, so that when the tide was ebbing, it would carry it out to sea, and that would involve pumping by steam engines.

1153. Have not the drainage works you have carried out in the borough cost some £50,000 within the last few years?—Yes; and they are a subsidiary portion of our main drainage scheme, so that we have not been idle.

1154. Can you say to what extent the number of houses in the town and the population have increased since your appointment as town surveyor?—The population is almost doubled: the increase in the population between 1861 and 1871 was over one-third; the number of houses in 1861 was 18,595, and the population 121,602; and in 1871, the number of houses was 27,691; and the population as against that of 1861 was 174,394.

1155. You have had a great number of houses built since 1871?—About a thousand every year on an average for several years; and if you take 6·2 as the proportion of persons to each house, you will have an increase in the population of about 6,000 a year; and I am sure I am within the mark. If you take the new houses and add them to what we had in 1871, you will find that you have now a population of about 210,000—if you go by the new houses.

1156. That would be 210,000 in 1876, as against 121,000 in 1861?—Yes.

1157. Has proper drainage been provided for all the new houses that have been built?—can you undertake to say that?—Yes, with this qualification: that there are new houses in the suburbs where we have not been able as yet to push arterial drainage. We have drained the roads, but there are still roads where cesspools have to be used; but they are very limited. We are just finishing a large portion of the sewage of a district, which will relieve us from cesspools.

1158. When houses are built more than 100 feet from the main sewer, do you always insist upon the construction of cesspools?—Yes; and to have them cleaned out as often as we think necessary. We also insist upon the house being connected with the main sewer when practicable, and, before anyone can proceed to build, the drawings and particulars are deposited with the town surveyor.

1159. The building clauses of the Act of 1865 are enforced, I suppose?—Rigidly enforced.

1160. MR. LAWLESS.—Do you enforce what is set forth in the 95th section?—Yes; particularly about the drainage. That section in particular I have to be satisfied about.

1161. Before you allow the foundation of any house to be made?—Yes.

1162. Do you see that the portions of that clause are enforced in every case?—In every case the first thing we look after is the drainage of the houses.

1163. This portion of the clause requires that the drain is to be connected before laying the foundations of the house?—We do not insist upon that if it be carried on simultaneously with the building of the house. The plans give the levels and lines and all the particulars of the sewer, but I do not insist upon its being constructed before commencing to build.

1164. CHAIRMAN.—But before the house is occupied do you see that there is a proper sewer constructed?—Every house built is inspected, and there may have been cases—a case will occur now and then—where work has been scamped over; but I think on the whole the building regulations are honestly and fairly carried out, and that the builders show a disposition to help us.

1165. Suppose you have a building where this portion of the clause is not complied with simultaneously with the building of the house, what do you do then?—We first notice the parties and then issue a summons to have the thing remedied. If it is a wilful isolation, in which a penalty can be enforced, I do not notice them; but if it is a thing to be remedied, and I find the people willing to do it, I do not summon them. There are some cases in which the penalty is enforced at once. If a man leaves the public street in a dangerous state at night we enforce the penalty. There is hardly a week that we have not cases in the police court, but still we get a great many of these things remedied without having to go to court.

1166. Then you say the objects of the Act are carried out?—They are substantially carried out very firmly indeed. I do not say that all the regulations we ought to have are included in them, but such as they are they are honestly carried out.

1167. Is there not some provision with regard to persons occupying houses before the streets are paved or properly drained?—We occasionally allow houses to be occupied when the works are in progress or being carried on: there is a great demand for houses in Belfast, and they are often occupied quite too soon. For many years the sewage works, street works, and all works were at a stand still owing to the Chancery suit. When we got our powers enlarged and amended in 1866 an enormous quantity of work had to be done; and the pressure of that work was so great that you will see we have not been able even yet to overtake the whole of it. I should think at this moment there are one hundred streets built on, and not yet completed. There is great difficulty often in getting material and workmen; but I do not think in any town in the three kingdoms—I know a great many of them, and I do not know any in which more work has been done to private streets than we have done here.

1168. You sewered and paved no less than seventy-nine last year. We see last year that a very large sum of money was expended on that particular outlay?—Yes, at the cost of the owners: that is where the houses are inhabited before the streets are paved. The town has been growing rapidly, and it was so long—seven years—neglected.

1169. Mr. LAWLESS.—In those cases in which houses are occupied before the works are finished, are the Corporation still engaged in sewering them; or do they allow those works to remain at a stand still, and do nothing?—The Corporation issue compulsory orders in all such cases. When a few houses are built in a street this order gives the owner a certain time to do the work, but in a great majority of cases the owner carries out the works under my supervision and that of my staff.

1170. You expended £30,000 on sewage, paving, and other street works?—That does not include the works we are talking of: the works we are talking of are done at the cost of the owners. The Corporation pay a very small portion of it.

1171. CHAIRMAN.—You mean there is a great deal done that would not come into this account?—I should say there has been £100,000 laid out on streets within the last few years which does not appear in the Corporation accounts at all. I merely certify the cost to the owners when we do it, and they pay it.

1172. Irrespective of this £30,000, was that large

sum which never appeared in the accounts expended by owners alone?—Yes; especially during the last ten years; sometimes we had fifty such streets going on together, solely at the cost of the owners or almost.

1173. And yet at the same time entirely under your control?—Every item of the work must be done under my control and that of my staff. I have a large staff.

1174. You have charge of all the municipal buildings generally, including the markets, cemetery, the slaughter-houses, and gasworks?—All the works of the Council except the gasworks. If there was a quay to be constructed or anything of that kind I would superintend it.

1175. The markets have been considerably enlarged since you have been the surveyor?—Indeed they have been re-constructed; every year a considerable sum of money has been expended in attending to the markets.

1176. You say there have been seventy-nine streets sewered and paved in the last year?—I say that there have been 750 streets sewered and paved at the cost of the owners during the last ten years; that would give an average of seventy-five streets each year.

1177. What is the length of highway which you repair within the municipal borough?—Ninety-one miles.

1178. And have you what you consider an efficient staff for that purpose?—I have.

1179. If you require more have you any difficulty in getting more from the Council?—Not the slightest. There is a resolution of the Council authorizing me to employ another assistant, but I have never employed him; I have every facility afforded me by the Council.

1180. If you want additional labourers for these special works—of pressing works that require immediate attention—can you employ extra hands?—The Corporation have given me full control to do what I like in that respect—or what I may deem necessary. I have always employed my own staff; I buy my own materials. The Corporation have everything by contract, but we are very peculiarly situated in Belfast; there are many things which we can't do cheaply by contract. The Corporation have never found fault with what I have done, and I have never had to complain of want of money in carrying out the public works and improvements of the town.

1181. Is the store-yard under your control?—Yes.

1182. Tell me the system there. I see £17,000 of material for repairing streets, and you expended, that is, you gave out materials valued at £20,000. You have always apparently a large stock of materials on hand?—Yes, a large stock.

1183. To which you keep adding?—We generally advertise, and enter into contracts for the supply of materials. We advertise largely in England and Scotland, as well as in Ireland, for the supply of setts. We made a contract with the Penmanmawr Quarries. I thought them the hardest and cheapest setts we had got. They are taken from the vessel into the yard. There is a store-keeper in the yard; he keeps the day-book. That day-book is brought every day to my office, where I have a book-keeper; and he divides the materials under their proper headings from the day-book, and charges them to their proper work. This is checked by the general accountant of the Corporation, Mr. Woods. It is a very elaborate and careful system that we have in the store-yard. We take stock once a year; sometimes oftener. Nothing can be given out of the yard except upon an order signed by me or my chief assistant; so that a very careful system is kept up there.

1184. Are all these large purchases made by contract?—There are some things which we find it cheaper to purchase without any contract; take pebble paving-stones, for instance, we can get quite too many here; they are the wreck of the sea, and at certain times they are tossed up in large quantities on the coast of Ireland; the poor fishermen run in with a lot of them into Belfast, and we should have money in hand to buy them on these occasions when we require them.

1185. That is a comparatively small item—only £350?—Take again the broken stuff for roads. An attempt was made by the lord of the soil, Lord Donegall, to get a monopoly of these works. He said they were his manorial rights, and he took legal proceedings against everyone who meddled with them. This matter was going on for years. The Corporation always considered this an open market for stones, and they were accused of evading his lordship's rights; but we made it an open market, and we bought from everyone that came in. In that way, by making a great competition between the railway who bring us stones and the farmers all around Belfast, we are able to buy stones at about half the price they are bought at in England. We have stones carted and laid down on our streets for, at an average, 3*s.* 6*d.* the ton. The consumption of broken stuff is something enormous here. Some years it used to be 36,000 tons per annum; but then this system of open market allows the poor farmer who is coming into town to make some purchases, to bring us a load of stones, and to take out a load of manure.

1186. With what committee are you most constantly in communication?—My principal committee is what is called the improvement committee; it takes charge of almost the whole of the surveyor's department; under other committees I am occasionally called in; we have a great many committees here—a committee sometimes every day. Mr. Scott seemed to be in some doubt about the water-closets; all the water-closets are connected with sewers; we should not tolerate one connected with tanks; I do not know an exception; there might be a very old house in the suburbs, or a villa, where there is a tank, but practically all water-closets are connected with the main-sewer, and it would not be tolerated without that being done. [Witness hands in statement of work done in his department last year—See Appendix No. 10, page 211.]

Mr. ARTHUR WELLESLY CALCUTT examined.

1187. Mr. LAWLESS.—Are you the registrar of the borough cemetery?—I am.

1188. When was the cemetery formed?—It was formed previous to August, 1869.

1189. How many acres does it contain?—Forty-five altogether.

1190. Is it divided for the interment of persons of different religious denominations?—It is divided into two portions, one for Protestants and one for Roman Catholics.

1191. CHAIRMAN.—Has there not been some portion set apart lately for the Jews?—There has.

1192. Mr. LAWLESS.—What are your duties as registrar; do you receive applications for interments?—I do. I receive all cash in connexion with the purchase of graves and interments.

1193. I suppose you have some people employed under your superintendence?—There are.

1194. For the purpose of keeping the cemetery in proper order?—Yes; the staff consists of a superintending foreman, sexton, and twelve labourers.

1195. Your salary I think is about £80 a year?—£80 as registrar of cemeteries.

1196. What were the receipts last year?—The total amount was £1,881 13*s.* 2*d.* That includes the fees, the purchase moneys, and the formation of vaults.

1197. And receipts of all kinds?—Yes.

1198. Whose duty is it to see that the place is kept in decent order—of course the cemetery is enclosed?—It is with a stone wall about six or seven feet high.

1199. It is, in fact, kept in decent and becoming order?—In beautiful order; it is kept like a garden at present.

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Mr. Arthur Wellesly Calcutt.

1200. CHAIRMAN.—How many acres have they set apart for Falls Park?—There are forty-five acres in the Falls Park, and there are forty-five in the cemetery; and then there are about eleven acres of surplus ground in connexion with it.

1201. Then the cemetery ground was about 100 acres?—About 105 acres.

1202. All the money passes through your hands?—Yes, and it is checked every week by the audit committee, and lodged with the Commissioners every week.

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Mr. JOHN J. MONTGOMERY re-examined.

Mr. John James Montgomery.

1203. Mr. EXHAM.—Were any steps taken to prevent the drains from being discharged into the Blackstaff. The question was asked yesterday in your absence?—The Town Council have constructed several very large sewers which have intercepted and diverted from the Blackstaff and the streams a very large quantity of the sewage. I may also say that in every case where plans have come in for streets and buildings we have objected to any fresh sewage being discharged into these streams, and have generally succeeded in preventing it; but in exceptional cases we require cesspools to be constructed in such a way as to minimise the evil.

1204. It was mentioned by some one that a good many large mills discharge their sewage matter either into the Pound Burn or into the Blackstaff direct—is that so?—It is so.

1205. Is that not beyond all doubt a nuisance?—Beyond all doubt it is.

1206. Then the inspector of nuisances would have absolute power to compel them to make a cesspool in some way or other and not allow it to go into the stream, if it amounts to a nuisance. It may be said that it would be very hard to do so, they having their mills constructed as they are now, but that is their own look out. They should manage their sewage in some way so as not to discharge into the Blackstaff and Pound Burn in the way they do?—I am aware that was the object of the Pollution of Rivers Inquiry, and some large towns in England are situated just as Belfast. Hitherto none of these large manufacturing towns have commenced this work. They are all polluted now.

1207. Is there not ample power to prevent them from discharging the sewage of their mills into the river in the way they do under the Public Health Acts and Nuisances Removal Act?—I don't know as to that. All the large towns are in hopes that the Parliament will assist them in abating these nuisances. We have gone as far as we thought we could safely go in the matter.

1208. CHAIRMAN.—Have you enforced the regulations with regard to all new houses?—Certainly. I may mention with regard to the water, that I would be very glad to have water for washing the dirty lanes. I never refused to take it, but in the winter time we did not need it.

Dr. BROWNE re-examined.

Dr. Samuel Browne.

1209. CHAIRMAN.—You wish to say something?—Yes; I wish to contradict a statement made regarding the evidence I gave before you yesterday, as to the Blackstaff and the Lagan. I did not say that they were not productive of disease. I believe they are injurious to health, and I have stated that for the last twenty years over and over again.

1210. Is it then your opinion that they are injurious to health?—Most decidedly. I should say any such streams must be injurious to health. I want to convey that opinion most distinctly.

1211. Would you say that the districts through which these rivers flow have suffered more from disease than other parts of the town?—I have not found so from statistics, but I must say that any such streams must be injurious to health. I have said so over and over again, and I say so still.

Mr. JAMES STELFOX examined.

Mr. James Stelfox.

1212. Mr. LAWLESS.—I believe you are the manager of the Belfast Corporation gas works?—Yes; since the 1st May, 1875.

1213. They became the property of the Corporation on the 30th June, 1874?—Yes.

1214. Were you engaged in any gasworks before?—I was engaged for about ten years as assistant to my father, who was manager of the works for the Belfast Gaslight Company.

1215. Are all the people employed there under your supervision and management?—They are.

1216. By whom are the materials for manufacturing the gas purchased?—Tenders are invited by public advertisement, and are sent under cover to the town clerk, who submits them to the gas committee, and selections are made by them under my advice in matters affecting the manufacture of the gas.

1217. Have you anything to do with the payment of these purchases?—I have not.

1218. Mr. EXHAM.—Are samples of the articles required sent with the tenders?—Generally.

1219. Mr. LAWLESS.—Do you superintend the distribution of the gas through the town?—I have the general oversight of it, but there is an inspector of mains who reports to me. In case of anything particular arising I visit the place myself.

1220. Are the workmen at the gas works under your control and superintendence?—They are.

1221. Have you an assistant engineer?—I have one.

1222. Do you superintend the sale of coke and other residuals?—I do.

1223. Are they sold at the gas works?—They are.

1224. How are they sold?—The coke is all sold from day to day. The tar and ammoniacal liquor are sold under a ten years' contract which is now about to expire.

1225. Is it proposed to sell the tar and liquor under a new contract?—Yes; the advertisements have been already published inviting tenders.

1226. How is the coke disposed of?—A portion of it is disposed of for cash at the office in the works, and the cash received for it is accounted for nightly. The account of each day's sales is brought into my outside office where it is checked by a clerk, and a weekly return is made by him to the cashier of the gas works.

1227. I see by your reports that there is a considerable sum derived from the residuals produced in the manufacturing of the gas?—There is.

1228. For the year ending 30th June, 1876, you used coke at the works to the amount of £6,144 0*s.* 9*d.*?—Yes.

1229. How is the price of that fixed?—It is charged to the account of the making of the gas at the same price as we sell it for. I should explain that many companies do not put that item in their accounts at all.

1230. In the accounts here you describe £21,502 18*s.* 8*d.* as the amount of residual product of which £6,144 0*s.* 9*d.* has been used in the manufacturing of the gas?—Yes; the price which is charged for the coke used in the works is the same that is given for it by public buyers.

1231. How much is your salary?—£600 a year.

1232. And your assistant's salary is £192 14*s.* 2*d.*?—That was only for a portion of the year. He is to be paid £250 per annum. He is only recently appointed; up to that time my salary was £500, and the remainder is portion of his salary.

1233. Your salary has been raised?—Yes; since the 1st July £100.

1234. For the year ending June, 1876, I find the wages of the men employed in the manufacture of the gas amounts to the sum of £5,298 2*s.* 3*d.*?—Yes. There are other wages besides. That is only one class of wages.

1235. What are the salaries of those engaged in its distribution. For instance "chief inspector, inspectors and clerks in departments"?—£898 15*s.*

1236. What are the salaries of those employed in the collection of the gas rents, &c.? The "salaries of the cashier, accountant and clerks, office-keepers and messengers are £1,379 15*s.* 10*d.*"?—Our collectors are paid by salaries and not by fees, and these are £545 for the year.

1237. That makes the total expenditure for salaries and wages of all kinds connected with gas manufacture and works £8,814 7*s.* 3*d.*?—Yes.

1238. What office did you hold with the old gas company?—I was cashier and book-keeper about the year 1858.

1239. What was the gas rental then?—I could not tell now, but the cashier can from the books.

1240. Do you keep accounts of the amounts received for gas?—We do.

1241. What were the gas receipts for the year ending June, 1876, exclusive of the cost of lighting the public lamps?—£75,813 18*s.* 8*d.* less £4,794 1*s.* 8*d.* allowed for discount, and £284 9*s.* 8*d.* estimated for bad debts, but some of those debts were since recovered.

1242. So that the net receipts for the year under the head "sale of gas" were £70,735 7*s.* 4*d.*?—Yes, and in addition we received £8,928 9*s.* 2*d.* for public lighting, and lights under agreements.

1243. I find by the 58th section of the 37 and 38 Vic., chap. 125, the corporation are authorized to allow discount to certain consumers of gas?—Yes.

1244. CHAIRMAN.—What is that discount?—There is a regular scale according to the quantity consumed, which is as follows: On a consumption of 10,000 cubic feet, and not exceeding 50,000 cubic feet, 2½ per cent.; above 50,000 cubic feet, and not exceeding 100,000 cubic feet, 5 per cent.; above 100,000 cubic feet, and not exceeding 200,000 cubic feet, 10 per cent.; above 200,000 cubic feet, and not exceeding 400,000 cubic feet, 15 per cent.; above 400,000 cubic feet, 20 per cent.; provided the account be paid at the office, 29, Queen-street, on or before the 29th day of January, April, July, and October, in each year. It is the same rate of discount that we had formerly.

1245. Your receipts for the rents of meters were £4,115 11*s.* 6*d.*, and allowing for discount and bad debts, your net receipts under that head were £4,092 0*s.* 11*d.*?—Yes.

1246. The account of the residual products was mentioned already. Then there is the sum derived from the sale of tar and so on, and a small amount allowing for value of coke sold and used, and that of the other residuals, making your receipts for the year ending the 30th June, 1876, on the gas account were £107,900 16*s.*?—Yes.

1247. The items of expenditure, including cost of materials, salaries, and law charges, &c., amount to £78,734 13*s.* 9*d.*, leaving a balance to be carried from the gross revenue account to the net revenue account of £29,166 2*s.* 3*d.*?—Yes.

1248. Do you know what the law charges, which amount to £461 12*s.* 11*d.* were?—A portion of them were taxed costs.

1249. What for?—During the transfer of the works to the corporation law costs were incurred—Mr. Black's costs.

1250. Do you expect an increase for the future in your residuals?—Yes. At the present time there is a net receipt from them of about £18,000 a year. The present price at which they are sold is much below the present market value. They are now sold under a contract made eighteen years ago by the old corporation, which we were obliged to take up.

1251. To whom is the item of £42 for the audit paid?—To the Local Government Board, for Mr. Simms auditing the accounts.

1252. By whom is the amount fixed?—I believe they send an account for £84 altogether, one-half of which is charged to the gas, and the other half to the other accounts of the corporation. The trouble is very considerable in going through the accounts, though they appear in a very simple form here.

1253. Your profit and loss account shows a balance of £13,915 15*s.*?—That balance is brought forward from the preceding year.

1254. And to that is to be added the profit on the present year, ending June, 1876?—Yes; that is £29,166 2*s.* 3*d.*, which makes a total of £43,081 3*s.* 8*d.*, less £551 9*s.* interest allowed by the bank, and that is applied as far as is necessary to the payment of the purchase-money and loans for the year ending 30th June, 1876.

1255. How much was applied for that purpose?—£21,216 13*s.* 1*d.*

1256. What is the item £551 9*s.* for bank interest?—Interest allowed by the bank on money deposited there, which was raised before it was paid off, and the bank allowed us that premium for interest upon it.

1257. The net profit on the last year's working was £7,949 9*s.* 2*d.*?—That is quite correct.

1258. There is a balance on the revenue account of £21,864 10*s.* 7*d.* since you bought the gasworks?—Yes.

1259. Has the quantity of gas increased?—Yes; the consumption for the last two years has averaged about ten per cent. per annum increase. For the year ending June, 1876, the increase was a little over twelve per cent., and as far as we have gone this year there appears to be an increase of about four per cent. on that.

1260. Mr. EXHAM.—What is the illuminating power of the gas which you supply?—The standard quality is sixteen-candle gas. Of course in order to have that at all times we are obliged to make two or three candles over it.

1261. Do you supply gas to the public at the full standard of sixteen candles?—It is always in excess of that.

1262. Mr. LAWLESS.—Are there any complaints made of the quality of the gas?—Of course we cannot say that we have no complaints; we have about 16,000 consumers and perhaps we have fewer complaints than are to be met with in most places. We have often found that when complaints were made the parties themselves were to blame for having defective pipes and burners.

1263. Has there been a decrease in the number of the consumers, and if so has that been as far as you know in consequence of complaints as to the bad quality of the gas?—I believe a number of parties (very small consumers) gave up using gas last year, owing to the very low price of mineral oils, but in the present season the number of our small consumers is on the increase, as I believe from the increase in the price of oil. I believe it was owing to the cheap price of oil and not to the quality of the gas that the number of small consumers decreased.

1264. How many cubic feet of gas do you get from a ton of coal?—We got last year about 10,300, and we were paid for about 9,200.

1265. Mr. EXHAM.—Can you get seventeen-candle gas from that?—We can by using six per cent. of Lesmahaga coal. We can get from that coal almost 13,000 cubic feet per ton; but we use only a small portion of that coal, as the price of it is 40*s.* per ton free-on-board in Glasgow.

1266. What was the total amount of arrears of gas-rent for the year ending June, 1876?—£799 1*s.* 7*d.* Of course you will understand that we make up our rental to the 30th June, and those rents only just falling due go to the following year.

1267. The number of consumers last year was 15,315?—Yes. The number was larger the year before from the cause that I have referred to, but the general consumption was considerably more.

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Mr. James Stelfox.

1268. What is the present price of gas per 1,000 feet?—The maximum price is 3*s.* 11*d.* with meter rent, and the discount extends in some cases to twenty per cent.

1269. Do you expect to be able to reduce the price of gas?—We hope so. The committee were very anxious last year to make a further reduction, as trade was in a very bad state in town. They thought it well to feel their way rather than reduce their price to a sum at which they could not continue it.

1270. By whom are the wages in connexion with the gasworks paid?—By the cashier.

1271. Are they paid in cash?—Yes.

1272. What is the weekly amount?—The maximum is about £400, and the minimum about £200. The list of wages is presented every week to the committee, certified by me as corresponding with the wages-book kept at the works, and a cheque for the amount is issued in the usual way by the committee, and received and disbursed by the cashier.

Mr. Alexander Turnbull.

Mr. ALEXANDER TURNBULL examined.

1273. Mr. LAWLESS.—You are the cashier of the Belfast Corporation Gasworks?—Yes.

1274. What are your duties as cashier?—I receive all moneys on account of gas and meter rent and the amount of the coke sales at the works. I pay all accounts, the interest on mortgages, the salaries, and the weekly wages, and I also superintend the business of the town office, and attend to the local correspondence.

1275. What is your salary?—£500 per annum.

1276. The gasworks were purchased in June, 1874, by the Corporation?—They were transferred to the Corporation on the 1st July, 1874.

1277. The amount expended on the purchase of the gasworks was £451,387 14*s.* 6*d.*?—No; it was £386,550.

1278. The Corporation were authorized to raise £500,000 on the security of the gasworks, the gas rents, and the police rate?—That is their greatest borrowing power.

1279. How much of that was actually raised, and how?—They raised on mortgage £468,754, and on annuities £2,245 14*s.* 11*d.*

1280. Was that £471,139 14*s.* 11*d.* the amount of loans altogether on both loans and annuities?—Yes; that is correct, but it includes £140, the purchase-money of the Shankhill property, which we sold and carried to the capital account.

1281. Why was that £140 brought into the gas account?—Because it was required by the Act of Parliament. It was settled in that way under Mr. Black's direction.

1282. By the Act of 1874?—Yes. Of the £471,139 16*s.* 11*d.*, £386,550 was applied in purchasing the gasworks. There was a balance left of £65,847 12*s.* 6*d.*

1283. Are you able to state how that balance was applied?—You have the particulars of expenditure on the other side.

1284. Can you tell me how that £65,847 12*s.* 6*d.* was applied. I suppose a considerable portion of it was applied in defraying the costs of the Act of Parliament?—You have the particulars in the gas account for the year ending June, 1875. (Hands in the account referred to.)

1285. I find in this account for the year ending June, 1875, this item—"By gasworks, meters, &c., valued at net cost, £432,083 4*s.* 2*d.*;" now, beside the purchase-money of £386,555 was there any additional separate sum to be paid for the plant and machinery and meters?—I cannot give evidence on that point. You will require to refer to the manager.

1286. With respect to the purchase?—Yes. I can speak with respect to the amount of the purchase-money.

1287. You will find on the credit side of this account "gasworks, meters, &c., £432,083 4*s.* 2*d.*" Were the "meters, &c.," paid for separately from the gasworks? Was it the gasworks only and not the plant that was purchased for the £386,555?—I think that purchase-money covered everything.

1288. Mr. *Stelfox.*—The purchase-money authorized to be paid for the gasworks by the Act of 1874 was £386,555.

1289. What did that represent?—That was made up by twenty-two and a half years' purchase on the statutable dividends of the old company. That makes up exactly £386,550.

1290. If you look to the account for the year ending June, 1874, you will find in the capital account—the first item on the credit side—"By gasworks, meters, &c., valued at net cost, £432,083 4*s.* 2*d.*;" explain how that is made up?—That is £386,555 and £50,000 which the late company raised on mortgage. There was some deduction which I must refer to the books to see about exactly.

1291. To Mr. *Turnbull.*—Do you pay the interest on the mortgages?—Yes.

1292. And all the current expenses of carrying on the works?—I do.

1293. Have you a form of the paysheet for the weekly expenditure on the works?—Yes. (Hands one in.)

1294. Do you give any security?—Yes.

1295. With sureties?—Yes.

1296. For what amount?—£500 by the Guarantee Society.

1297. Do you pay the weekly expenditure in cash?—All accounts under £5 are paid in cash by me weekly.

1298. Do you pay them out of your receipts in cash?—Out of the receipts during the week, and then it is refunded to me by a cheque passed by the gas committee at the end of the week.

1299. I do not exactly understand that. If they are paid out of the receipts, how is it there is anything to be refunded to you?—I am required to lodge all receipts for coke and gas weekly; whatever I pay they refund to me, and I lodge the cheque I receive as part of my cash.

1300. How are the accounts over £5 paid?—By cheques signed by three members of the town council and the town clerk. (Hands in a copy of monthly list.)

1301. Are the accounts over £5 paid monthly?—Yes, as a rule. Sometimes there is no necessity for getting a cheque at the weekly meeting of the gas committee.

1302. Are the accounts for gas and meter rents made up by you?—They are all made up by me every quarter.

1303. Is the town divided into different districts?—Yes; into thirty-eight districts, and for each district there is a ledger and cash-book.

1304. How are the consumers' accounts collected?—They are payable in the office within the month after each quarter, and after that the collectors go out and collect all accounts unpaid.

1305. How often do the collectors make returns to you?—Daily, of the cash received.

1306. How often do you make lodgments in the bank?—Daily, to the credit of the Belfast corporation gas account. (Hands in bank-book.)

1307. How often do you balance your rental, so as to ascertain the amount outstanding?—The rental is balanced quarterly, when we ascertain the amount of arrears outstanding at the end of the preceding quarter.

1308. What was the amount of the gas rental for the year ending June, 1876?—£70,735 7*s.* 4*d.*

1309. And of the meter rental?—£4,092 0*s.* 11*d.*

1310. During that time what was the price of gas per thousand feet?—4*s.* 2*d.* per thousand for that year, and 4*s.* 6*d.* the year before.

1311. For that year, 1876, the amount received for public lamps was £8,928 9*s.* 2*d.*?—Yes; the total revenue including coke charged to works was £107,900 16*s.*

Mr. Alexander Turnbull.

1312. What was the total amount of arrears for the year ending 30th June, 1876?—£799 1*s.* 7*d.*

1313. Has any portion of that since been collected?—Yes, a large portion of it, perhaps nearly the half of it. There was a large amount of it collected before Mr. Simms made his report.

1314. What is the net balance available at the end of the year's work—the year ending June, 1876?—£7,949 9*s.* 2*d.*

1315. What is the present amount of capital debt on the gasworks and the police fund?—£471,139 14*s.* 11*d.*

1316. That is the entire amount that was raised on mortgages and annuities?—Yes.

1317. Is the entire amount of that still due?—It is all due with the exception of one payment which has been made to the bank of England of £11,000.

1318. What was that made on account of?—On account of a loan of £220,000.

1319. Does that go in part reduction of principal as well as interest?—Entirely for principal. I have remitted interest on account of it.

1320. Will that payment be a deduction from the £471,139 14*s.* 11*d.*?—Yes.

1321. Did Mr. Simms audit the account for the year ending June, 1875?—He did.

1322. Did he audit the account for 1876?—He audited both years. You will find his certificate in the accounts which I handed in to you.

1323. Mr. EXHAM.—Are you to pay £11,000 every year?—Yes. We have already borrowed from the bank of England £220,000, repayable in twenty years by instalments of £11,000 per annum. We have not yet made any provision for a sinking fund. We are in the first year which we are required to provide for it. At the end of this third year we will make provision for it.

1324. You will have to borrow the money every year?—We will have to borrow the money if we go on paying off the bank of England, but we expect to borrow on better terms and to pay off the bank of England.

1325. You paid £11,000 out of the two years. You did not borrow that?—We paid that out of our surplus cash. No money has as yet been set aside as a sinking fund.

Mr. THOMAS M'CLELLAND examined.

Mr. Thomas M'Clelland.

1326. Mr. LAWLESS.—You are a solicitor, I believe?—Yes. In the year 1872 I contested the borough for the situation of assessor. I considered that I would be paid for my services, and I went to some expense for that purpose and was elected. I sat for ten days successively, revising the burgess roll of the borough with the then mayor and another assessor. It was then discovered for the first time that there was no power for the Corporation to appropriate any portion of the borough fund for the payment of assessors, and I think that very hard, because as I understand in the other corporate towns in Ireland, the assessors are all paid. I sat for ten days, and afterwards I was re-elected to the office and sat for six days. I thought it right to bring the matter forward here in the interest of my profession as something ought most certainly to be done. It requires a certain amount of knowledge and skill, and the duties of assessor are not picked up without some considerable trouble, and the Corporation have great difficulty in getting any gentlemen to take the position upon them. There was a time when professional barristers were appointed and paid high salaries, but Mr. Black who was anxious to do what was right in the matter took Counsels' opinion, and they were of opinion that there was no power to pay assessors out of the borough fund.

1327. Mr. *Black.*—Mr. M'Clelland says the Corporation have great difficulty in getting gentlemen to take the office of assessor. They have nothing whatever to do with the appointment of assessors.

[Mr. *Woods* handed in returns showing the purposes to which the loans on the police fund were applied; also a statement showing the sources from which the payments in discharge of the primary and secondary mortgages had been made; and also a statement showing the amount of irrecoverable rates from vacancies and other causes, and the rates upon which discounts were allowed—on valuations not exceeding £8, and payable within one month].

1328. CHAIRMAN (To Mr. *Woods*).—These returns are I presume issued from your office?—Yes; and I can certify as to their correctness. (Appendix No. 13, p. 215.)

Mr. JAMES COLLIGAN, 91, Falls-road, examined.

Mr. James Colligan.

1329. CHAIRMAN.—Are you a ratepayer?—I am a ratepayer and owner of property in that part of the town where the inhabitants have taken a great interest in the establishment of the Falls-road Park, and in other matters of sewerage and sanitary reform with regard to that district.

1330. Are we to understand that you on your own behalf and that of other ratepayers and owners of property in the neighbourhood of the Falls Park desire to be examined for the purpose of showing that the Town Council have not carried out the provisions of the Local Government Order Confirmation Act of 1873, so far as relates to the Falls-road Park, and the road leading thereto and the surrounding district, and that they have, to a certain extent, neglected their duty as far as sewerage and other sanitary reforms are concerned?—Just so.

1331. What provisions of the Act do you say they have neglected?—I state that the third clause of that Act has not been carried out.

1332. That is the clause that recites that the governing body were authorized to purchase ground for a cemetery under the provisions of the Burial Grounds Act; and whereas under the provisions of the Act money had been laid out in the purchase of burial ground, part of which was not required for the purpose, that the part which was not required was valued at £5,000, and was suitable for the formation of a public park—it is ordered that the governing body shall apply the same under the provisions of the Public Parks Act. That is the substance of the clause?—What I say with regard to that is, that the surplus grounds of the cemetery outside the cemetery walls should be dedicated to the purposes of a park according to the Local Government Order Confirmation Act, and according to the resolution passed by the Town Council, and that instead of dedicating all these grounds outside the cemetery walls the Corporation have caused to be staked off some thirteen or fourteen acres—the most valuable portion of the ground, and have not complied with the Act or with their own resolution, but have retained that portion of the ground there for purposes which I cannot define. They may have reasons for it, but we, as ratepayers in this part of the town, say that this portion of the Act has not been carried out, and further, that there is no intention on the part of the Corporation to carry it out.

1333. I think we have evidence to show that 102 or 103 acres were purchased originally for the burial ground, forty-five of which were retained as cemetery, forty-five were devoted to the Falls Park, and thirteen acres or what would make up the remainder of the quantity, were retained as surplus lands?—Those figures are substantially correct.

1334. What you object to is the retention of these thirteen acres as surplus land instead of their being thrown into the park?—Quite so. I would direct your attention to a resolution passed by the Town Council on the 1st of November, 1869, complying with the terms of the Parks Act, and confirmed according to the Public Parks Act on the 1st of January, 1870. (Witness handed in resolution).

1335. I now have these resolutions before me. The first is to the effect that the Council shall establish and

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Mr. James Colligan[illegible]

maintain two public parks—one in the Ormeau demesne and the other on the Falls-road, adjoining the new borough cemetery; that they will prepare the Ormeau Park for opening to the public, and that it be ready by the 1st of April, 1871, and on that day a resolution was passed at a meeting of the Council authorizing the sale of the park lands on the Falls-road, which sale was advertised to take place on the 25th of April, when the inhabitants memorialized against it?—Yes; and the memorial they presented was signed by 3,000 ratepayers of the locality, and was presented by the largest deputation that ever appeared before this Town Council.

1336. Then in consequence of that memorial and the deputation the council abandoned their intention of selling the ground of Falls Park, and arranged for the opening of it as a public park as soon as possible?—Just so; and I would draw your attention to the reason why they were going to sell these grounds, which was that there was not sufficient land to make a park, while now they say there is too much, and they want to retain thirteen acres.

1337. Mr. EXHAM.—Are these grounds excluded actually at present from the cemetery?—I think for the satisfaction of the Commissioners you should have a map of the cemetery and the grounds before you. If you had you would see that there is a stone wall seven feet high around the forty-five acres that constitute the cemetery. Outside of that is the park ground which we allege according to the intention of the Act of Parliament, and according to the opinion of Mr. May, Q.C., cannot be used for any other than park purposes.

1338. CHAIRMAN.—Then instead of the park being limited to forty-five acres, it should be fifty-eight; in other words the whole of the ground that is not in the cemetery should be thrown into the park?—Precisely.

1339. With regard to the park itself have you any objection to the mode in which it is now kept?—We say that apathy is exhibited with regard to it by the Corporation, and there is not sufficient money spent upon it, that it is left unproductive, and in fact all that the council have done up to this shows that there is apathy with respect to it, and that they would rather in fact take it from us altogether than comply with the terms of the Act of Parliament. If I might draw your attention (in confirmation of what I say that sufficient money is not being expended on the Falls-road park) to the expenditure on the parks at page 56 of the accounts, you will find that for the year 1875 £2,974 3*s.* 9*d.* has been expended on the Ormeau park, including rents, while on the Falls park only £235 has been spent.

1340. Yes, but of the £2,900 expended on the Ormeau park, £1,738 is for rent?—Just so; but that leaves a balance of nearly £1,200 expended on the Ormeau park against £235 laid out on the Falls park.

1341. Part of the expense of the Ormeau park applies equally to the Falls park, for instance, the salary of Thomas Dickson who superintends both parks, so that you see that item of expenditure applies to both parks. I am not sure whether there is any other item applicable to both parks?—I think that is all.

1342. What is the extent of the Ormeau park?—One hundred acres, and they allow us only forty-five acres, while the whole of the ground due to us is fifty-eight, which we claim, as authorized by the Local Government Board Order Confirmation Act, and according to the opinion of Messrs. May and M'Donogh who both advised that this land could not be appropriated to any purpose other than the park.

1343. Mr. EXHAM.—Have they planted the Falls park at all?—I may state that a great deal of these grounds were planted by the former proprietor, I think Mr. Sinclair, and I suppose I might say that one-third had been already laid out in his time, and a good road made up to the other portion of the ground. Since then they have removed from the cemetery some plants and young trees, which they have planted in the park.

1344. CHAIRMAN.—The Amending Act of 1872 gives the governing body of a town, who had acquired land for the purpose of establishing public parks, in addition to anything contained in the Act of 1869, power to dispose within five years by auction of any portion of the land not required for such public park. We are not here to discuss the law, but we are here to take any objection that may be raised by any ratepayer as to the mode in which it is carried out, and as to the mode in which the funds or property of the town is administered?—We admit that that is so according to the Amended Parks Act, but the Local Government Board Act of 1873 was obtained under peculiar circumstances; the first Parks Act, passed in 1869, was obtained at the suggestion of this town council, by Messrs. M'Clure and Johnson, the representatives of this borough, and there was an objection raised subsequently by the present solicitor to the corporation, Mr. Black, that that Act would not give power to make parks outside the borough—this, the Fall's park, is outside the borough. Thereupon the town council asked Messrs. M'Clure and Johnson to bring in the amending Bill which the Government took in hand in 1872, and power was given by the amended Act of 1872 to make parks outside the borough. Another objection was then raised by Mr. Black, that, under the 10th section of the Local Burials Act of 1866, this surplus ground had better be sold to the highest bidder, that transferring it from one committee of the corporation to another was not a sale within the meaning of the Act, and that it had better be sold. In order to get over that difficulty a meeting of the corporation was held, and they petitioned the Local Government Board to send down an inspector for the purpose of holding an inquiry into the matter, and accordingly, Mr. O'Brien, the Local Government Inspector, came down here and held an inquiry in February, 1873, at which the town surveyor, the town solicitor and several members of the town council, as well as several rate-payers, myself amongst the rest, were examined, and all gave evidence in favour of this park. There was not a dissentient voice at that commission of inquiry, and the upshot of it was that a provisional order was issued; and at that inquiry (I have not got the notes of evidence before me), I think the town surveyor gave evidence to the effect, that the corporation had cemetery ground sufficient for the next sixty years; and Mr. Carlisle, who was then a member of the town council, gave testimony to the effect that in his opinion they had sufficient cemetery ground for 100 years. After this inquiry the Local Government Board order was made, which shows the necessity of this ground for a park. When this Local Government Board Act was passed, an opinion was obtained, that the amended Parks Act of 1872 was rendered inoperative, as the Local Government Board Order Act directed that all this ground outside the borough wall should be converted and allocated to the purposes of a public park.

1345. The Act of Parliament says—It is ordered that the governing body shall apply said land so remaining and not required for the purposes of said cemetery, to the purposes of a public park, under the provisions of the Public Parks Act of 1869, and the Public Park Amendment Act of 1872, and shall have power to apply the sum of £5,000, and so on. It says that the land shall be devoted to the purposes of a public park under the provisions of the two Acts that I have quoted. We are not here to discuss the law, or to give an *ex cathedra* opinion of the law upon the subject, but to take a note of your objection, that they have not carried out the law, which can be considered by the House of Commons. By whom was the case submitted to Mr. May, Q.C.?—By the Town Council. I presume the case was drawn up by Mr. Black. The opinion of Mr. Macdonogh, Q.C., was also obtained by the Corporation, and their opinions agreed with that of Sergeant Armstrong, which the ratepayers had taken. There is another point to which I would like to refer you. I wish to show you how much the ratepayers prompted the Council into making this park. At first they were very plausible and agreeable to us when we were

agitating the formation of the Falls Park, but latterly when the Ormeau Park was opened in 1871 they went out with the mayor and Corporation in all their splendour and the different trades of Belfast; and the park was opened by the gentleman who was mayor at the time, who presided on the platform that was erected, and the proceedings were carried out with great ceremony. What I complain of is, that after the Local Government Board Order Act was obtained, and after these opinions were obtained, we had even then to go into the Court of Queen's Bench and take the first step for the purpose of getting a mandamus to compel the Corporation to make this Falls-road Park.

1346. Was it not until the preliminary notice was given that the Corporation yielded?—Only then.

1347. And they have since made a park?—Yes; but they put us to the expense of the bill of costs, which we had to pay; of course we didn't want to go to extremities with the Town Council. On the 1st of February, 1875, they commenced to lay out the park; but instead of laying it out in the manner they should have done, they have staked off this thirteen acres; and now, according to the resolution of the Town Council passed on the first of this month, they intend to look for powers to take this thirteen acres back into the cemetery, even to the extent of going to the expense of looking for an Act of Parliament, which Mr. Black instructs the Town Council is necessary; and they are doing all this after having got three Acts of Parliament to enable them to make the park; and now they are going to the expense of yet another to take this land again from us.

1348. Is the view you wish to represent to us that they are not fairly carrying out the formation of the park as a public body?—Yes. They have commenced making the park in a sort of way, and are making a road through it, which I think will be a disgrace to any common man to make, for it is a road that runs round the grounds, and no two vehicles of any description could pass abreast; and how they intend to make that a road for a park I do not know. I know it will be stated on behalf of the Town Council that they want this ground for cemetery purposes, but I deliberately say, and I believe I speak the feelings of a vast number of the ratepayers of Belfast, that they have ground amply sufficient for burial purposes in the forty-five acres within the walls, if they are re-allotted. There is no doubt that some of the allotments, such as Nos. 6 and 5, and 1 and 2, have been used for graves, and are exhausted; but there is one-third of the ground which has never been touched by a spade, and never opened for graves, and there is a great deal taken up with shrubberies and such like. They have only to go to the brow of the hill, where there are only eight or ten vaults. Interments, too, have taken place behind the vaults in the back portion of the grounds; but we say, with regard to the cemetery grounds, that if they are re-adjusted or re-allotments made, there is sufficient, according to the testimony of the town surveyor given early in 1873, for more than sixty years, and of the town councillor, on the same occasion, for perhaps one hundred years. We also say that there are fifteen acres of this ground which remain lying without being used at all; that is, fifteen acres out of the forty-five. Some waifs and strays of the Catholic religion in Belfast, without the pale of the church, have been buried there, but the fifteen acres to which I allude were allocated for the burial of Catholics, and that portion of ground remains unused.

1349. We understood that the cemetery was divided into two portions, one for the Catholics, one for the Protestant community, and a small portion for the Jewish community, for which there was a payment received by the Corporation?—Thirty acres are allocated to Protestant burials, and fifteen acres were set apart for the burial of Catholics, and out of the thirty acres, I think there is a small space walled off, given to the Jews, of which I think there are only a few families in the town.

1350. Do you complain of that allocation of the fifteen acres for Roman Catholic burials, and can you say why they are so sparsely occupied by them?—That ground is not occupied by them at all; there is no Catholic buried in it except those outside the pale of the church, because the church prohibits burials there. There are not more than six or seven interments of persons who are outside the pale of the church.

1351. Do you know why it is not used by the Catholic portion of the community when it was set apart for them?—I know the reason perfectly well. The reason is that the Town Council would not give the necessary powers to the Catholic Bishop over the grounds. The question with the Catholic Bishop was this, whether the ground was for Catholics alone, and if so, had the Catholic Bishop and his clergy powers of ascertaining that the persons buried in that portion belonged to the Catholic religion. This ground is retained, and cannot be used but for Catholics, and it remains unproductive; and if an arrangement could be made with the Catholic Bishop, probably this fifteen acres could be made available for Protestant purposes, inasmuch as the Catholics have since got a cemetery of their own.

1352. The resolution of the Town Council of October, 1876, is to the effect that additional ground is required for the purpose of making graves, and it recommends in consequence that this ground in Falls Park be taken for the purpose?—Yes.

1353. You say that an equal quantity of ground could be got to supply the deficiency alleged by the Corporation by using the ground set apart for, but not occupied by the Catholic?—Yes; and by re-apportioning the Protestant portion of the ground.

1354. In addition to the thirty acres set apart for Protestant burials, there are you say fifteen acres at present unoccupied?—I say there are thirty acres appropriated for the burial of Protestants, and if those thirty acres were properly re-allotted according to the various gradations, sufficient ground would be obtained, even without resorting to the fifteen acres set apart for the Catholics. I say in the first instance that there is too little ground for a certain class of graves, and too much for other classes. There is ground there that must lie unproductive for generations if it is not re-allotted. The fifteen acres to which I have already referred has been lying practically unused since the cemetery was opened in 1869. I remember in that year the contention between the bishop and the Town Council, and I was one of those who went with the bishop before the Privy Council with regard to the Catholic portion of the cemetery, when Judge Keogh asked what was the reason why the bishop and the Catholics of Belfast could not be given by a resolution of the Corporation the powers which the bishop wanted. The Town Council however remained steadfast, and refused to comply with the bishop's requirements, and yet they afterwards allowed this small portion that I have previously mentioned, to be walled off and given to the Jews on the very same terms as those the bishop wanted with regard to the ground originally intended for the Catholics. That is my belief. I say now that the Catholics have cemetery grounds of their own independent of this altogether, and if this fifteen acres could by a compromise being effected between the Catholics and the Town Council, be used for Protestant purposes, it would save the necessity for looking for ground elsewhere.

1355. What powers did the Catholic bishop require?—I believe there was a document handed in to the Town Council at the time fully stating what the bishop required.

1356. You say that the Roman Catholics have a cemetery of their own?—They have.

1357. Was that in existence before 1869, or was it got since?—It was got since. When the bishop could not get the portion of ground allotted by the Corporation for Catholic burials upon the conditions which he desired to impose, he bought ground of his own. The Privy Council said it would have been hard to get

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liberty to open another cemetery, but under the circumstances those powers would be granted to the bishop.

1358. When was the application made to the Privy Council?—In 1869, in the year that the cemeteries were opened; another objection was put forward by Mr. Finlay MacCance, a gentleman who came with us on one of those deputations, of which there were many, with regard to the cemetery, and he said "We object to any more cemetery grounds being got on the Falls-road; we say if you want more cemetery grounds go to another part of the town which will be more convenient, and do not be bringing all the dead of Belfast up the Falls-road, and injuring our property there. We say if in addition to this forty-five acres there is more cemetery ground wanted, the Town Council should go to the Antrim-road, the Shore-road, or any other road, and procure ground there, which they have power to do under the Burial Grounds Act of 1866."

1359. In what part of the town is the Catholic cemetery?—It is exactly opposite the Falls-road Park grounds, a little further up.

1360. Mr. EXHAM.—What quantity of ground did the Catholics take there?—Eleven acres. Mr. Suffern, the chairman of the parks committee, has always acted in the best manner, and endeavoured to keep the Town Council right in this matter.

1361. The motion of the Town Council that has been referred to, to appropriate part of this surplus ground, was carried by thirteen votes to six?—Yes.

1362. Did Mr. Suffern, the chairman of the parks committee, vote against it?—Yes.

1363. Have the Roman Catholics erected a mortuary chapel?—Unfortunately they have not; they have no rates to depend on. Although the Catholics are one-third of the population and pay rates for the Corporation burial-ground, it has been refused to them, and in addition to having to buy ground of their own, they have expended between £400 and £500 on the drainage of it, and other work.

1364. You live on the Falls-road. Are there many houses there?—Yes; and the owners of property complain that our houses are greatly injured by the conveying of the dead to the cemetery day after day.

1365. Do you object to the funerals passing by your property?—I do not object to that.

1366. Do you object to the number being increased?—Yes.

1367. CHAIRMAN.—Do you also object to the mode in which the sewerage of that part of the town is carried on?—Yes.

1368. Is your property situated inside or outside the borough?—Half a mile inside—it is half a mile on this side of the cemetery.

1369. I see there is an item of £832 in the accounts, on account of a contract for building a temporary reception of the dead. Is that only for the reception of the dead in the borough cemetery?—Yes.

1370. Is that building used for religious services, prayer, &c.?—Yes.

1371. Is it fitted up with seats, and so on?—Yes.

1372. Then it is a mortuary chapel?—Yes.

1373. Is there one built for the Roman Catholics in their part of the cemetery?—There is not.

1374. Did they ever apply to have one built?—No; because they never could use this ground on the terms they wanted—with a view of having Roman Catholic supervision over it.

1375. Is the Roman Catholic ground divided by a railing or wall?—It is divided by a sunk ditch, which cost £300, and a stone-faced wall.

1376. Then it comes to this, that the Roman Catholics pay for the interment of the Protestant dead, but the Protestants do not pay for the interment of the Roman Catholic dead?—Yes.

1377. And the Roman Catholics derive no benefit whatsoever from this public cemetery?—None that I know of.

1378. With regard to the sewerage, I believe that you wish to offer some evidence on that point?—I think our portion of the town is badly sewered. Although the Falls-road is some half a mile long, and a very important thoroughfare with a number of streets abutting it on each side, I think I am right in stating that there is no main sewer in that street at all.

1379. Mr. EXHAM.—If that be so, how are your houses drained?—The end of my houses abuts on a street called Springfield-road. In that road there is a two feet six-inch sewer, which was, I believe, put into it by Mr. Coates, the owner of the ground; he is my head landlord. It is a brick barrelled sewer. There are a number of streets as well as my property that drain into this sewer. There is Malcolmson-street, Spring View-street, and Colligan-street. There are thirty or forty houses. We have water-closets running into this two feet six-inch sewer, and the sewer goes into the middle of the Falls-road. At one time this drain used to go across the Falls-road into an open field called Dunville's field where it emptied itself, and the sewage went away wherever it liked until the place became so much a nuisance that representations were made to the Council about it, and they then got put down from this two feet six-inch drain on the Falls-road a six or eight-inch pipe—I do not think they could be larger, which they ran down the Falls-road, instead of going down the Grosvenor-road, until they came to Dunville-street, which was paved and sewered by the owners. It was then taken down Dunville-street, about sixty perches, after which they turned it round another street and brought it back into the Grosvenor-road—bringing it a circuitous route of from fifty to sixty yards from where it started.

1380. CHAIRMAN.—The gist of your complaint is that they bring this sewer a circuitous route into the main sewer, and that instead of the drainage being carried through large pipes it is brought through small ones?—Yes.

1381. How long have these houses on the Falls-road been built?—Some of them longer than I can remember; my houses were built in 1867.

1382. Because it is an important element in connexion with Mr. Montgomery's evidence, for he stated that wherever new streets had been made he had taken care that new sewers were also made there?—Yes.

1383. With regard to sanitary matters, do you wish to be examined on that subject?—I do. I have to complain that sanitary matters are not attended to in our district as they should be. For instance, near the Lunatic Asylum there is a large convent on the other side of the Falls-road. Convenient to this convent is the Carlisle National School, as well as schools for private pupils, and attended by a large number of scholars. Well immediately opposite the convent there is a large pond which was formerly used for brickmaking purposes, and which could, in my opinion, be easily drained. Indeed I believe that a man could do it in three or four hours. Last summer the prioress of this convent sent a note to me in which she pointed out that a dreadful effluvia was emitted from this pond which was then about three feet deep. I went and viewed the pond, and saw in it dead dogs, cats, pigs, and other animals all exposed there. The stench was very great, and when there was wind in that direction it would not only affect the people in the asylum and convent but affect the people living in the houses in the Springfield-road. Well, I went to the sanitary medical officer of the district and I told him about that. I went to the dispensary doctor, who lives in one of my own houses, and he very kindly went and saw the pond of which I complained, and he told me that evening or the next morning that its condition was intolerable, and that he had sent a note down to the sanitary inspector's office about it.

1384. Who would that note be sent to?—I do not know, but the result of that was, that a man came with a drag and dragged out a portion of the dead animals, and took them away and buried them; but I visited the place on the next day, and I saw that there was still a number of these animals left there, that were

Mr. James Colligan.

imbedded in the ground under water; and what I wanted the medical sanitary officers to do was, to get the pond drained off and filled up, for it was there for no useful purpose, as no brick-making or any other work has been carried on there for the last two years. As I have stated, this pond was once used for keeping water for brick-making purposes, but it is now unused, and there it stands from that day to this, and it never has been drained. We have to complain of it very much, and what is more, there are several other ponds of the same description adjoining populous places in the same neighbourhood.

1385. Do you mean to say, with regard to that pond, that nothing further was done than partially dredging it?—Nothing further.

1386. Is it in the same state still?—Yes; it is less offensive now, and will, doubtless, remain so until the warm weather comes, when it will be as obnoxious as ever it was. I anticipate there could have been no difficulty in making drainage, and carrying away the offensive water and other matter.

1387. Where could they run it to?—To the river which runs close by.

1388. Have you ever made any written application at all to Mr. Montgomery, or to the committee who have charge of the sewerage—the sanitary committee, with respect to the defective drainage which you have already described to us so fully?—I cannot say that I have.

1389. You never brought any formal complaint either before the executive officer or before the committee?—No. There is another matter to which I wish to direct your attention, and of which I have to complain, and that is with regard to the expenditure of the rates in our portion of the town. Some three years ago we were promised that there would be a flagging put down on the Falls-road, one of the most important thoroughfares in Belfast, indeed I might say it is the leading thoroughfare. There is a footpath ten feet wide, and we have been promised from time to time that there would be a flagging put down along that line where the traffic is very great, with people walking to and from funerals, and from Ballymacarett. We were promised three years ago by the corporation that they would flag the thoroughfare to the extent of two feet wide for the accommodation of foot passengers. That has not been done, and I know that long since that promise was made to us similar flagways have been put down in other portions of the town. The flagway on the Shankhill-road was put down within a very short period of time compared with the time when we were promised it. A portion of ground was got opposite the convent for £25 by the corporation, and they promised to make a footpath there, and also that all the footpath would be flagged in this way, and that was reported to the town council at its next meeting—that £25 was to be given for the ground, and the footpath laid down, and it was remarked by a member of the corporation, that the flagging would be put down the whole length of the Falls-road, inasmuch as it was the thoroughfare to the cemeteries. There is another matter which happened recently, and which shows that there is an inclination to spend as small a portion of the rates as possible in our neighbourhood. It is plain to everyone that large sums of the rates for years back have been spent on some parts of the town, while other parts have been sadly neglected. An instance of this was furnished in the case of Milford-street, which has densely inhabited streets on each side of it, and is an important thoroughfare leading from Davis-street to Albert-road (being the continuation of the first-named thoroughfare), there was a plot of ground not built on, and at this time a party had taken it for building on. The town council had for a long time wanted to prevent people from building on this ground, but at last they granted permission, and the complaint we make is that the Town Council should have in the first instance prevented owners from building on that ground, and afterwards permitted them to do so, when the ground ought to have been preserved in order to perfect the communication between those two thoroughfares—Milford-street and Albert-road. For some reason or other the parties who owned the ground at last succeeded in getting their plans passed. It came to the knowledge of the people residing in the locality that this ground was not to be kept open. They sent down to the Committee a deputation, which included clergymen of the Protestant, Catholic, and Presbyterian Churches, and they stated that it would be a public convenience if this piece of ground was left open. What we wanted the improvement committee to do was to pay the party for this piece of ground about £140, and to form it into a street joining Milford-street to Denis-street for the accommodation of the people of the locality and those using the churches in the vicinity—Catholic and Presbyterian. Dr. Browne, who was the chairman of the improvement committee, fell in with our view, and said that that course should be attempted as far as they possibly could, and that they would endeavour to keep this piece of ground open. Mr. Black resisted that proposition, and said the Corporation had no money for such purposes. I said I could not understand that, that there was surely money for making public improvements. I know that in different parts of the town large sums had been expended, and I could not see why such a paltry sum as this could not be advanced. The chairman of the committee favourably entertained our case, and a sub-committee was, in fact, appointed to go with the deputation to the ground and examine it. Before they came back with the deputation they consented to give £50 if we would buy the ground ourselves—that is, that the Town Council would give £50 towards the cost of it. Well, the sub-committee went with the deputation and examined the ground, and so convinced were they of the reasonableness of our request that they went back and reported to the full committee, and urged the committee to increase their grant towards the expense from £50 to £75, which was accordingly agreed to. We set about making arrangements to buy the ground, but the party, seeing that there was some anxiety manifested to get the piece of ground, he was hard to deal with, and, as a matter of fact, we could not deal with him at all. The result is that half the street is built over. I should tell you that the Town Council then reduced their offer from £75 to £35, and I believe the result was that a collection was made to do this, which, I say, should have been done by the Corporation, and the expenditure on which would have been money well spent.

1390. Have you got the thoroughfare open now?—The result is that only half the thoroughfare is kept open now, and it is a disgrace and an eyesore to the town, and would be to any place like Belfast.

Mr. CONSTANTINE O'NEILL, 44 Falls-road, examined.

Mr. Constantine O'Neill.

1391. CHAIRMAN.—Are you a ratepayer of this borough?—I am.

1392. You have informed us you wish to give evidence concerning the Falls Park?—Yes. I can corroborate all that the last witness, Mr. Colligan, has said with regard to it. Mr. May's opinion was that every inch of that thirteen acres was park ground, and should be included in the park, and that if the Corporation wanted ground for cemetery purposes they must look for it elsewhere. That is precisely Mr. May's opinion. How it is we have been so opposed in desiring to have a park there I cannot understand, and the lame efforts to lay out a park there are ridiculous when compared with the flower park made in the Ormeau Demesne. I believe that if the Council, with their good advisers and nice prompters here, could get another Provisional Order, their next step would be to take the entire of this Falls Park for cemetery purposes. I am afraid they would not be content until they got it all. They have ample ground for cemetery purposes, as was shown by the testimony of Mr. Carlile and Mr. Montgomery, already referred to.

1393. Is the Falls Park in process of formation

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or is it actually completed, because it makes a great deal of difference?—The Falls-road Park was formerly a bleach ground, the property of Mr. John Sinclair, and the water was conveyed down from the mountain in a pipe for bleaching purposes. In the portion of the park that has been staked off—this thirteen acres—there is fresh spring water fit for bleaching purposes. There is also part of a road that was made by Mr. Sinclair, with trees growing on each side of it; then in continuation of that up to rising ground there is a kind of a circuitous road about the breadth of one carriage, but that road is not formed in a respectable manner, nor is it sufficiently wide to allow one carriage to pass another.

1394. What I want to know is this. The Ormeau Park, you say, is a better park than the Falls Park?—Yes.

1395. But is the Falls Park now finally completed by the Corporation, or are they going to do more, and to put it in the same position as the other park. Have they in fact left off decorating the Falls Park, and finishing it?—I think they are improving it still a little, but they are doing so with the greatest reluctance possible. That would be shown if the estimates for the Falls Park for next year were procured. They would show what are the intentions of the Corporation with regard to that park.

1396. Is there any other matter on which you wish to give evidence?—There is nothing else with this exception that I do not wish to go too fully into this park question from feelings of delicacy. I understand well the reasons why this park has not been properly made, but I don't like to speak as elaborately as I would wish.

1397. Keep as much as possible from attributing motives and give us the facts?—Well I know as a matter of fact that some of the members of the Town Council live at Raven-hill convenient to the Ormeau Park. There is no member of the Town Council who lives near the Falls-road, and consequently the Corporation have no interest there, and they don't seem to care much for making improvements where they have no interest.

1398. Are there not several good houses on the Falls-road?—There is a good class of houses, but the principal factories and foundries are situated there, and there are a number of mill girls working there. The heat in these mills is very great and the smell of oil is most oppressive. I tell you candidly I could not believe until I ascertained it that there were such close choking smells in these mills. These places are adjacent to the park, and what we wish is that these working classes—who cannot come before you and have their interests represented—should have what they badly want—a place where they can go and enjoy themselves in the open air. I speak now on behalf of this class of people especially that this park is a great public necessity.

1399. That this park is especially a necessity for these poor people?—Yes. They want some relief from the heat and noxious smells they have to endure all day.

1400. You know that these mills are inspected, not by the officers of the Corporation, but by the factory inspectors?—I am aware of that.

1401. So that the state in which they are kept rests with the factory inspectors?—Yes; but this park is the only convenient place for the recreation of these workers.

1402. Do many of the workpeople live close to the Falls Park?—Yes; very many; they could not go to the Ormeau Park for the want of sufficient good dress, and besides that the distance is too far. Owing to the proximity of Lough Neagh and the Black Mountain the air in the neighbourhood of the Falls Park has been found to be more pure than any other air about Belfast—that is one of the great advantages we claim for it.

1403. Then the air is peculiarly suitable for a public park?—Yes.

1404. Is there any point with regard to the sewerage or drainage of the district upon which you wish to give evidence?—I wish to allude to a pond which is situate on the Falls-road immediately at the flour mills. I got a memorial signed by a large number of the inhabitants, and Dr. Heaney said that this pond was a public nuisance and dangerous to health in summer. The water in it is used for the purpose of condensing steam, and the water comes by a circuitous route. It is also used very often for the purpose of raising steam at one of the mills, and goes to Mr. Alexander's flour mills. In summer the smell of that water is very offensive and the water is poisonous. As I have said I brought a memorial to the Council about that.

1405. How long ago?—The summer before last. I may tell you that the nature of this pond is such that those living or working in immediate proximity to it in the summer cannot have an open window as the air outside is worse than the air inside. Two members of the Council, after the memorial was presented, came and examined this pond. Nothing, however, has been done since that time beyond the raising of the wall around it—the pond remains the same, and in the summer months those living on the Falls-road and paying taxes have to endure the dangerous effluvia from it. The nuisance is not abated although the memorial I presented was signed by the clergymen of the different religious persuasions, and several inhabitants of the district, and two members of the Council examined the place. The only thing done as I have said was the raising of the wall which, however, is not higher than a man's head. You cannot see the pond now owing to the height of the wall, but the offensive smell is the same.

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Mr. BLACK re-examined.

1406. Mr. *Black*.—I wish to state that the Harbour Commissioners do not prevent us from emptying the sewage into the Lagan; the only difficulty with the Harbour Commissioners in connexion with the sewage scheme is as to the point of discharge.

Adjourned.

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DECEMBER 15, 1876.

Mr. SAMUEL KEATLEY examined.

1407. CHAIRMAN.—Are you a ratepayer and owner of property at Richmond-crescent, on the Antrim-road, in the borough?—Yes.

1408. I understand you wish to give evidence with regard to the imperfect sewage in your locality?—The sewer in the new street into which the water-closets in the houses there discharge has no connexion with the main sewer, but discharges itself into an open pond quite close to it. The new street is called Richmond-street.

1409. How long have these houses been built?—About eight years; some of them more recently—about six years.

1410. Has that pond never been cleaned out?—I think not. It belongs to Mr. Philip Johnson.

1411. If it is used for the purpose you mention, and is never cleaned out, it must be in a very offensive state?—The people there complain greatly about it, and I have been asked to attend here and represent the matter to you; but I am not myself aware whether it is in such an offensive state. Scarlatina has been very prevalent there for the last two years. There are four houses in the street, and there is scarlatina in two of them at the present time, and one of the houses is now vacant.

1412. You were asked to come here and represent

the matter, but you have not visited the pond yourself?—Yes; I have not visited it myself lately.

1413. Surely, under the circumstances, it is the first thing you should have done?—Two years ago the Council called this a nuisance, and nothing has been done since, so far as I am aware, to abate it; the nuisance remains there still.

1414. Is it your property that drains into that sewer?—I have no house property in that street. It belongs to other parties; but the drainage of my houses further up on the Antrim-road goes into that sewer and into the pond.

1415. In fact the sewage of your houses goes there?—Quite so; and my attention was not drawn to this matter until between two and three years ago. The Council then called it a nuisance. When this street was first made I paid £40 or £45 towards the work, believing that it was correctly done. I find that this new sewer was made northward instead of southward. The main sewer is at the south end.

1416. Does the sewage go into the pond instead of into the main sewer?—Yes.

1417. Since the Council pronounced it a nuisance have you done anything to draw the attention of the sanitary inspector of the district to the fact that it remains still in the same state?—I wrote to Mr. Scott, the executive sanitary officer upon the subject, immediately after the Council admitted the grievance, two or three years ago. I have heard nothing about it since.

1418. And you have done nothing since?—It was stated by Mr. Hastings, the engineer who examined the state of the sewage of that district that it was a piece of bungling. I am a civil engineer myself.

1419. Mr. LAWLESS.—When and to whom did you pay your contribution for the making of that sewer?—I gave it shortly after it was finished to Mr. Kent, who owns a large property on the Antrim-road to pay with his own, for making the new sewer in this new street.

1420. That was two years ago?—It was six or seven years ago.

1421. By whom was the sewer made? Was it by the Corporation?—Their man had the management of it.

1422. Mr. Kent is not an officer of the Corporation?—Not that I am aware of.

1423. You paid the contribution to him as a private owner of property?—Yes.

Mr. MONTGOMERY recalled.

Mr. John James Montgomery

1424. CHAIRMAN.—Have you heard the statement of Mr. Keatley as to the sewer in Richmond-cresent?—I have.

1425. Can you give us any explanation about it?—I can. The owners of property there made that sewer. I hold in my hand the plan of certain streets near Richmond-crescent, the property of Messrs. Philip Johnston and Company. This plan was submitted to me in July, 1866, and after being frequently disapproved of by me in my written reports it was ultimately approved on the 6th February, 1867. My objection to this scheme was that there was no proper outlet for the drainage—that we ought not to allow any houses to be built there, nor any streets to be laid out, until a sufficient mode of drainage was provided. This was immediately after the Act was passed to enable us to divide the upper zone of the borough into districts (the Act of 1865), and to impose two-thirds of the cost of each district on the inhabitants. It was urged by the owners of property there that the district was young, and so for a year or two the drainage was staved off, but it was ultimately accomplished.

1426. What drainage?—The Antrim-road drainage district. The owners selected my predecessor, Mr. Hastings, a man of great eminence, who assures me that the drainage has been a very great success, and it is the first time in my life that I have ever heard any charge of bungling brought against it. Mr. Hastings had a conference with me, and by putting our heads together we thought that a method of drainage by tanks might be made. The tanks were drawn out on this plan by Mr. Hastings, who was then acting in a private capacity for Mr. Johnston, the owner of the property. He says, "These tanks will be removed a sufficient distance from the houses." These tanks have been constructed, but not until the Council threatened hostile measures against the owners of property. They are not quite finished yet. The Council made complaints to the owners that the system had not been fully carried out as undertaken in the plan. We did not press the matter for some years, and I will tell you why, because the great bulk of the nuisance that used to flow past Mr. Keatley's property was intercepted and taken into the district sewer some time ago.

1427. Is there a main sewer?—There is a great main sewer passing along the high road in front of Mr. Keatley's houses at such a level as would drain most of the nuisance complained of, but not all Mr. Keatley's houses.

1428. Are there connecting drains from the houses to the sewers that you speak of?—I will explain that. When additional houses were being built the evil became conspicuous. We called on the owners for deodorization, and Mr. Hastings agreed some months ago to remedy the defect in the sewerage, and those works are still in progress. That, I think, disposes of the private question. It was adopted as a temporary expedient until such times as we could impose a sewage rate on the district, and thereby make an effective system of drainage.

1429. What question do you say that disposes of?—The private question. It is a matter done entirely by the owners of property; but I may say on behalf of the Corporation that we are ready at any time to make a new sewerage district which will include those houses.

1430. Your point is that these are drainage works not constructed by you, but with your consent (your reluctant consent), until the drainage rate could be imposed?—Yes.

1431. Mr. EXHAM.—You say yourself that the main sewer down the Antrim-road is constructed at such a level that the backyards of the houses there cannot be drained into it. Is that so?—That is what I am now coming to.

1432. CHAIRMAN.—Mr. Keatley told us that he contributed what he was told was his portion of the cost of the drainage. Did any of that come into the hands of the Corporation?—Not one farthing. The head landlord has sub-let this property in building leases.

1433. The head landlord is Mr. Johnston?—Yes.

1434. Mr. Keatley paid to the person whom he held under?—Yes.

1435. To Mr. Kent?—Yes; Mr. Kent holds from Mr. Johnston.

1436. Was any portion of that £45 paid by Mr. Keatley paid by Mr. Kent to the Corporation?—No.

1437. Mr. LAWLESS.—There is one thing I want to know before you go any further. Do you admit it to be the case that the sewer in Richmond-street has no connexion with the main sewer?—It has none nor can the sewerage be sent into it without the aid of a steam engine.

1438. Is it true that the outfall from that sewer is into the open pond?—Yes.

1439. How long has that state of things existed?—Since 1867.

1440. Has there been a sewer rate laid for that district since that time?—There has, and there has not. That requires explanation. Do you observe this line on the plan? (Produces plan.) That represents the taxing area for this drainage district (the Antrim-road district). The property in question all lies outside of that boundary and has not been rated except Mr. Keatley's own row of houses (he has three, and there are four others—seven altogether) which are within

BELFAST. c. 15, 1876. John nes ntgomery.

the drainage district. The ground floor of those houses and all the floors above the ground floor could be drained into the main sewer, but the ground falls so rapidly that it would have been shameful bungling to have made this arterial sewer at such a level as would have drained the declivity, and the town surveyor who would have done it should have been dismissed. The whole outer zone is being rapidly divided into drainage districts, of which the Antrim-road is one. Four of these districts have been completed and half a dozen of the leading roads have been drained like the Antrim-road at proper levels. It happens, with respect to these half a dozen houses, that owing to the great fall in the ground the kitchens are in the front of the houses which front to the Antrim-road sewer, and a very great difficulty arose about the rating—whether or not such houses, in which only portion of the back and yard were drained were to be entirely rated or only the parts which could get the benefit of the drainage, and whether that part should be charged not only with the sewer rate but with the frontage charge.

1441. What is the frontage charge?—The centre of Belfast had all been drained; there are drains in every street in the centre of the town, and in 1865 the Council cast about for an equitable way of draining the immense suburbs that were being made after the American war, and we found an Act of Parliament, the "Towns Improvement Clauses Act, 1847," which contained provisions suitable for our purpose. We then put clauses into our Act of 1865, as to the charge for district drains which Parliament passed, and we divided that charge into three portions, one-third was made a general charge over the borough payable out of the general purposes rate—one-third was charged on the occupiers of houses in the district, and the remaining third was charged on persons having building ground and houses fronting the main sewer who by this means escaped the necessary duty of constructing a sewer for their own property.

1442. Has it been doubted whether you could charge the same party the drainage rate and the frontage charge?—The one is a money payment, and the other is a rate. After proper legal advice, and full consideration the Council came to the conclusion that they were bound in such cases to make the double charge; and a very leading gentleman in town in this very district contested it with us. He took advice on the subject, and after a good deal of hesitation and delay he paid it.

1443. Who was that?—Mr. William Thompson, secretary of the Harbour Board. Therefore we go on charging it and we feel it to be equitable for this reason—The health of every district is important, and you not only make your property better and more valuable, but you improve the health of the inhabitants of that district, and health is so much gain.

1444. Mr. EXHAM.—But in this case the houses are built nearly ten years and the tanks are not made yet, so there has not been any gain to the health of the inhabitants?—Yes that is so.

1445. Why have you allowed ten years to elapse without requiring this to be done, Mr. Johnston. As I read the Act of Parliament you ought to have made proper sewers at once?—I think seven or eight houses would do very little additional harm to a river which drains seven or eight mills. The river discharges a large volume of water and carries off the nuisance from these houses. It is not a dam as represented but a watercourse.

1446. Was there ever any directions given by the Corporation to have that particular portion of the river cleaned out so as to abate the nuisance caused by it?—It is really the first movement that I heard of a general complaint in reference to this river.

1447. But you stated just now that it was a nuisance?—Yes; but I had not heard any general complaint of it.

1448. Was there ever any direction given to have it cleaned?—No; nor did I hear it was necessary.

Alexander nbull.

Mr. ALEXANDER TURNBULL re-called.

1449. Mr. LAWLESS.—What rate do you charge private consumers for gas?—3*s.* 11*d.* per thousand feet.

1450. Do you supply gas outside the municipal boundaries?—Yes, to a considerable extent.

1451. Do you charge them the same price?—We do.

1452. Although they are not subject to the municipal taxation?—Yes.

1453. CHAIRMAN.—Did the Corporation supply it to outsiders at the same rate as the former gas company?—Yes; and we gave them the same reduction as we gave to those inside the borough.

1454. It was quite natural that when you took over the works with the price at 4*s.* 6*d.* that you should supply the consumers outside the borough at the same rate, but when you reduced the charge to consumers inside the borough it does not follow that you should reduce it to those outside. There is a great difference between the charge you made then and now?—The opinion was that there should be a uniform price. The matter was frequently under discussion and one reason given for reducing it was that the great bulk of the consumers living outside the borough are also merchant and trader consumers inside the borough.

1455. Mr. LAWLESS.—You found that system existing when the gasworks were taken over by the Corporation?—Yes.

1456. Have you laid down any new mains since the Corporation became owners?—Yes, we have extended the mains outside the borough boundary.

1457. Did you require any contribution towards that work from the residents there?—Yes; it is a matter of arrangement in the Sydenham district—consumers there contribute one-half of the expense of the work.

James Caldin.

Mr. JAMES M'CALDIN examined.

1458. CHAIRMAN.—Are you a ratepayer?—Yes.

1459. You have a note of the points to which you wish to refer?—Yes. Mr. Black in his statement says that Griffith's valuation made in 1860 was greatly below the present value, and I must contradict that statement, and my reason for doing so is this—I have property at Richmond and elsewhere, and which was valued in 1860 at £50 and is now let at £65. Other property, valued by Griffith's valuation at £445, is now let by me at £553, which makes only twenty-five per cent. of a difference. I have another property here in the suburbs that was valued in 1860, and there is only twenty per cent. between Griffith's valuation and the letting value. I think that is generally the difference between the rent and valuation except in perhaps a few leading streets.

1460. Is your property in the suburbs?—Partly, but all in the borough. I have also property in Waring-street, in which there is about twenty per cent. of a difference.

1461. You spoke about Richmond-crescent?—Yes. It is the enormous taxation in Belfast that keeps the value of property down. It is beyond that of any other town in the United Kingdom.

1462. What are the taxes?—4*s.* 11*d.* in the pound municipal taxes, poor-rate 1*s.* 8*d.*, and water-rate 10*d.* I believe it is about 2*s.* 9*d.* for other taxes. The Antrim-road district sewage rate is 7*d.*, but the 4*s.* 11*d.* includes that 7*d.*; and besides that I paid about £100 towards making that sewer. It is not that Griffith's valuation is too low, but it is that we are too heavily taxed; and if the Town Council got another £50,000 by a new valuation it would go just in the same way as their present income. Griffith's valuation is from 20 to 25 per cent. below the letting value, and it is a very reasonable allowance to make. We would not

on any account like the Town Council should have any power of revaluation.

1463. The Town Council have no power over it?—Nor would we like them to have.

1464. Do you say that there should not be a revaluation?—Yes; and if we should have a revaluation, that the Town Council should have no power over it. From the year 1860 the extent of property has doubled, and yet our rates keep on increasing. One would think that the great increase in the population of Belfast would reduce the rates, but it has not done so.

1465. Mr. LAWLESS.—Would it not be very much to your advantage that the rates should be reduced, and this might be effected by a fair revaluation?—Yes; but we are afraid to allow the Town Council to have any control over it.

1466. Supposing that property in 1860 was valued at £60 and £80, and that at present it is let at £200, do you not think it should be valued higher?—Certainly; and so it is. I think there may be fifty or 100 cases of that kind.

Mr. BLACK recalled.

[Mr. EXHAM read report of the 17th September, 1873, of the sub-committee of the law and sanitary committees, of which Mr. John Durnen was chairman, with regard to the Blackstaff. In that report the committee point out that the nuisance is actually caused and originated by the Town Council themselves in some respects by emptying the town sewage into the stream, by the mills and other manufactories discharging the polluted matter into the streams. The millowners pumped the water into their concerns, which, after being used by them, was discharged into the river.]

1467. Mr. EXHAM.—I call attention to the report principally because of the statement made by Mr. Scott, the executive sanitary officer, that he never heard any complaints made about the state of the Blackstaff.

Mr. *Black.*—You will bear in mind that Mr. Scott is only the executive sanitary officer of the Corporation since the passing of the Public Health Act, 1874.

1468. Mr. EXHAM.—I am aware of that, but a memorial was sent up to the Local Government Board by a number of medical men regarding the state of the river, and yet Mr. Scott stated that he had not heard that there were any complaints made about the Blackstaff. The report goes on to say that the Blackstaff and Pound Burn are converted into open sewers, and that they receive the whole of the sewage of the districts through which they pass, as well as a large quantity of most offensive matter from most of the buildings near the streams; that the water is taken by the numerous mills and manufactories along the course of the Pound Burn, and after being used for condensing purposes is sent back to be taken and used over again further down, and when thus returned to the river at a higher temperature was then more offensive. The committee say that during the time they were making their inspection "it was almost impossible to remain more than a few minutes on the banks of the river the effluvia was so intolerable." The sub-committee were of opinion that at many points where the sewers were discharged into the river they might easily have been turned in another direction. I want to know has anything been done since 1873 regarding the matters stated in this report?

Mr. *Black.*—If you turn to the Act of 1845 you will find by section 90 that the Corporation had power to use the Blackstaff as a common sewer.

1469. CHAIRMAN.—Why was not the report of the sub-committee entered on the minutes?—It was not adopted by the committee at all.

1470. But why is there not some record on the minutes as to its having been brought forward?—I will be able exactly to give you the facts connected with it.

1471. Mr. EXHAM.—Then there follow the suggestions made by the sub-committee regarding the mode of remedying the nuisance, and also a resolution passed by the committee to the effect that the suggestions of the sub-committee should be referred to the borough surveyor to consider if they were practicable.

Mr. *Black.*—The suggestions of the sub-committee were absolute impossibilities, for you cannot make sewers run up a hill.

1472. CHAIRMAN.—But the sub-committee report the Blackstaff and Pound Burn to be a nuisance.

Mr. *Black.*—And I am not here on the part of the Corporation to deny that the Blackstaff is a nuisance; but the difficulties hitherto in the way of our remedying that nuisance have been so great that so far we have been unable to overcome them. An effectual remedy does not lie in these petty suggestions made by that sub-committee, but by the construction, as Mr. Montgomery has suggested by his scheme, of a system of main drainage for the town, and this system the Corporation have been prevented from carrying out owing to the difference existing between the Corporation and the Harbour Board as regards the outlet for the sewage, and also the serious expense that would be incurred in constructing the works. When the town is prepared to meet those difficulties, the work, no doubt, will be carried out. No suggestion has ever been made about dealing with the Blackstaff nuisance or any other nuisance that was not carefully considered. I may say further than that, that the opinion of the present Attorney-General (Mr. May) was taken on the subject, and he personally with myself inspected the entire Blackstaff and the Pound Burn for the purpose of seeing if there were any way of remedying the nuisance, or if we had any rights in the river beyond what we already exercised.

1473. Mr. EXHAM.—Did the Attorney-General (Mr. May) tell you that you had no power of preventing the millowners from sending all the filthy sewage of their factories into the Pound Burn and the Blackstaff?—I am prepared to say that he did. If you refer to section 90 of the Act of 1845, and section 51 of the Act of 1850, you will find that the Corporation were empowered to make sewers and to run these sewers into any river or stream. The Corporation of the day exercised that power, and unfortunately, for after generations used the Blackstaff as a common sewer; and we were advised that until we took the beam out of our own eye we could not insist on the millowners taking the mote out of theirs. When we have got suitable main sewers, no doubt the millowners will run their sewage into them.

1474. Have you got the opinion of the Attorney-General upon that point?—Yes. (Hands in the opinion of the Attorney-General.)

1475. When you say that the Corporation carefully considered every suggestion that was made about the Blackstaff, will you tell me was anything done to carry out the resolution of the 28th October, 1873, as to the committee's carrying on its investigation, and as to employing an engineer to consider the matter with them?—There was not anything further done as to that. The Corporation were waiting to have one comprehensive scheme of drainage.

1476. Do you think that under the 51st section of the Act of 1850, to which you have called our attention, the Corporation have the power and right to turn the public sewers into the Pound Burn and Blackstaff rivers?—I do.

1477. Do you not see that the section says "but so that the same shall in no case become a public nuisance or annoyance to the neighbourhood." How can you justify this when everyone admits that these rivers are a frightful nuisance and caused in a great measure by the sewers which the Corporation have constructed discharging filthy matter into them?—I think still they have the power of doing so.

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Mr. William Agnew examined.

Mr. William Agnew.

1478. Mr. LAWLESS.—You reside in Belfast?—Yes; in No. 4, Henry-street.

1479. To what do you wish to call our attention?—To the state of sewage of Henry-street, abutting on Corporation-street. The nuisance we have to complain of arises from the discharge of the water used by the York-street spinning mill into the Blackstaff, and which passes by the houses in my street. The effluvia arising from this is very offensive.

1480. Who is the proprietor of that mill?—It is a limited company. The water when used in that mill passes down the main sewer in my street. There a smell rises from a grating in the street near my own house, which I have felt in my own dining room.

1481. How long have you perceived this nuisance?—For years. I set to work myself and got the sewer cleansed.

1482. Does that smell arise from the heated water from York-street mill getting into the main sewer?—Yes. They use the sewer for carrying off their water and sewage.

Mr. John James Montgomery.

Mr. MONTGOMERY re-called.

1483. CHAIRMAN.—Have you noticed this grating that has just been referred to by Mr. Agnew? Has your attention ever been drawn to the matter?—Not to that case, but such matters are frequently the subject of complaint. When the owners of houses put in proper traps and proper pipe sewers, no smell can arise. There is a general question about the condensed water going into the sewer. It is used for condensing purposes in the mills, and sent out again in a worse state, and I apprehend that we cannot prevent it. I have put in several hundred ventilators in the sewers and it is very much better to allow the smell to escape by them to the surface than to allow it to go into the houses. You must have sewers to dispose of bad smells. I can construct an entirely new system of drainage for the borough at a cost of half a million of money which will cure that.

1484. Were many of the connecting drains made before you became surveyor?—Yes.

1485. Is it not the duty of the parties making them to put themselves in communication with you or your staff to see that they are properly made, and that they enter the sewer at the proper place?—Yes, and to see that the traps are properly made.

1486. In the case of old houses have you no means of knowing the state of the drainage until it is brought under your notice by the owner?—The sanitary staff take the trouble of examining the houses to find out if there is a bad smell. In the house where I reside they took active steps to make the landlord attend to the drainage, but generally speaking notice is given to the sanitary staff about bad smells and then steps are taken to have the nuisance abated.

Mr. Foster Connor, J.P.

Mr. FOSTER CONNOR, J.P., examined.

1487. CHAIRMAN—You wish to give evidence?—Yes; I wish to say something about the Blackstaff and Pound Burn. I am the only factory owner on the Pound Barn, using the water for mill purposes, and I have heard it stated here that all nuisances and offensive matters are discharged by the mill owners into it. Now I wish to say that I do not discharge any into it because I was noticed by the Town Council many years ago not to do so, and I do not. They take away the offensive matter every morning from my place.

1488. When were you noticed by the Town Council not to send the water into it?—Long ago. I am the only person on the Pound Burn who uses the water for mill purposes. The Corporation cart away the offensive sewage matter every morning from my place ever since they gave me notice.

1489. Do they send their carts to remove it?—Yes.

1490. Do they empty your cesspool?—Yes. With regard to the condensing water, of course I take it from the river and discharge it again after I have used it. After it is used by me it becomes more offensive by being heated. I admit that. I think the remedy to prevent all that would be by making two sewers—one for the sewage proper, and one for conveying the water itself down the stream. The water is supplied directly from the Falls-road district. The Falls river comes down past the distillery, and I would suggest that the water should be conveyed from the mill-dam down to the Pound Burn, and discharged into the Blackstaff in a pure or comparatively pure state, which could be done. The offensive matter could be taken down by a separate sewer and discharged into the street sewers. Mr. Montgomery, who is very conversant with this question, said that it is impossible to run water up a hill, but if you raised the sewers it would meet that objection.

1491. Is the water from your mill offensive?—No doubt it is.

1492. Is that because the Pound Burn receives the sewage of houses above you?—Yes.

1493. Are there many?—Two or three streets, and besides there are a great many houses on the Falls-road that drain into it.

1494. What you wish to convey to us is, that you do not add to the impurity of the river by your own sewage, and that the water, in being used in your mill, is only rendered more impure, as it is impure before you get it at all?—Precisely so. The Blackstaff in itself is really not a nuisance—in fact it is impossible that it could be a nuisance. It is the Pound Burn emptying itself into it which makes it a nuisance.

1495. Mr. LAWLESS.—After the junction of the two streams does the Blackstaff become a nuisance?—Yes; in the summer time it becomes a great nuisance, but at the present time it is not so. I am the only one in the Pound Burn, and but for my interest in it it might be closed to-morrow.

1496. Have you raised the height of the water by a weir?—Yes, that has been done about twenty-five years ago.

1497. Does that give your mill the use of the water?—Yes.

1498. There is no question in the world but that the Pound Burn could be relieved by the system of two sewers which I have referred to—one to carry off the water and one to carry off the sewage matter.

Dr. Bryce Smyth.

Dr. BRYCE SMYTH examined.

1499. CHAIRMAN.—You have some complaints to make?—Yes, with reference to the insufficient sewage. We are subject to periodical floods. Dr. Ferguson, who lives in a house close to me, has the same complaint to make. Glengall-street, Fisherwick-place, and Murray's-terrace, are subject to floods two or three times a year.

1500. Are those streets near the Blackstaff?—Yes, they are.

1501. Above or below its junction with the Pound Burn?—Below it.

1502. Have you complained to the Corporation or made any suggestion to them for the prevention of those floods?—We have more than once made application to the Town Council to have something done to relieve us from them, and have been told that it is caused by high tides at the time that there is a fall of rain, but that is not always, though very often it is

Dr. Bryce Smyth.

the cause of the floods, for on the 6th of this month (last Thursday week) we had very heavy rain, and the lower story of my houses began to be flooded five hours before high water, and there were several inches of water in the basement long before high water. I am satisfied that the street sewer with which my sewer is connected is not sufficient to carry off the water. In the row in which I live there are underground areas which are flooded, but it has been stated that the reason was that they were at a lower level than any of the other houses with underground areas. Mr. Young, the civil engineer, made a survey of the place, and he found that they were in some cases four feet higher, and in others from five to seven inches higher than the underground areas of houses in Howard-street and Donegall-square, South, and those places are not subject to be flooded as we are.

1503. Are the other places you mentioned also in the vicinity of the Blackstaff?—Yes.

1504. Should not they be flooded as you were if it arose from the rains?—I should say so, but I do not know exactly the construction of their sewers. I believe they are connected with another main sewer.

1505. Can you suggest how this flooding might be avoided?—If the sewers from our houses were connected with the main sewer very close to us in Howard-street, which goes in another direction it would very considerably relieve the flooding.

1506. Have you ever represented this matter to the sewage committee?—Yes; my friend Dr. Ferguson and I attended before one of the committees at the suggestion of the borough surveyor. He recommends that in the case of one row of houses in Glengall-place a valve should be put at the junction of the sewer from the houses with the main sewer. This was done. The sewers from the houses were all remade at the expense of the tenants by the Town Council during last summer, but we have been twice flooded since it was done.

1507. You find it had no effect?—It has had no effect. I might add that the lady who lived in the house which I now occupy for fourteen years had no flooding during the time that she was there. I am living in it about eleven years. I think the same thing exists as regards the house in which Dr. Ferguson lives.

1508. Of course we have had an extremely wet season. Is it from that cause only or do you think there has been some action by the Corporation or their surveyor in the meantime which caused the flooding to exist more than during the occupancy of the previous tenant?

1509. Dr. *Ferguson.*—There has been a new sewer constructed, and since it was constructed the flooding has been worse.

1510. Dr. *Smyth.*—A number of new houses were erected and the work thrown upon the sewer has been more than it is able to bear. It was extremely hard for medical men to get houses near the centre of the town because they are nearly all made into shops.

1511. Dr. *Ferguson.*—I wish to corroborate all that Dr. Smyth has said.

1512. Did you attend before the committee and laid the matter before them?—I did and on the suggestion of the surveyor a valve was placed at the junction of the sewer with the main sewer at our expense; even their trying that was the result of three or four applications in the one year, and it gave us no relief.

1513. Mr. LAWLESS (to Dr. *Smyth*).—Is it your opinion that if the main sewer was enlarged sufficiently to do the duty now cast on it from the increase of houses the flooding might be stopped?—Yes.

1514. CHAIRMAN.—If Mr. Montgomery's scheme for the main sewage was carried out, would it have the effect of removing your cause of complaint?—Yes; if there was any prospect of its being carried out, but until it is we think that something should be done to put us in the same position we were in some eight or ten years ago when the then existing sewers were sufficient to protect our houses from being flooded.

1515. Have any representations been made to the Town Council on the subject which have not been attended to?—I came here some six or seven years ago as a deputation and have been frequently here since, and I am sure they were not in ignorance of our state. That was only as regards three houses in Glengall-place, and did not refer to me at all.

Mr. MONTGOMERY recalled.

Mr. John James Montgomery.

1516. CHAIRMAN.—You wish to say something with regard to this matter?—Yes. In the first place I wrote a letter to these gentlemen, informing them that the high level sewer which he alludes to would not prevent them from being flooded. I think I advised that if each house would make a proper system of piped drains to the main sewer, and put valves on them at the expense of about £4 or £5 per house, no flooding would, I believe, arise from the sewer, or at all events that it would be greatly abated. The work was done, and I assert fearlessly that it will greatly abate the flooding. The occasion of the last flood was in consequence of the extremely high tide, which rose a couple of feet higher than I have recorded since the time I became surveyor. The tide was so high and the flood so great on that occasion that many contrivances which had lasted for years failed, and amongst the rest Dr. Smyth's place; and in point of fact it was the surface water from the streets and the overflow water from the tide that got into these areas, which should never have been made at all. The surface of the ground there is scarcely above the tide level. Under no circumstances shall we be able to prevent such cellars from being flooded. When the river overflows, in consequence of high tides, the water will find its own level and go into low passages and kitchens. No system of drainage will prevent it.

1517. Could there be relief given in the way suggested by Dr. Smyth—by connecting that sewer with the other sewer he mentioned?—The levels were taken, and there is not fall sufficient. I for one would not be a party to making a sewer without some fall. Owing to the improved drainage, it is a fact that a much larger quantity of water comes down in a given time than used to come down, and this is caused by the ordinary rainfalls and the improved drains, which send down the water more rapidly than before, and any new sewer that we could construct could not carry off the whole of that water at all times.

1518. Dr. *Smyth.*—If the area basements in Donegall-square, South, are four feet lower than the area basements of our houses, how is it that after all the work was done it did not stop the flooding of our houses?—The one set of cellars are, I should say, quarter of a mile from the other. The two sewers are entirely distinct.

Mr. WILLIAM COATES, J.P., examined.

Mr. William Coates, J.P.

1519. CHAIRMAN.—You wish to give some evidence about the Blackstaff?—Yes. I was a member of the Town Council several times. I believe that the reason the Blackstaff is such a nuisance is owing entirely to the Pound Burn being allowed to go into it at all. If there is any scheme could be devised to divert the Pound Burn into the main sewer that runs down High-street there would be no nuisance at all in the Blackstaff. It passes through property that I have in a pure state, and would continue to be pure but for its being contaminated by the millowners, who use it for engine purposes, and also by the quantity of sewage discharged into it.

1520. Mr. EXHAM.—Would there be any difficulty in sending it down the main sewer in High-street?—I do not know the levels, but my impression is there would not, because the ground is higher.

1521. CHAIRMAN.—It seems to me that it would be a tremendous thing to turn the Pound Burn into a common sewer?—A good portion of the Pound Burn

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at present goes into the main sewers. I should like to put it all in.

1522. Mr. EXHAM.—Do you wish to say anything with regard to the collection of the rates?—Yes. It would be a good thing if all the rates were struck and collected at one time as they are in Dublin. Owing to the way it is managed here there are a great many collectors of different rates, and so many rates to be collected that you are never free from a tax collector coming to you for something.

1523. Mr. LAWLESS.—Are not all the municipal rates collected at the one time?—Yes; but the water rate and all the other rates should be struck and collected at the same time—as they are in Dublin.

Mr. James Hart.

Mr. JAMES HART examined.

1524. CHAIRMAN.—You are a member of the Town Council?—Yes. I have been on the Town Council since 1834. I have attended particularly the meetings of the sanitary committee of which I have been a member ever since I joined the Council.

1525. And you are on it now?—Yes; I am on it now, and I have heard all that the engineers have suggested during that time for the improvement of the Lagan and Blackstaff. I am probably one of the most regular attendants at the Council meetings. [The witness handed in a report of a scheme of his own for the cleansing of the Lagan].

1526. What you suggest is that the river Lagan requires to be cleansed from the first lock on the canal to the quays. How would you do that?—By dredging in the centre and throwing the mud and gravel out on each side. This would cause a good sewer, and then noxious matter would not lodge in the bed of the river and create a smell. The tide coming up always brings something bad with it, and noisome smells are created if all the nuisance is not carried away by the receding tide.

1527. Was this report prepared by you at the request of the sanitary committee in February, 1875?—Yes.

1528. Was it entered on the minutes of the corporation?—It was not.

1529. You contributed this report as an individual member of the committee?—Yes.

1530. Do you know why it was not entered upon the minutes?—I do not.

1531. Was the plan considered by the committee?—It was. It was in part approved, and in part it was not.

1532. Has any action been taken upon it?—Nothing of any consequence has been done. There has been some cleansing, but what I contend is that it should be smoothed on the bottom with something like flagging, or smooth material of some kind.

1533. No doubt, if you could asphalte the bottom, it would be a very nice thing?—Flagging might be cheaper than asphalting. I am opposed to the great long sewer that is proposed to take the sewage five or six miles down the river, and if they keep it by the road they will not have sufficient fall to answer the purpose.

Mr. Samuel Black.

Mr. SAMUEL BLACK re-examined.

1534. CHAIRMAN.—What do you say in reference to the first point dealt with by the evidence of Mr. Colligan, concerning the intended allocation of a portion of the Falls Park as additional ground for cemetery purposes, instead of for park purposes?—I may state in reference to that, that on the 1st of November, 1869, a resolution was passed by the Council to establish and maintain two public parks for the use and enjoyment of the inhabitants of Belfast, one the Ormeau Park and the other on the Falls-road adjoining the borough cemetery. That resolution was subsequently confirmed on the 1st of January, 1870, by a majority. Subsequently, however, the Corporation seemed to be of opinion that it was not desirable to establish the Falls Park, inasmuch as the distance out of the town was so great, and steps were taken to put the ground adjoining the cemetery into the market for public sale. On the 22nd of April a deputation from the ratepayers and inhabitants of the Falls-road district attended upon the Council, and represented their views, and thereupon the Council directed the proposed sale not to be proceeded with. However, there were two legal difficulties in the way of establishing a park there: first, the Public Parks Act of 1869 only gave power to establish parks within boroughs; second, our own Burial Grounds Act of 1866 required that the land not to be used for cemetery purposes, should be sold, and I advised the Corporation that a mere transfer or a nominal transfer from one committee of the Corporation to another, would not be a sale within the meaning of the Act. Mr. M'Clure and Mr. Johnston, the members for the borough, took a very active part in obtaining a public Act in connexion with the Parks Act. A bill was passed in 1872 (the Public Parks Amendment Act of 1872) by which Corporations got power to sell surplus lands that might not be required for the purposes of a cemetery. That Act, therefore, removed the first objection. Then came the removal of the second. The Corporation were anxious to get several additional powers by amendment of their local Acts, and application was made to the Local Government Board for a provisional order, and eventually the provisional order was obtained, and an Act enforcing it. That provisional order removed the second difficulty as to the sale of the surplus lands for the purposes a of park.

1535. That Act specified the sum to be given for the surplus ground to be £5,000?—It did. It never was intended that the entire of the surplus lands on the Falls-road should be devoted to the purposes of a park. The intention of the Corporation always was that under the provisions of that Public Parks Amendment Act of 1872, the portion of ground adjoining the park should be sold for building purposes.

1536. The same way as at the Ormeau Park?—Precisely. Previous to the Council going for the provisional order, the committee considered the question fully, and on the 24th of October, 1872, a plan—which I now hold in my hand—was prepared, showing how that surplus land might be disposed of to advantage, and laid out for building purposes.

1537. Was that plan submitted to the Local Government Board when the provisional order was applied for so that they had before them at the time the proposed allocation of this ground?—That plan was before the inspector who was sent down to make the inquiry upon our application for a provisional order.

1538. Can you tell whether it was before the House of Commons when the Act was passed?—I don't know. I don't think it was. There was no opposition to the provisional order and it passed merely as a public Act. In framing the provisional order, the words which you referred to, or one of the Commissioners referred to, embodying the Public Parks Amendment Act of 1872, were considered by the council for the Corporation to be sufficient to enable the ground to be sold in the ordinary way.

1539. They were introduced expressly for that object?—Yes.

1540. You have since had an opinion from Mr. May, Q.C., that they do not effect that object?—Just in the same way that doctors differ we have had different opinions on the subject. Mr. May said they did not, and Mr. MacDonogh gave an opinion to the effect that they did. Some new members came into the Corporation from time to time from 1873, and certainly some members were of opinion that it was not then desirable to establish the park there at all, and in addition to that the ground in the cemetery was being taken up and occupied much more rapidly than we had at all anticipated, and we found that if the same

ratio of interments continued as at present, and for some time back, in six years' time we would not have a single grave to dispose of unless we went into the reserved portion of the cemetery—the ornamental part and what was reserved for walks.

1541. In point of fact how much of the forty-five acres is reserved as ornamental ground?—I could not really tell you the quantity.

1542. Mr. Colligan said in his evidence that if a proper allocation of the cemetery ground was made sufficient space could be found for a considerable number of years for the interment of poor persons—in fact the class of persons for whom this ground is wanting. Have the Corporation considered that?—Some of the graves are now first-class graves; there are second-class graves and so on, and the price varies from £9 per grave down to £2. I understood Mr. Colligan's statement to be that if we reduced the higher priced portion of the ground we would have enough of the poorer class of graves for a considerable time.

1543. We will ask Mr. Colligan. (Addressing Mr. Colligan.) My impression is that you said in your evidence that if the present allocation of the ground was altered there could be a sufficient portion set apart for the interment of poor persons at a low charge to last for a considerable number of years?—Mr. *Colligan.*—You are quite right.

1544. Then I understood that you also proposed to allocate for the like purpose the whole or part of the ground set apart for Catholics and not used?—You are quite right.

Mr. BLACK's examination resumed.

1545. Has that view ever been presented to the Corporation and considered by them?—I have no recollection of that view ever having been considered by the Corporation.

1546. Have they been applied to to consider that view?—Certainly not; they have never been applied to. It would totally destroy the ornamental character of the cemetery if you did so.

1547. I want to know if Mr. Colligan's objection and the objection of Mr. O'Neill and those they represent with reference to this reserved thirteen and a half acres, has been represented to the Corporation, and whether the Corporation could not by a fresh allocation of the cemetery grounds obtain all they require for the burial of poorer persons at a cheaper rate without infringing on the ground which was originally intended for a public park?—I think not.

1548. This matter has not been considered by the Town Council?—No, it has not.

1549. Mr. *Colligan.*—We think it is the duty of the governing body to reallocate the present burial ground before they go and seek for other ground.

1550. CHAIRMAN.—We want to know whether any representations had been made to the Council on this subject. Mr. Colligan has stated that it is a very short time since Mr. Montgomery and Mr. Carlisle gave evidence with regard to these grounds.

1551. Mr. *Black.*—Under our present arrangement we have space for only about 2,370 graves available, and taking the ordinary average of the sales of ground six years would dispose of every one of those graves.

1552. At the rate you have been going on lately?—Yes. We have still about 4,800 additional graves in places which have been reserved in order to give convenient passages to those graves which have been let. If these have to be used, the result will be to a certain extent to shut up the ones that are occupied and taken, and will do away with the facilities which exist at present for getting to them.

1553. Of course many of these are vaults, not single graves?—Yes; enclosed with railings.

1554. Which will be required to be open for other members of families?—Yes.

1555. In order to use that ground available for the 4,800 graves, do you say you would have to use the ground now occupied to a great extent by walks and approaches to the existing graves?—Yes.

1556. In point of fact the ground in the Protestant portion of the cemetery has been used to a greater extent than the Corporation anticipated when they set apart forty-five acres for this purpose?—Yes, that is the case, although the cemetery was only opened in 1869, we have had about 10,000 interments. The exact number is 9,875.

1557. And the only space left, according to the calculation you have made, without entrenching upon the roadways and ornamental grounds, is 2,370 graves, or about six years' requirements?—In the public ground—where a poor person is buried on payment of 2*s.* 6*d.* we have plenty of room.

1558. What do you say to the evidence given before the Local Government Board inspectors at the inquiry by Mr. Montgomery and Mr. Carlisle, which was mentioned by Mr. Colligan?—I do not know what evidence they gave.

1559. When you propounded the scheme of devoting this thirteen and a half acres to cemetery purposes, did you mean that ground to be used for the free burial of poor persons—as public ground?—Certainly not. There are numbers in town of the poorer class who don't like to have their friends buried at the public expense. I think as far as the public ground is concerned there is space enough for a considerable time. After the lapse of fourteen years we can re-open the graves in the non-proprietary portion of the cemetery—that is the time specified by the Act.

1560. At the time the provisional order was obtained, you did not anticipate having to add to your cemetery?—Certainly not.

1561. What you intended was to sell off as building ground the surplus portion of the land?—Yes.

1562. But you now desire to devote it to cemetery purposes?—Yes; exactly so; and Mr. Macdonogh advised us that we had power to do so, and Mr. May considered that we had not any such power.

1563. I see there is marked on the plan of the cemetery, the site of the Protestant and Roman Catholic mortuary chapels. Why was the chapel not erected on the Roman Catholic portion of the ground the same as on the Protestant?—The Protestant one has only been erected within the past year, and the other would have been erected at the same time had the Roman Catholics availed themselves of the portion of the cemetery allotted to them, but they declined to do so.

1564. Why did they not avail themselves of the portion of the cemetery allotted to them?—An application was made on behalf of the Roman Catholic bishop, that certain rules should be made by the Corporation, which rules I have in writing. They required firstly, that the sexton and grave-digger for the Roman Catholic portion of the cemetery should be Roman Catholics, subject to the approval of the Roman Catholic bishop for the time being, and also to dismissal by him without his being obliged to assign any cause for so doing; secondly, that persons who committed suicide should not be buried in that portion of the cemetery, nor should any person be allowed to be buried there who should be deemed by the said bishop, or person authorized by him for such purpose, to be unfit to be buried there; and that in the sales or lettings, a clause to that effect should be inserted in the conveyance.

1565. That is the sale of any portion of the Roman Catholic ground for interments?—Yes. Thirdly, that an annual stipend should be paid by the Corporation to such Roman Catholic clergyman as should be nominated by the bishop to act as chaplain of the cemetery at the burials of Roman Catholics. Those were the rules that were proposed on behalf of the bishop to the Corporation, and also some other rules subsequently, very much to the same effect.

1566. What was the answer of the Corporation to that?—That as the Corporation were trustees for the public they could not delegate their powers to any authority outside the Corporation.

1567. Did the correspondence then cease?—By no means. The bishop went to the Privy Council and tried to get the rules I have detailed to you established, but the Privy Council refused his application.

1568. Is that the last feature in the case?—As far

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as I know that is the last feature. Before the application to the Privy Council there was an application from the bishop or his solicitors to purchase from the Corporation those fifteen acres so as to get absolute control over that ground. That was made in 1869, prior to the application to the Privy Council, before the rules were passed for the regulation of the cemetery.

1569. Was the application to purchase outright before the application to you to grant the bishop those powers which you declined?—It was.

1570. The first application from the Bishop was to purchase the ground. That was not in consequence of the refusal of the Corporation to grant his proposals?—No, but it was declined.

1571. And then came the application for those powers?—Yes.

1572. And when those powers were refused him he applied to the Privy Council?—He did. The case was argued on behalf of Bishop Dorrian and the Council, and the rules as proposed by the Corporation were approved of. The Privy Council, on the application of the Corporation, at that time virtually closed up the other burial grounds within the borough, except in certain cases, where interments were allowed in proprietary graves.

1573. And the intra-mural burial-grounds were closed?—Yes.

1574. Were we correctly informed when we were told that since that time no Roman Catholics have availed themselves of the privilege of burial within that cemetery, except some persons who were considered outside the pale of the Church?—As a matter of fact very few interments have taken place in the Roman Catholic portion of the cemetery—not more than six or seven. They have established a cemetery of their own very close to ours. Had the Roman Catholics availed themselves of the cemetery the burial rate would have ceased at a much earlier period than it actually did. Next year will be the first year that we can do without a burial rate; that would have arrived several years ago had the Roman Catholics availed themselves of our burial-ground.

1575. We were told yesterday that a small portion of this ground had been set apart for the burial of Jews. Is that so?—Yes, but it was a later transaction altogether, and done with the sanction of the Lord Lieutenant. It is a total fallacy on the part of Mr. Colligan to say that that has been done on the same terms as proposed by the Roman Catholic bishop. The Corporation retain the absolute control of that portion of the cemetery. The Lord Lieutenant in Council approved of the allocation. The thing was done in the most regular manner possible.

1576. Was there any favour shown to the Jewish community that was refused to the Roman Catholic community?—Certainly not.

1577. How many burial rates have you levied?—Since we purchased the cemetery every year, down to and including the present year?

1578. What has been the highest rate?—I think 2*d.* Last year it was 1*d.*

1579. Is it 1*d.* this year?—1*d.* this year, and 1½*d.* last year. There will not be any rate next year.

1580. Mr. EXHAM.—Are the rules I hold in my hand the rules afterwards sanctioned by the Privy Council?—No; those are the second set of rules proposed by the bishop.

1581. Did you ever make any rules yourself with regard to the Roman Catholic portion of the cemetery?—We made rules applicable to all the portions without distinction.

1582. Were the rules you made the same for Roman Catholic and Protestant burials?—Quite so.

1583. Was it simply because the Roman Catholics did not make use of their portion of the burial-ground that you have not erected a mortuary chapel?—Upon that ground alone.

1584. Are the Corporation ready to erect a mortuary chapel as soon as the Roman Catholics avail themselves of their portion of the Corporation cemetery?—That has not been decided upon, but I am sure that if the Roman Catholics would only avail themselves of the ground allocated to them, a mortuary chapel would be erected for them forthwith.

1585. Would the Corporation give them the same amount of money to build a mortuary on their own ground?—I cannot say that.

1586. Were any rules submitted by the bishop before your rules were made?—These rules were submitted by the Roman Catholic bishop, and were brought before the Privy Council in opposition to the application of the Town Council for confirmation of the rules made by them for the allotment and management of the ground. The Privy Council disallowed the cause shown, and confirmed the views of the Corporation. The Roman Catholic bishop's rules were made a *sine qua non*, and we could not possibly adopt them.

1587. Did you make any objection to the first rule of the bishop's? Can you give us the answer of the Corporation to the bishop? I suppose it was in writing?—I believe the terms of the answer are on the minutes. I know they were taken into consideration by the Council, and they could not by any possibility adopt any of them. The Privy Council confirmed that view.

1588. The proposed additional rules came after your answer to the first?—They did.

1589. CHAIRMAN.—The first thing was that these rules that you read were submitted?—Yes.

1590. Then you sent an answer declining to accept any of them, and that was followed by a further set of rules very much to the same effect as the first?—Yes, very much in the same sense as the first—in fact the essential difference between the Corporation and the bishop was that the bishop insisted upon having the absolute control of the Catholic portion of the burying-ground in his own hands, and the Corporation, as trustees under the Act of Parliament for the public, were advised that they could not possibly yield that control.

1591. Were those plans of the graveyards submitted to the Privy Council, with the sites of both mortuary chapels marked on them?—Yes; and there was a *bonâ fide* intention to carry out that plan, which intention will be performed, and a second mortuary chapel built, I have no doubt, whenever it may be required.

1592. We will now proceed with the next complaint. You appear to think that Mr. Macdonogh's opinion is at variance with Mr. May's. Do you think you are right in that, because the case on which Mr. Macdonogh gave his opinion assumes that the Corporation thought a public park was unnecessary there? Did the Town Council ever pass a resolution that it was unnecessary to have a park there, or that these thirteen and a half acres were unnecessary for a park?—Oh, no. They passed a resolution declaring that there should be the forty-five acres for a park, and that the thirteen and a half should be reserved for building purposes. I think Mr. Macdonogh's opinion fully justifies their doing so.

1593. Mr. Colligan says that he and many others in his district are of opinion that less is done by the Corporation for the Falls Park than for the Ormeau Park, and for the Falls-road neighbourhood generally than for other parts of the town?—Well, I think that opinion is incorrect.

1594. CHAIRMAN (addressing Mr. *Colligan*).—You said yesterday that you considered less was done by the Corporation for the Falls Park and for the inhabitants of that neighbourhood rather because, as I understood you, the poorer members of the Roman Catholic community live out in that direction. Is that the impression you intended to convey?—Well, I didn't use the words, but really that is the impression on the minds of the majority of the inhabitants of that district; and if I wished to push the matter further, I could get evidence to prove that certain members of the Town Council have made use of expressions which bear me out in the impression I have formed.

Mr. BLACK's examination resumed.

1595. CHAIRMAN.—What do you wish to say with reference to that allegation?

1596. Mr. *Black.*—I think if you will take the accounts for the past year, you will find that that impression is totally erroneous. The Ormeau Park is 100 acres in extent, while the Falls Park is only forty-four or forty-five. If you take the rentcharge and taxes out of the sum spent on the Ormeau Park, you will find the outlay is only £1,113 17*s.* 9*d.* in the last year. We have a rent of £106 0*s.* 9*d.* to pay on the Falls Park.

1597. The rent that you have to pay for that park is a charge on the cemetery ground generally, is it not?—No; it is exclusively a charge on the park grounds.

1598. How is that?—Because we could not have the cemetery ground subject to a rent, and under the Burials Act of 1866 Lord Donegal was enabled to release the cemetery from the rent, so that it is a total fallacy to say that the rent is not payable out of the Falls Park. The expenditure of £1,113 17*s.* 9*d.*, on Ormeau Park less the receipts of £396 11*s.* 4*d.*, leaves a net balance of £717 6*s.* 5*d.*, and that on Falls Park during the same period very nearly £480.

1599. Then you have been expending more money within the last twelve months than is shown in the audited accounts before us?—Oh, yes.

1600. In fact nearly double?—There is in the printed account only half a year's expenditure.

1601. When did you commence work on the Falls Park?—Not until after February, 1875, the accounts for both parks terminated at the same part of the year, but the expenditure on the Falls Park didn't commence till the middle of the year. The total expenditure on the Falls Park for that year, including rent and taxes, was £689 6*s.*, less miscellaneous receipts amounting to £103 12*s.* 6*d.*

1602. Was that from the sale of grass and so forth?—Yes; leaving the expenditure £585 13*s.* 6*d.*

1603. That is from August, 1875, to August, 1876?—Precisely; and if you deduct then £106 0*s.* 9*d.*, for rentcharge, it leaves the net expenditure, on the Falls Park, £479 12*s.* 9*d.* Having regard to the quantities of land in the two parks, I think that is a very reasonable sum for the Falls Park.

1604. That is £479 12*s.* 9*d.* for the forty-five acres?—Precisely.

1605. Now give me the same expenditure from August, 1875, to August, 1876, on the Ormeau Park?—The net expenditure on the Ormeau Park, exclusive of rents and taxes, was only £718 1*s.* 5*d.*, for the same period.

1606. Were these sums of £718 1*s.* 5*d.* and £479 12*s.* 9*d.* respectively the net expenditure from the rates for the parks?—Yes.

1607. What was the total expenditure from the rates on the Ormeau Park for the year 1875?—£906 13*s.* 5*d.* One of the inducements held out to the Corporation by Mr. O'Neill when they were establishing the Falls Park was that it required no expenditure. That was before the park was established, now they take a different view. In addition to the expenditure on the Falls Park, we had a large quantity of shrubs and young trees in the cemetery which were originally planted thicker than they would afterwards be required to remain, so we transplanted them to the Falls Park and have not charged for them.

1608. What are the estimates for the next year's expenditure upon the two parks?—For Ormeau Park £1,000, and for Falls Park £450.

1609. I perceive you estimate the credits at £250 on the Ormeau Park and £100 on the Falls Park?—Yes.

1610. Irrespective of the evidence you have given as to the expenditure on the two parks, was the Corporation ever influenced by any such motive as that which has been suggested in their relative expenditure on one park as against the other—any sectarian motive?—I think there is no sectarian motive or any other motive influencing the Town Council in any way in their expenditure on the respective parks but a considerable number of the members of the Council thought it was altogether a mistake to make a park so far out of town as the Falls Park, and would much prefer that one more generally available for the inhabitants of the borough should be provided in lieu of it.

1611. Is it a fact that the Corporation at one time decided to offer all that ground for sale, and to provide 100 acres elsewhere, but gave up that plan, from representations made on behalf of the inhabitants of the neighbourhood?—That is a fact.

1612. As far as you know are the Corporation prepared honestly to carry out the formation of that park?—They are *bonâ fide* carrying it out, notwithstanding the fact that some members of the Council feel it is a mistake to have a park there at all.

1613. Mr. Colligan has stated that there has been no disposition manifested by the Corporation to spend the rates on the Falls-road neighbourhood: that some time ago the people were promised that a certain portion of the Falls-road should be flagged, and that was not done, although the Shankill-road was flagged. Is that so?—That is incorrect; as a matter of fact the Corporation have been most anxious to lay the same flags in a continuous line on all the important thoroughfares leading to the borough, but unfortunately want of funds has hitherto prevented them carrying that out to the extent intended. The flagging upon the Shankill-road has been done, simply because the owners of property there have given ground to the Corporation to widen a portion of the footpath. In such cases, we either make the footpath for them, and gravel it if it is a considerable distance from the centre of the town, or we flag portion of it if it is near the centre, according to the value of the ground, and any gentleman who gave ground for the purpose of widening the road would get the same flags. The convent proposed to give us some ground, which was accepted; and I paid money for it in place of flags on behalf of the Corporation. They gave the ground, but in place of taking the value of it in flagging they preferred a gravel path, and cash besides.

1614. That will not prevent you from flagging it eventually?—Certainly not.

1615. Milford-street was referred to yesterday?—That was purely private work to prevent the street from being built up, and in order to render the property in that street more valuable to the private owners. Of course to a certain extent it would be very advantageous to the public, but we have been most unwilling to establish the principle of opening up private property at the expense of the public rates, but when the owners of property come forward, and consent to pay a portion of the expense, the Corporation join them in keeping the ground open. It was complained here that we did not give the entire amount originally intended. The amount proposed to be given in the first instance was for leaving open the ground the full width of the street, but we were unable to get that, as the owner of the property had sublet a portion of it to another, and we could not deal with him, as his terms were ridiculously extravagant. Before the thing was at all spoken of, the landlord had let to this sub-tenant. We had no power to act in this case except as a matter of arrangement between the parties. We had no power to take these lands compulsorily.

1616. The impression conveyed to us was that by an earlier communication with the landlord and sub-tenant you could have got this ground?—We could have got it by paying an extravagant price for it.

1617. Mr. EXHAM.—What do you call an extravagant price when the ground was for opening up the street to such a public place?—£140.

1618. CHAIRMAN.—Has not £100 been given within the last four or five months to the Water Commissioners for the purpose of allowing the Town Council to level a small bridge which rises over their main in Donegall Pass, and makes the street unsightly, and not so valuable to the owners of property?—Yes; that is quite true, and by means of that expenditure we have taken away one of the greatest eyesores from a leading thoroughfare in the town. The Water Commissioners had an aqueduct across one of the streets known as Donegall Pass, leading to the gas-works. It was actually dangerous, and they met the Corporation readily in the matter, and accepted £100 to provide a pipe to carry the water across. That outlay has removed a dangerous structure and a public eyesore.

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1619. Have you not expended at University-road, in making a culvert, a very large amount of the public money? Where is University-road?—It is near the Queen's College; there was a watercourse belonging to the Commissioners crossing the street, and at a very small expense we were enabled to throw a culvert over that watercourse, and allow a continuous traffic across the street, instead of having it thoroughly blocked. It was a great public improvement, and one called for by the wants of the town, and the expense of it has been comparatively trifling.

1620. Mr. Colligan complains that even some small part of the money produced by the rates is not laid out in his part of the town. For instance, have the Corporation done anything with regard to the flagging of the Falls-road?—With regard to the flagging of the Falls-road, terms were made with the convent people, which amount to this—they gave thirty or forty feet of their ground, and the Corporation gave them £25, and they, the Corporation, were to complete the foot-path, which they did with gravel. The improvement committee, in reporting their work for the month to the Town Council, reported that they had done certain things, and that they were going to run two feet of flagging there.

1621. But I want to know if they put down any flagging where Mr. Colligan says it was promised?—Not yet.

Mr. Montgomery.

Mr. MONTGOMERY, Borough Surveyor, re-examined.

1622. CHAIRMAN.—A comparison has been instituted between the Shankill-road and the Falls-road. How much of the Shankill-road has been flagged, if any?—None of the Shankill-road has been flagged, except where the owners of property have contributed portion of the cost of the land to do it; and the same thing has been carried out on the Falls-road in six or eight different places.

1623. Do you flag only opposite the houses of individuals who give you ground?—Sometimes we pave and sometimes flag. Not one of the leading streets was paved a few years ago, and one of the earliest we took up was this very Falls-road. It has several names, and it is one of the great leading lines of road leading from Castle-place. Since the time that I was appointed the Corporation commenced paving all the great leading roads, and the Falls-road was one of the first. It is seven or eight years ago since we paved it with Welsh sets; from Castle-place to Park-street. Now, speaking off-hand, that would be £5,000 worth of work. There is a great arterial sewer made in it from Castle-place to Durham-street, and we are engaged at the footways still. From the time of the complaints of the inhabitants of the Falls-road, a great many places have been repaved and curbed, and crossings been put in. We have had a great many applications from the Falls-road, and at every time something has been done. I assure you I never heard a promise given that the Falls-road was to be flagged, except when it was in the power of the Corporation to do so. I have had no complaints of want of drainage in the remainder of that road. It occupies a ridge, and there is a valley on each side of it, and a great number of new streets have been laid out, either on or abutting on that road. I, myself, have paved and drained a great number of them, and it happens curiously enough that there is no flooding on that road, as there are so many cross streets with sewers running in both directions, that the pressure is carried off and flooding is avoided.

1624. That applies to the surface-water only?—All the houses built are drained, and until yesterday, I have had no application for a main sewer on the Falls-road.

1625. How are these houses drained?—There are a great number of streets on both sides; they all are sewered, and the sewers fall towards these valleys.

1626. It is a sort of spine, as it were?—Yes; it falls both ways. There are two valleys, and the streets are drained efficiently, although there is not a main sewer. The water is taken off by gully drains. One reason why the Falls-road district has not been more sewered is that there has been no pressure put on the Council. Immediately pressure is put on the Council, additional sewers will be made in that sewerage district, like the other four districts. The plans have been partly prepared, and were suspended, because we have had no complaints.

1627. As the houses are built along that road, you are surely bound to see, if you have not got a main sewer, that there are proper cesspools for the accommodation of such houses?—Those houses are drained into the existing sewers; they drain backwards; there are no cesspools.

1628. Do you dispute the assertion that in the Falls-road there ought to be a main sewer which would be discharged into this main arterial sewer?—The time will arrive, and may already have arrived, when a sewer should be made in the Falls-road itself, because several of the streets on the right side of the road have only temporary contrivances, in the shape of six-inch and twelve-inch pipes. There is a twelve-inch pipe laid as a temporary contrivance for conveying the sewage of several streets, on one side to the outlet on the other side of the road. There are a number of streets near Mr. Colligan's house from which the sewage falls into the Falls-road, and passes across it by means of a twelve-inch pipe, which ultimately discharges itself into the main sewerage system of the borough. This pipe was laid, because it answered as a temporary contrivance until the proper time arrives for taxing for new sewerage. It has never been inadequate to its work, and until now I never heard any complaint of it. If the owners of property in the neighbourhood like to have an expensive sewer, the Council will not prevent them. At three or four places along the road these temporary connexions have been made from the streets on one side to the streets on the other, in order to take off the drainage for the present. This is the first time I have heard a complaint; and now that a complaint has been made, I am sure the Corporation will be delighted to make the Falls-road into a drainage district. I am certain they will not prevent it. Their reluctance to do so only arose from the fact that they did not want to put the owners of property in a sparsely populated district to so great expense.

Dec. 19, 1876.

DECEMBER 19, 1876.

(Before Mr. CORBETT, Mr. LAWLESS, Q.C., and Mr. EXHAM, Q.C.)

Dr. Dorrian.

Dr. DORRIAN, Roman Catholic Bishop of Down and Connor, examined.

1629. CHAIRMAN.—I believe you wish to give us evidence as to the grounds on which the Roman Catholic people of Belfast do not avail themselves of the portion of the cemetery set apart for their use by the Corporation?—Yes, I have attended for that purpose, and I may direct your attention to the Act of Parliament by which the Corporation were empowered to possess themselves of land for the purposes of a cemetery. That Act of Parliament not only makes provision for the allocation of parts of that cemetery to the different religious denominations, but it also makes a very striking provision—namely, that the head of each religious denomination shall be at liberty to bless or consecrate for the use of his people the portion of the cemetery allocated to them. It strikes me, therefore, that the Legislature could not have intended to make the Act nugatory for me by offering me power to consecrate the ground if in reality I had substantial reasons in my own conscience not to do so. I had an objection to consecrate the ground so allotted to the Roman Catholics, because our ecclesiastical law books upon both the cemetery and the Church

are the same, and subject to the same rules; and I could, therefore, no more consecrate a cemetery or graveyard without a title or lease, or some assurance that I could protect it from desecration, than I could consecrate a church. No bishop could think of doing such a thing, and no religious denomination would have a church without a tenure that would justify them afterwards in securing it for the purposes for which it was intended. I was, therefore, anxious to know from the Town Council what was the rule by which it would be governed. The town clerk very politely informed me that as soon as the rules would be made regulating the cemetery he would supply me with a copy of them. My object was to see if the rules contained anything which would give to the bishop for the time being the right to prevent the ground which was intended for Catholic interments from being desecrated. I came over to the office of the town clerk to look at the map or tracing, in order to ascertain what was the portion allocated for the Roman Catholics, and, on looking at the map, I thought it was very objectionable that the Catholic portion of the ground was, as traced, in a kind of horse-shoe form, the centre portion of which was to be retained for the interments of Protestants and Presbyterians. This portion was decidedly far away the best portion of the whole ground; and I found then that the Roman Catholics were thrown on one side as a counterpart for the poor Presbyterians who were thrown on the other side; and one day on the grounds, in the presence of the mayor and the chairman of the cemetery committee, and I think the town solicitor, I objected to that, but I was told that the Protestants and Presbyterians had arranged to bury promiscuously. "Oh," I said, "if that be so, I am therefore precluded from making any objection, though otherwise I might have a fair right to have a chance for the centre as well as the sides." I was present in the town clerk's office at an investigation held by Dr. Knox, Poor Law Inspector, and heard a member of the Town Council state that the Protestant bishop was going to consecrate a portion of the cemetery for himself, whereupon the town solicitor, addressing that member of the Town Council, said—"Sir, you have no business to make use of a private observation." I did not know at the time that the Protestant bishop was going to consecrate a portion of the ground for his people, and I complained that if that statement was a truthful one faith was not being kept with me, for I was distinctly told that Protestants and Presbyterians had arranged to use the ground promiscuously, whereas in reality it turned out afterwards that the Protestant bishop has since then consecrated a portion of the cemetery for the use of his people. However, I waived that, and simply asked the cemetery committee to meet us fairly by at all events drawing a line straight up from the road to the extremity of the cemetery, and to give us a fair chance of whatever of the centre would fall inside it. They said that was fair, and could not be objected to, and it was done; but there was another misstatement made that was injurious to me, which was that I had required a wall twelve feet deep to be built between the portion allocated to the Roman Catholics and that allocated to the other denominations.

1630. The statement made to us was that there was to be a sunk fence, but not that you required a stone wall?—I merely required that there should be a simple line of demarcation—a chain for instance, which I thought would be sufficient for all practical purposes. I then stated to the committee, that my greatest objection was—what would be the assurance that I or the bishop coming after me would have hereafter, that that ground if consecrated by me could not be allocated for any other purpose, or used for the purpose of other interments. I knew by the law of my church that I was precluded from consecrating the ground, unless I had some assurance of that kind. I then made four different offers to the Corporation.

1631. We have had before us two sets of rules?—At all events I may state to you that there were four offers on my part. The first one was the written set of conditions in which I showed what I as Catholic bishop must require. That is, that the ground should be under the care of a sexton appointed by the bishop. The other offer was that I would take the portion allotted for Catholic interments at the price it cost the Corporation, and pay them the money for it. That was refused. Then I was told to put my propositions in writing, and that I would get an answer. Another proposal I made was that the Corporation should retain sanitary control over it as far as the walks, and so forth were concerned, to pay them a yearly rent, and to take a lease in perpetuity, but insisting on the appointment of a gravedigger to be under the control of the bishop for the time being. Evidently the sexton would not have much to do with it; the gravedigger was the person who should open the graves, so that unless he was responsible to the bishop for the time being, the ground might be used against our laws and Church government; and the last offer I made was that as they had surplus ground outside the boundary wall I was prepared to take fifteen acres of it, and to give up all claims on the ground allocated to us inside the boundary wall, and pay them what it cost. That was refused—in fact, every one of the proposals I made was rejected and there never was a proposal of any kind made to me, nor any kind of assurance given to me, that I or the bishop that might come after me, would have any control over that ground, beyond what the Corporation might be pleased to assign.

1632. Were the rules you proposed submitted to the Council by you, or by your authority?—Yes, by myself.

(The Chairman then read the rules submitted by the bishop.)

1633. That was the first set of rules?—Those rules embody everything that I have been saying. The point about the chaplain receiving annual remuneration, I urged on the strength of the fact that at Liverpool the Roman Catholic bishop had received the same—given under the sign manual of the Home Secretary, and I look upon that as good as any lease or bond. If I had got anything of the same sort or any assurance from the Corporation as to the ground, I would have gladly accepted it, as marked out and intended.

1634. After submitting the first set of rules, did you receive any answer in writing from the Town Council?—The answer of the Town Council was invariably to the effect that my proposals could not be entertained.

(The Chairman read two letters from the Bishop to the Town Council, and also the resolutions on those letters.) See Appendix No. 11, page 212.

1635. Your letters do not seem to refer to any rules of the Town Council?—I think the rules of the Town Council were rather an answer to my rules.

(The Chairman read the report of the cemetery committee, dated the 19th July, 1869.)

1636. Was the application to the Privy Council to sanction the Corporation rules?—Yes.

1637. Did you then try to get the Privy Council to sanction yours?—Yes, and they adjourned the arguments from Wednesday until Saturday to see if some arrangements could be come to. On the first day Mr. Justice Keogh suggested to the committee of the Town Council that there was nothing to prevent their going home and putting a resolution on the books, giving the Bishop what he wanted. That was stated by Mr. Colligan, and it was quite true. Mr. Justice Keogh by making that statement satisfied me that the Town Council had power to do what we wanted if they chose to exercise it. Mr. Butt, in his statement before the Privy Council, suggested that they should give the longest possible time before closing Friars Bush burying ground, in order that we might either come to terms with the Town Council, or go to the Court of Queen's Bench for a *mandamus* requiring that the Corporation as trustees for the public should make the ground

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really useable by the Catholics, which it was not in that condition. On that application they adjourned the case until the 25th of November.

1638. Did Mr. Butt settle your rules?—Yes. The Privy Council also suggested that we would have the opportunity in the meantime of looking out for a cemetery of our own in case the Town Council did notcome to terms with us. I did not ask anything but what had been conceded elsewhere in Limerick and at Liverpool.

1639. Did the Town Council after that make any further proposal to you?—No; and when I saw they were not disposed to come to terms with me, or give me any assurance of protection over the ground that I might consecrate, I felt a conscientious objection to consecrate the ground, and the law of my Church obliged me to follow that course. I was still anxious to come to terms upon which I could use the ground if possible, but finding that hopeless, I then adopted what I considered the peaceable mode of settling the matter—that was, when the Town Council would not come to anything like reasonable terms with me, to withdraw from their ground, and seek out a cemetery for ourselves. A little inaccuracy took place on the last day this matter was before you. It was stated that we had expended £500 on the sewerage of our cemetery. Our cemetery cost us £4,100, and for sewerage fourteen feet deep, and not four feet, as was stated, it cost us £3,000 in addition, in all £7,100, including the cost of making the main entrance to the road. At the same time that we have paid that money for our new cemetery, we have to pay our share of the taxes for the other cemetery, which we cannot use.

1640. Mr. EXHAM.—Does the £7,100 include the cost of the purchase of the land?—Yes, it does; £4,100 was for the purchase of the land, and the rest for the sewerage and the fencing around, and the road-making. We were, therefore, enabled to open our cemetery in proper time, when I found it was practically useless to have any further correspondence on the subject, as the Town Council were not disposed to do what we were advised they could do, that is, make the ground useable for the persons for whom they were trustees, and in order to make it useable it should be consecrated by me. I do not think the Legislature meant to insult me by saying to me, "You may consecrate that ground, but it must be at the peril of your own conscience, for it may be desecrated." I don't think any fair man would do so.

1641. When were the rules which were prepared by Mr. Butt given to the Corporation?—I think they were handed in during the adjournment of the Privy Council in Dublin. I may observe that Mr. Macdonogh stated to the Privy Council, as counsel for the Corporation, that his clients would be most willing to make any arrangement they could, with the view of bringing about a satisfactory settlement of the matter. That statement gave us hopes that there would be an arrangement arrived at, but unfortunately those hopes were not realised, though I did my best to make a conciliatory arrangement in the matter.

1642. There is one thing you should be aware of. We found that there was no Roman Catholic mortuary chapel in the grounds, and we asked the reason of that. Mr. Black told us that the site for that chapel was fixed upon at the time the Roman Catholic ground was marked out, and that the only reason the chapel had not been built at the same time as the Protestant mortuary chapel was in consequence of your having opened another cemetery of your own, as the Roman Catholic population would not avail themselves of the cemetery of which the Town Council are trustees, and he undertook that if the Roman Catholic portion of the cemetery were used the Corporation would provide the same kind of mortuary chapel in the Roman Catholic as in the Protestant portion?—The Corporation surely could not expect that I would hand over to their custody a church or cemetery that I would consecrate. A mortuary chapel is not of so much importance to us as the burial ground, for this reason, that at all our funerals the office or *requiem* takes place in the church near which the person dies, and then the funeral goes away.

1643. Did they ever tell you that they were willing to put a resolution on their books, that for all future time the ground should be dedicated to the use of the Roman Catholics?—Never, and the great difficulty is this—who is to be the judge of who was a Roman Catholic. Surely the Town Council were not to be constituted judges as to whether certain persons were Roman Catholics or not.

1644. Did you ever receive any proposal from them after the conclusion of the case before the Privy Council?—Never. It was useless anxiety on my part to try and get any arrangement made by the Town Council to settle the matter.

Mr. William John Scott.

Mr. WILLIAM JOHN SCOTT examined.

1645. CHAIRMAN.—You are the chairman of the committee of the Belfast Water Commissioners?—Yes, for this year.

1646. The Belfast Water Commissioners are incorporated under the Act of 1840, with amending Acts?—Yes.

1647. Have you been a member of the Water Commissioners' Board for some time?—Yes; for three years.

1648. In the course of the evidence before us, it was stated, that in consequence of the price charged by the water commissioners to the corporation, the latter were unable to obtain a sufficient supply for flushing the sewers and watering the streets without an expenditure that they did not feel justified in incurring. We wish to know on what terms did you offer to supply water to the corporation for that purpose?—We have never been applied to by the town council officially or otherwise, as far as I know, or as the records of the books of the water corporation show, for water for that purpose exclusively.

1649. Or the watering of the streets?—That is another question.

1650. It was stated that there was a higher rate charged to the corporation than to the general public?—The terms upon which they have received water for watering the streets, by special contract, is 4*d.* per load. Their carts held something like 250 gallons. That is a higher average charge than we are in the habit of charging for water for other special purposes. We made this contract with the corporation, and they knew the grounds of it well. It was based upon the 87th section of the Belfast Water Act of 1865; the town council knew perfectly well the price they were to pay for this water when they made the bargain for it.

1651. Have you got the contract with you?—I am not sure whether there was any written contract; but both parties were aware of the arrangement. In connexion with the matter I may add, that we do not think the charge of 4*d.* a load, which they now complain of, for this water is too high, and we offered them other good water at 1*d.* per load of 250 gallons, which is 70 per cent. cheaper than the ordinary scale for selling water for special purposes.

1652. Do you not supply water at 6*d.* for every 1,000 gallons to private consumers?—Our charge varies from 1*s.* 6*d.* to 6*d.* Here is our scale of charges. (Hands in document.)

1653. Is there an actual contract?—There is simply a written resolution to supply the corporation at 4*d.* per load of 250 gallons for watering the streets.

1654. Am I to understand that at the same time as you offered them the water at 4*d.* per load, you also offered them water from another of your sources at 1*d.* a load?—We did. We have works that are now useless for the supply of the town, owing to their being at so low a level. We offered to give them water there at 1*d.* per head of 250 gallons. It is not because it is bad, but it is because we are not able to utilize this water that we are able to offer it to them

so much cheaper. It is better spring water than some of the water we are now using.

1655. Could you have given them an ample supply of water from that source for watering the streets?—Yes. I may add, that there is a great waste of water in filling the carts from the hydrants, so that the quantity taken from us is considerably more than the quantity paid for. Of course we do not complain about that.

1656. Is this your last proposal in writing dated 21st April, 1876, and addressed to Mr. Guthrie?—It is, and states that the application of the Town Council for watering the streets is granted on the same terms as last year, 4*d.* per load from the fire plugs and 1*d.* a load from Basin-lane. That is the south works.

1657. Is it equally easy for the Town Council to get their supply from Basin-lane as from the fire plugs?—It is equally accessible; it is in a leading thoroughfare, and they could fill their carts in a few moments.

1658. Would it incur additional and what expense?—I have heard it stated that the reason why the Town Council preferred taking water from the pipes, at what Mr. Black called an exorbitant charge, was the saving of expense, as the drawing of water from Basin-lane works would cost on the average from 10*d.* to 1*s.* a load of 250 gallons, and therefore that our high pressure supply was cheaper.

1659. What causes the difference?—If they draw water from the south works they may have to draw it two miles or more; it is a long distance to parts of the Antrim-road and the Falls-road.

1660. The best proof is which water do they take?—The pipe water, and they take it in summer when it has been a question with the Commissioners whether they could give it at any price, inasmuch as our supply for some years past has been insufficient; now it has become increased in consequence of new works. It was a great question whether we could give it or not to the Corporation, but rather than stand in the way of what would be for the general benefit of the town, we risked our position as Water Commissioners with the ratepayers in giving this water for that special purpose when we were unable to supply it for domestic purposes according to the Act of Parliament for the twenty-four hours of the day.

1661. What was the price charged to the Council for watering the streets in 1869 or 1870?—I cannot tell you that.

1662. Mr. LAWLESS.—By your printed statement of charges I find that for the supply of two millions of gallons the charge is £58 10*s.* 4½*d.* a quarter. How many gallons could the Corporation take in a year?—Upwards of five millions.

1663. And it is stated in that scale that any quantity in excess of two millions of gallons taken in any one quarter shall be 5½*d.* per thousand?—That refers to people taking it all the year round.

1664. If they consume more than two millions, why do you charge them in excess of the prices put forward in your statement of prices?—Those charges are fixed as yearly charges, but payable quarterly by persons taking large quantities of water for the use of mills and factories, whereas the Corporation want it only for a short time, perhaps for two weeks or one quarter, as the case may be. We have other private charges much higher, for instance the charge for water for shipping purpurposes—5*s.* 6*d.* for the first thousand gallons, and 5*s.* for the subsequent ones.

1665. The 37th section of the Act of 1874 declares that you shall provide, and keep constantly laid on (except as therein) a sufficient supply of water for the cleansing of sewers, drains, for cleansing and watering the streets, and for supplying any public pumps, baths, or wash-houses that might be established for the use of the inhabitants, and that same shall be paid for as therein provided. Are you not bound to supply water for the flushing of the sewers and the watering of the streets?—Yes; but we are to be paid for it; and besides before we give water for any special purposes we must be in a position to supply the ratepayers' dwellings inside the borough with water for each of the twenty-four hours in the day.

1666. Was it ever suggested that the Corporation should have the price of the supply of water for the purposes of the borough regulated by two justices of the peace?—Not to my knowledge.

1667. Was it always a matter of contract between you?—Yes. I always understood so.

1668. Did they know your scale of prices?—Yes; they had copies of all our public documents.

1669. There is a resolution of the 18th August, 1876, requesting the Corporation to take all the water for the streets from Basin-lane. Was not that practically making them pay 10*d.* to 1*s.* a load including cartage for the water you were giving them for a penny?—As we were bound to provide a sufficient supply for the ratepayers, we asked the Corporation to stop taking water from the pipes. The supply was getting deficient therein, and it was on that ground alone they were asked to do so. They were charged as long as we could spare it to them, 4*d.* per load for the high pressure water, and afterwards a penny per load from Basin-lane. In our original agreement we reserved the right to stop the supply from the pipes at three days' notice, and we did so. We take away the fire plug water from the Corporation when we are likely to be short for the ratepayers, but not otherwise.

1670. Mr. EXHAM.—Did you take it away from the mill owners at the same time?—I think that would be the next step very likely, but we did not do so then, because it would be a very injurious matter to the town of Belfast; it would be injurious to the portions of the town where the people might be turned out of the mills for want of water for condensing purposes.

1671. CHAIRMAN.—These are the facts, in April you made a proposal which was accepted, that you would supply the corporation with water at 4*d.* per load from the fire-plugs. In August, you gave them notice to terminate the supply from the fire-plugs, and unless there was a fresh agreement they were entirely dependent upon Basin-lane for their supply?—Yes.

1672. And that was owing to scarcity?—Yes, otherwise we would not have taken that course.

1673. I understood you to say that you had entered into no agreement with the corporation with regard to flushing of the sewers?—I wish to state that it is a fallacy on the part of the town council, or any of their representatives, to put a matter like that before you, as they did in regard of want of water for flushing the sewers. It is well known to the borough surveyor, and though Mr. Black does not, he should know that it is impossible, owing to the construction of the sewers of Belfast, to introduce our high-pressure water to flush them in the proper sense of the term. The sewers are not constructed for that purpose, and in the second place, the great majority of the sewers on the low level districts of the town are lying at a lower level than the main sewers that form their outlets, and the result is, that these sewers have from eight to ten inches of solid matter and stagnant water lying in them all the year round, and in order to flush those sewers before you fill the outlet portion, as a matter of course you will have the low-level sewers flooding the people's houses, and driving all the injurious gases into their apartments, and all the stagnant matter into their back yards through the gratings. I have further to add, that I know sewers in Belfast, even in a high-level district of the town, where actually the water staying in the sewer is within eighteen inches of the fire that the people cook their meat upon. I speak now of the north-west districts of the town where the sewers will not deliver their contents.

1674. Could you mention a district in which that is the case?—In Little York-street the stagnant matter is lying all the year round in the sewer eight and nine inches deep, and the way in which it is got rid of is, that it is opened periodically in long lines, and the stuff thrown out in the streets and carted away. All

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the water the Water Commissioners possess would not flush a sewer like that. Of course you would destroy the people's property in every way if we were to give a supply of water for flushing sewers which are not constructed in a way that it is possible to flush them.

1675. Has any application been made to your board for water for the flushing of the sewers, and have the difficulties you have referred to ever been described to the corporation?—I am not aware personally.

1676. Is the water always available for the purpose of extinguishing fires?—Yes.

1677. Have there been disputes between the Water Commissioners and the Corporation with reference to the fire-plugs?—That is a very serious matter, perhaps in some respects more important than the other. We have from time to time as a Corporation separate from the Town Council, been endeavouring to do our utmost to prevent any such altercations between the Water Commissioners and them, and also to provide water for fire purposes in as large quantities as our works could furnish it. We have given special attention to that, which I think you will say is right and proper. We have in the entire borough of Belfast 2,061 fire-plugs. It has been stated by Mr. Reilly, the superintendent of the fire brigade here, that these fire-plugs are not in sufficient quantity. We have the quantity I have named in the inside of the borough. We have an additional quantity of fire-plugs provided in private warehouses and mills, which any manufacturing establishment can have on application to us by paying 10*s.* a year, which we charge for the maintenance of such fire-plug and its appurtenances. These 2,061 fire-plugs cost us £8,500. The Town Council should have paid for them according to our interpretation of the terms of the Act of Parliament, but they have not.

1678. Have you applied for payment?—Yes; by letter of the 9th March, 1876, for any plugs.

1679. Mr. LAWLESS.—When were the fire-plugs put down?—Some were fixed when the high pressure water was laid on, and additional numbers since. The 30th and 31st sections of the Act of 1840 clearly show that the Town Council are liable for the cost of these plugs; and I may also refer you to the 39th and 40th sections of the Waterworks Clauses Act of 1847. As they have not paid for the plugs I suppose they owe us the £8,500. I will read you a copy of a resolution passed at the Water Commissioners' Board, and sent to the Town Council on the 9th of March, 1876, which should have prevented any misunderstanding with regard to these hydrants for taking water for fire mains—at least we thought so:—

"Belfast, 9th March, 1876.

"DEAR SIR,—I am instructed by the Waterworks Committee to write to the Police Committee of the Town Council, that in accordance with the request made by the deputation which waited upon them on the 15th of January last, they directed their inspector to report to them as to the fire-plugs of the borough, which report has been made, and before proceeding further they request to refer the Police Committee to the 39th and 40th sections of the Waterworks Clauses Act of 1847, and to know if the Corporation is prepared to pay the cost of additional fire-plugs.

"I am, dear sir, yours faithfully,

"J. N. M'NEILL, Secretary.

"James Guthrie, Esq.,
"Town Clerk."

1680. Did you get an answer to that letter?—We have never got an answer to that polite note. We have never heard anything about it, although they complain of insufficient facilities for getting water for fires.

1681. You got no answer?—No; although we are prepared to provide all that is necessary. I may further call your attention to the meeting of the Belfast Water Commissioners published in the *News Letter* of November 10th, 1876, at which Mr. Gaffikin, a member of the Town Council and of the Board of Water Commissioners, gave us a very high character in connexion with the supply of water for fire purposes. The statement of Mr. Gaffikin was as follows:—

"Mr. Gaffikin said he had the pleasure of being present on Saturday last, when the men belonging to the fire brigade went through a course of drill for the purpose of exhibiting their efficiency. He saw the hose attached to a nine-inch main for the purpose of ascertaining the pressure of water. The supply was more regular and constant than what could possibly come through the hose by an engine. The water was able to be thrown a distance of seventy feet. The fire brigade would not want a steam fire engine if they had nine-inch mains through the principal streets in the town, and he hoped the Board would be able to see their way some time or other to have large mains all through the town for fire purposes."

1682. How did the question arise that caused that statement to be made as to the fire brigade with reference to the water supply. Was there any question before the Water Commissioners with regard to the supply of water for extinguishing fires?—No; at that moment there was a particular reason for the remarks I have read to you. The fire brigade superintendent takes out his engines periodically at times to try them and to see if they are in good working order, and in the course of the drill a line of hose was attached to one of our ordinary water-pipes, and that was the result produced. I may say that very likely what led to that remark of Mr. Gaffikin's, was this—we have had several complaints from inspectors at the time of fires of the want of water, and when we inquired as to the real cause of these defects we found it was on account of the superintendent not having given proper notice to the man specially appointed by the Water Commissioners, and approved of by the Town Council, to look after the fire-plugs, and turn on the proper valves for each fire. We generally found that this man was not sent for, but could not find out the reason. I know that very recently a deputation of our body waited on the Committee of the Town Council to discuss this question with them, owing to a serious matter that occurred at a fire in Keegan-street, as was alleged by Mr. Reilly, from the water not being turned on at the proper time. We found in that case that the wrong valves were turned on, and that sent the water through a very circuitous route to the required spot, in place of having the valve turned on that would have sent the water direct to the place, and it was not caused or was represented generally by the want of water, but the fault of mismanagement. The man's name who turns on the valves for fire purposes is M'Clennan. He gets his ordinary wages from us, and £7 10*s.* extra for the plugs, and he is entirely under Mr. Reilly's control for fire purposes.

1683. Is it his duty to turn on the fire-plugs, or the duty of the men going with the engine?—It is the duty of this man, on being informed of the exact place of the fire. He knows the proper valve to turn on. It is the duty of M'Clennan.

1684. The 42nd section of the Act of 1847 (the Waterworks Clauses Act) requires the company supplying the water to keep the mains always full for fire purposes. Do you do this, or is it necessary under your system to have the required supply of water turned on to the plug from which it is necessary to work?—The large mains are constantly charged, except in case of accident, &c.; but in streets where there are lesser ones the water is turned off occasionally for repairs and other purposes, and then by this man getting notice of a fire the water is at the spot as quick as the fire brigade.

1685. Except for repairs are the mains and service pipes to which the fire-plugs are attached always kept full?—Nearly all are; but some of the service mains are not always kept full. They can, however, be filled at a moment's notice.

1686. But that is one of your obligations?—Well, we have occasion to turn it off for reasons of our own, and which we cannot avoid.

1687. Is that the cause of the deficient supply?—In some cases it may occur in that way, and for repairs. If a pipe in a house breaks, the landlord or

owner will send for a plumber to get it repaired, and in that case the water is turned off.

1688. Is the water in some parts of the town turned off for parts of the day?—Yes, sometimes in the winter time, and in summer, when the supply is limited and intermittent, that is also the case; but it is not so in certain streets. Our present high-service reservoir, from which we get our principal supply for the mains of the town, is 200 feet above the ordnance datum, and gives 40 lbs. of pressure on the pipes. That will explain Mr. Gaffikin's description of the height the water was thrown at the time he saw the fire brigade being exercised. The supply is equal to 5,000,000 gallons a day coming into the town—that is, twenty-five gallons per head per day. I make this statement to show you that we have really a comparatively sufficient supply of water, and that our pipes are not deficient, as represented in some cases. We are now at the present time spending £4,000 in running an eight-inch main pipe from a new reservoir that is just completed to the Ardoyne district, where they never before had water from the Water Commissioners. We have also in the course of completion two additional reservoirs, which will add considerably to the supply of the town. They will increase the present supply to 6,000,000 of gallons a day, and will be completed in a short time. We improve the main pipes where they are too small by laying larger ones, and so on. This will be equal to seven months' supply for the town of Belfast—that is to say, we will have provided sufficient storage, when these new works are completed, to supply the town of Belfast at the rate of 5,000,000 gallons per day for seven months.

1689. Mr. EXHAM.—Without any rainfall?—Yes; that will be the result of our storage.

1690. Are there fire-plugs in all the streets of Belfast?—Yes. I don't know about the lanes, but there are some in all the public streets.

1691. At what distance are they fixed in the streets?—We have a great number fixed on the average at about eighty yards distance from each other throughout the main streets of the town. As a rule, the mills are provided with them if they think proper to apply for them. (A map showing the mains laid throughout the town was produced by the witness and shown to the Commissioners.)

Mr. ROBERT CARLISLE examined.

Mr. Robert Carlisle.

1692. Mr. LAWLESS.—You wish, I understand, to give some evidence with regard to the water supply of this town?—Yes, and also with regard to some sanitary matters.

1693. Are you a Water Commissioner?—Yes, from 1867 to 1874, and I was a member of the Town Council from 1870 to 1873, and I was also general inspector for the Water Commissioners for one year. I am now Public Works contractor. As a member of the Town Council and also of the Water Board I took a very active part in connexion with the general working of both trusts. The Mayor of Belfast is an ex-officio member of the Water Works Board, but I am sorry to say that very few mayors ever attend. Before 1865 the greater portion of Belfast was supplied by what is known as the South Side Works. It was a low-level supply pumped up at two points. The springs yielded very small quantities, and the greater portion was pumped out of the Lagan, a polluted stream into which the refuse of Lisburn and Lurgan and some other towns flows. In 1865 the Commissioners were empowered to borrow £165,000, having previously borrowed some money under the Act of 1840, thus making a total debt of £216,000. The works that were designed under these plans were for supplying 6,000,000 gallons per day, but unfortunately the borrowing powers were not sufficient, and rather more than half the works were not carried out for want of borrowing powers, and the estimated supply was not obtained.

1694. Were the borrowing powers exercised?—Yes, and £16,000 was paid out of the rate over and above. The Water Commissioners finding that the 4,000,000 gallons of water secured in 1865 was not sufficient went again to Parliament in 1870, but the Bill was lost; they went in 1874 for further powers which they obtained, and those works are at the present time being carried out.

1695. Under the Act of 1874?—Yes, and when the works are completed they will be able to put the full powers of their Act into force and give a sufficient supply.

1696. Does the Act of 1874 enable them to raise further capital on loan?—Yes; it enables them to raise £120,000 in addition to that borrowed previously.

1697. Did they under the powers obtained by the Act of 1874 enlarge or make a new water supply?—Yes; the works are now in progress. As well as expending the amount of money which they are entitled to borrow they have expended on laying mains and pipes through the town, from 1866 to the present time for fire and general supply purposes, in round numbers rather over £35,000 out of the rates, and they are still going on as the former witness (Mr. Scott) stated laying these pipes. New mains are being laid at the present time, and I presume they intend to go on until the whole thing is completed. While they were doing all these works they reduced their water rate from 1*s.* 8*d.* to 8*d.* in the pound.

1698. Is that the rate for the domestic supply?—Yes, and they reduced the fire rate from five pence to two pence in the pound. With regard to the special rates I may say that when I was elected I found the special supplies in a very bad state, and a committee was appointed to inquire into and fix them.

1699. Will you explain what you mean by special supplies?—Water used by parties other than domestic consumers.

1700. Does that include the mills?—Yes; unfortunately they do not use much clean water. I took some trouble to prepare a uniform rate to be charged all parties. I had letters written to the principal towns in England, Ireland, and Scotland, and got their tariffs of charges, and afterwards this book was complied which meets all cases, and has given I believe general satisfaction. We afterwards found that a great number of people in the town were taking the water without paying anything for it. In some cases I myself found it out, and in one large mill I found they had a 4-inch pipe directly fixed to the Water Commissioners' pipe, and they were using the water for condensing purposes. I thought that the Commissioners' men could not be doing their duty, and I took some trouble myself to find matters out. I staid up late in the evening, and got up early in the morning, and I found the men were doing their duty. I then knew there must be something wrong, as the water was still being used, and was unaccounted for. I had a suspicion that some of the water of the Commissioners was being taken without their knowledge, and I took men with me to this mill, and we broke up their floors, and discovered their pipe. The parties were brought before the magistrates and fined, and a great many others were fined in the same way. That was partly what led to the compiling of this book, which has answered the end we had in view. In some cases the Commissioners had considerably to reduce the special rates, and in others they had to raise them so as to bring them all as nearly as possible to the same price.

1701. Mr. EXHAM.—You say your fire rate is now reduced to two pence. Do you keep any separate account of that, and apply it to the keeping up of the mains?—No, it would not pay for the keeping up of mains. There is no separate account kept. It is not required by the Act of Parliament. With reference to the flushing of the sewers, there is always in winter a large amount of water running waste to the sea, and the Commissioners believed this would be useful for

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washing out the sewers. I myself brought the matter before the police committee of the Corporation, so that with the consent of my brother Commissioners that we would gladly give the water that was then running to waste for flushing the sewers.

1702. In what year did you bring it before the committee?—I believe that was in the year 1871. Mr. Montgomery was sent for at the time, and he stated that there was plenty of water for flushing the sewers from the ordinary rain-fall, and that in reality the sewers were not constructed to be flushed out as I proposed as in some English towns.

1703. Did you propose any resolution at the meeting of the police committee?—No.

1704. Is there any record of what then took place upon the books of the council?—No; nothing was done. I know now of my own knowledge that the sewers are so constructed that the principal streets of the town could not be flushed out. The reason I know them so well is, that while I was inspector of the water commissioners, there was a great deal of wasting of water, and I had to open the sewers in a great many places over the town, and I found all the principal streets round by Victoria-street, Ann-street, and Corporation-street, on almost all occasions choked full of water; when the tide is in they are nearly full. The sewers from Dock Ward and Corporation-street I found in a very filthy state, with the water resting in the most part of them, so much so that we were not able to trace the run in any way, and could not ascertain where a burst in the main-pipes took place. Since that the corporation never asked the commissioners for any water for flushing the sewers, and had they done so up to the time I left the Board, they would have given it to them in the winter time free of charge. In the summer time they had not enough for domestic purposes on account of the works not being finished. I may say, the commissioners have always given the corporation a full and free supply of water for what is generally called sanitary purposes—viz., flushing the street urinals, and a supply for drinking fountains or water troughs put up by the town council and the humane society.

1705. CHAIRMAN.—Are you not bound to give a certain amount of that by the Act of 1874?—No.

1706. Is there not some provision of that kind in the Act?—Not that I am aware of. Up to the year 1868, before I was a member of the town council, as far as I can remember, they were in the habit of pumping water for watering the streets from the river Lagan, from the waste in connexion with the south side works; this water was very filthy, and when used on the streets, particularly in the very hot weather, it caused a very bad smell, and was injurious to the health of the town. There was then an arrangement come to for one year between the water commissioners and the corporation, that they were to take the water at 2*d.* per load from Basin-lane. Finding that they could save a large sum on cartage, the corporation arranged to pay 4*d.* a load for water from the fire-plugs. In some cases they had to cart the water from Basin-lane or the Lagan, a long distance, and could only draw twelve or fifteen loads a day, while from the fire-plugs they could cart perhaps forty or fifty. It was in 1870, or perhaps 1871, the arrangement was brought about by which they were to pay 4*d.* a load.

1707. Was that the first arrangement?—Yes.

1708. Was there an arrangement before that to take it at 1*d.*?—Yes, but they used that water only in the streets in the immediate vicinity of the Basin-lane works. Mr. Kittrick and another inspector went into the matter, and found that by taking water from the fire-plugs at 4*d.* per load it would save the Corporation £400 or £500 a year. You will find the report in writing in the records of the Corporation. One reason why the Water Commissioners charged so much was on account of the great waste in taking the water from the plugs, but they are not very particular about the quantity taken; they allow them to count the loads themselves. There was also a proposition made that if the Town Council would put ordinary valves on the plugs to save waste the Water Commissioners would take the reduction of the rate into consideration, and an arrangement was come to that they would go to that expense, but unfortunately I was on neither of the Boards then, and the arrangement was not carried out. I am sure that the Water Commissioners have tried, and are still trying, to assist the Corporation in every way in their power, and if these valves were put on, I have no doubt they would reduce the rate, for I believe from what I saw myself that there was more water wasted than was carried away in the carts. Before the special rate of charges was compiled the Water Commissioners had special rates for summer and winter, but they found the people were not satisfied with that, and they made it uniform, and those who only take the water in the summer are charged an additional rate.

1709. Is water which is taken only for the summer made a matter of agreement?—Yes; the only other water supply which comes into comparison with that for watering the streets is that for shipping. It is taken out of the plugs in the same way. They charge a good deal more for it than they do for the water for the streets.

1710. Are you not obliged to keep people specially for working that supply?—Yes, and that is on account of the waste also. We are obliged to keep one man, but even without his wages being added, the shipping supply is still very much dearer.

1711. Is the shipping supplied at one place only or all along the quay?—All along the quay. I may further tell you that the supply of water here can scarcely be considered a sanitary matter, for the Corporation never get any except the principal streets of the town watered. In the streets where the shops and warehouses are, their owners only pay the 2*d.* rate, and they are watered twice a day, while the streets in other portions of the town are never watered at all, and yet the residents there have to pay the 8*d.* rate, and therefore it is hardly fair that the people who pay the highest rate should water the streets for those who only pay the lower rate. The former get their streets well watered and the latter never get theirs watered at all.

1712. Do you mean the private streets where there are nothing but private houses?—Yes.

1713. Do you mean to say that these streets are never watered by the Corporation?—Yes; I mean to say that they are not watered at all.

1714. Mr. EXHAM.—Do they water High-street and the principal streets?—Yes.

1715. Do they not pay any other rate there?—No; nothing but the 2*d.* The people who have these places live outside the borough, and pay no water rates at all. In a great many cases I know the residents never see the water-cart at all, and in a great many cases the streets are well watered sometimes. It is hardly fair to call what is done by the Corporation in this respect a sanitary matter. The water for legitimate sanitary purposes is given free by the Water Commissioners.

1716. Do you know whether the Corporation use the water from the Pound Burn for watering the streets?—Yes; up to 1869 they watered the streets out of the tideway, where the Lagan and the Pound Burn, both empty. At one time it was taken out of the mill-dam, which is the worst part of the Pound Burn for watering the streets. It may have been done last year also, but I believe it was not.

1717. Is there high pressure enough in the pipes at night, in case of fire?—Yes, in all the principal streets.

1718. Is it confined to the principal mains?—It is in the mains in all the principal streets. The whole system is this. It is equally divided on three districts—the low, high, and middle. When the whole of the works are completed, which they are carrying out as quickly as possible, these districts will have separate and distinct reservoirs, so as to equalize the pressure. They will also have direct

connexion with all their works and mains, so as to be able to turn on a greater pressure in the case of fire, to any place required.

1719. Mr. LAWLESS.—Would it not be necessary to have a man on the spot to do that?—They have a man called M'Cudden, who has been a long time in their service. He is paid £7 10*s.* a year by the Corporation. When the Corporation came to this new building M'Cudden could not hear the alarm-bell ringing, and an arrangement was made by the Corporation that one of the fire-men in the yard should go at once and knock M'Cudden up. All the time I was a member of the Water Commissioners there never was a complaint of the want of water in case of fires except once—when a complaint was made (since I ceased to be a Town Councillor or Water Commissioner) which was examined into, and it was found that M'Cudden had not been knocked up by the Corporation men for some years.

1720. Mr. EXHAM.—Did the Corporation, to your knowledge, ever complain that the branch pipes were shut off from the mains at night?—Mr. Reilly, the superintendent of the fire brigade, would much rather have them constantly on; but that cannot be done, for if it was you could not get water in the summer to supply the town.

1721. Is it on account of the insufficiency of the supply?—It is only since 1865 that the Commissioners have got any supply at all. The town is growing very rapidly, and there is leakage also, which lessens the supply.

1722. Do they leave the branch mains turned on during the winter months when they have plenty of water?—As much of them as they can safely. There should be no difficulty in turning them on at any moment, and I never heard any complaint when M'Cudden was there.

1723. But if he was not there?—I never heard of a case in which M'Cudden was not there if he was sent for.

1724. Is he not your officer?—He is the officer of the Water Commissioners for turn-cock purposes, and the officer of the Town Council for fire purposes. If any complaint was made they would inquire into it; but there were only two complaints I ever heard of. I wish to add, that the people here are unanimous in wishing that the Water Board should be kept separate from the Corporation.

1725. I find on the 12th March, 1870, there was a report which is signed by James Sinclair, one of the street inspectors, that "there would be a saving of from fifteen to twenty per cent. by taking the water for watering the streets from the fire-plugs as compared with the cost of taking it from the pumps?"—Yes; and you will find another one after that showing the actual saving on the year by taking it at 4*d.* from the fire-plugs. When I was a member of the sanitary committee there were complaints made frequently with reference to the Blackstaff and Pound Burn. A special committee was appointed by the Town Council, of which I was one, to inquire into the matter. This special committee then appointed Alderman Hughes, Mr. Dinnen, and myself as a sub-committee to inspect the Blackstaff and both branches of the Pound Burn, and to make a report to them. This was about the summer of 1873, and we made a unanimous report to the committee, which ought to be on the books of the Corporation.

1726. Mr. Dinnen gave us the draft report, but it appears that the report was not put on the minutes *in extenso*?—No; Mr. Black advised it should not be put in, as it would do them harm.

1727. Were you a member of the Town Council then?—Yes; and a member of the sanitary committee, and appointed on the special committee.

1728. Then why did you not get the report put on the books?—The meeting of the committee was adjourned by a side motion (we understand these things pretty well in Belfast), and there was a large attendance at the next meeting of members who were not in the habit of attending. They were there to prevent it from going on the books.

1729. Mr. LAWLESS.—Do you complain that your recommendations were not considered at all?—My complaint is that the nuisance is still existing. There were some places where we could not stand on the banks owing to the smell, and people were living quite close to it. I had no idea it was so bad as it was until I went and examined it. They would not put it on the books at all. They positively refused to allow our report to be put on the books.

1730. This is the minute of the meeting of the special committee on the Blackstaff improvement on the 17th September, 1873, Mr. Dinnen in the chair:—"The special committee having inspected the entire line of the Blackstaff and Pound Burn, suggested that one sewer should be connected with another, and then resolved that the suggestions agreed upon should be referred to the borough surveyor to consider if they were practicable, and would take the sewage out of the Blackstaff and Pound Burn, or if he would recommend any steps of a like nature."

1731. Mr. EXHAM (to Mr. *Black*).—I think there must be some mistake about this. Was there a report made by the special committee?

Mr. *Black*.—I cannot say.

1732. Mr. EXHAM.—Does the minute I read last refer to a meeting of the special committee only?—Yes.

1733. Mr. LAWLESS.—The next record in relation to this, after the meeting on the 17th September is a meeting of the Blackstaff committee on the 21st October—

"Resolved—That this committee stand adjourned till this day week, at one o'clock, to enable the special committee to confer with the surveyor on the subject of the report made by the special committee on the connexion of sewers on the 17th September last."

Then the next meeting is on the 28th October, 1873. Meeting of the special Blackstaff committee. Minutes of the Blackstaff committee of 21st were read, when the surveyor submitted the following report upon the suggestions in the committee report of the 17th September to the committee. The surveyor's report is then read. It is a very long report, but the sum and substance of it is that the report of the committee is impracticable. Then there is a further meeting of the sanitary and sewerage committee on the 28th October, 1873. Minutes of the meetings of 17th September and 21st October read, and also a report from the special committee:—

"Resolved—That the following be reported to the Council—'That your committee have considered carefully the entire question of the Blackstaff purification, and a difference of opinion existing as to the practicability of the suggestions made by the special committee, they require permission to continue their inquiries, and if necessary to employ a qualified engineer at a cost not exceeding £100.'"

Did this Committee—that is the sewerage and sanitary committee—read your report made to the special committee?—Mr. *Carlisle*.—Yes.

1734. Was anything since done by the Town Council or the sewerage and sanitary committee in pursuance of this resolution?—Nothing. I left the Corporation shortly afterwards, and nothing was done after I left.

1735. Did they not appear to you in October to be disposed to follow out the report of your sub-committee or at all events to have the matter considered?—No doubt they appeared so at first, but unfortunately I and the other members who were active in the matter were put out in November, and things got back into the old hands again. All that time we were most anxious to get our report on the minutes, but we could not manage to have it done.

1736. On the minutes of what meeting did you try to have that report entered, and which you say was refused?—The joint meeting of the law, sanitary, and sewerage committees.

1737. Mr. EXHAM.—Were you present at that meeting?—I was.

1738. Mr. LAWLESS.—Do you mean to say that you

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and others applied to have that report put on the minutes, and that the others refused to do so?—I do positively, and they did so on the advice of Mr. Black, the solicitor. We considered it was a most important report to have put on the minutes, so that our opinion of what we had seen might be recorded, and something done with it. We found on examining it, that it was so much filthy sewerage going in it that caused the bad smell. It was caused from the sewerage and other matter being emptied into this reservoir, and taken into the mills and heated, and then sent out in a hot state. The smell arising from it was something very bad. After it was sent out from one mill, it was taken by those further down and heated over again, and sent on to the next, so that it was gradually getting worse and worse.

1739. Mr. EXHAM.—Must not the using of this water, mixed with sewerage, in the state you describe, for the purposes of generating steam in a mill, have been very injurious to the health of the people working there?—Very injurious. I observe from the reports in the newspapers that Mr. Connor gave some evidence here with reference to his factory in contradiction of our report. I may say that we did not find anything wrong in his factory—it is mills up the Falls-road that are the worst. We found they all used polluted water, and further polluted it themselves. The factory we found the worst is the one in Agnes-street. Unfortunately they are nearly all aldermen and town councillors who are connected with it.

1740. Mr. LAWLESS.—How do you mean connected with it?—Connected with it as directors.

1741. Is it a joint-stock company?—Yes.

1742. What is the name of it?—It belongs to the Brookfield Linen Company. In its own neighbourhood it is known as the Agnes-street Weaving Factory.

1743. Mr. EXHAM.—Is that the place where you broke up the floors and found the four-inch pipe?—Yes; they made a reservoir called a cooler inside the gate. It is enclosed all round by rows of workmen's houses.

1744. What is the extent of it?—It is about as large as this hall. All the sewerage matter from some streets there is now piped into it, and that is used for condensing and boiler purposes. There is also a spring that arises in a field a little further up called the Fairy well stream, piped into it so as to mix it a little, for without it the sewage stuff would be too thick for boiling.

1745. Mr. LAWLESS.—Is it used for condensing purposes?—Yes; the sewerage of Haldine-street, Shaftesbury-place, and in fact, of the whole district around it is drained into it, and used for that purpose.

1746. Mr. EXHAM.—Are the houses round it drained into it?—Not that I know of.

1747. Mr. LAWLESS.—Do you say that the water from that reservoir is used for condensing purposes?—Yes; and after being used there the overflow is brought down to Hudson-street. Formerly a small river from that spring ran down there, but now it goes down with the sewerage to Hudson-street, and the factory there uses it also in a like manner, and the people there have complained frequently of the bad smell of the steam.

1748. What is the depth of the cooler in Agnes-street?—I do not know; I could not see the depth of it.

1749. Mr. EXHAM.—Did you see the water run into it?—I turned on the water in the people's yards and saw it running in; I made myself sure about it.

1750. Mr. LAWLESS.—You said that some of the drainage of these streets were conveyed by pipes into this reservoir?—Yes.

1751. By whom were those pipes laid?—I presume by the company, Shaftesbury-place belongs to them.

1752. But not by the Corporation?—No; by the Brookfield Linen Company. The Corporation preserves the sewerage pipes going across to that reservoir instead of making them discharge into the sewer.

1753. Does any stream run through that reservoir?—Yes; that small stream that runs from the Fairy Well mixes with the sewage and runs with it—that is the stream I described as arising in the field.

1754. Mr. EXHAM.—Do you know what the Hudson-street people do when this stuff is sent down to them?—They cannot help themselves now; they have to use it as they get it.

1755. Did they never do anything to prevent the people above from polluting it?—It seems not. After leaving Hudson-street factory it goes down the Shankill-road and it would find its way into the public sewers there, but the Corporation to oblige them put in a glazed pipe a little bit further up the Shankill-road so as to send the water down the original stream bed. It is then used in Townsend-street foundry (now Mr. Grant's foundry), at least I think it is that foundry uses it. It then becomes lost in the sewerage of the Shankill-road, and the sewerage pure and simple is then taken from the Shankill-road and sent down to another mill. It then goes down to Mr. Herdman's mill (that is, Smithfield mill). That is one branch of the Pound Burn, and it finally empties into the main sewer at Millfield. There is another branch of it in Mill-street. It is a branch off the Pound Burn (it is not called the Pound Burn) in Mill-street, where the Smithfield mill has placed a cooler. We went there to examine it.

1756. When?—At the time we were making the report. I examined it myself. It is just as bad a place as you could see. If you wish to see the cooler at the Brookfield Linen Factory it is there fully exposed. The stuff in it rises to within one foot of the houses, and perhaps it may be half a year in this state. In fact it is just as bad as bad can be. They draw their water for condensing purposes out of that and send it back again when they have used it into the same place in a heated state. The whole of that river is very bad. The dam at Millfield is as bad as possible, and very often it is allowed to overflow its banks into the street and past the people's doors. The matter was brought by myself before the Corporation but we were still met with the statement that they had no power to abate it. I did not believe that, however; my opinion was that under the Sanitary Act they had ample power to act.

1757. Was it ever brought before the Corporation since you left the body?—I do not think it was.

1758. Did you bring it before their notice since?—No; I did not since I left the Corporation. I think that is all I have to say with reference to the sewerage. It would repay the Commissioners to see some of these places. I would be very happy to go with them at any time.

1759. Mr. LAWLESS.—Is there any other matter you wish to refer to?—There is one small matter with reference to the closeness with which the town is allowed to be built up. I do not know of any town being built up so close, which is composed so much of the working classes as Belfast is. I think the Corporation should be compelled to purchase some patches of ground for parks or gardens, so as to ventilate the town. If they allow this to go on, and the town grows as it has been doing, it will be very unhealthy by-and-by.

1760. Are the houses built in such a way that the reres are placed too near one another?—Yes; it was tried to allow a passage of say four or five feet at the back of the houses, but it was found by the Corporation to be a nuisance, because carts could not enter them, and the people generally threw out their nuisance into these places. Instead of their public parks outside to which the people of the town cannot go, if there were small parks of one or two acres I believe it would be of very great advantage to the health of the people, such as in London and other towns.

1761. Do the Corporation require that proper rere accommodation should be built in every house?—Yes; I think they do. If they gave more rere accommodation I believe it would be more of a nuisance than anything else. I think they require them to be provided with sufficient rere accommodation. The people

do not keep their yards as clean in Belfast as they do in other towns.

1762. Mr. EXHAM.—Do the Corporation clean out the yards?—The country people nearly always come and take away the manure when a sufficient load is collected. After a great fight I got a scale fixed of from 1*s.* to 1*s.* 8*d.* a load for cleaning out these yards. My impression is that the Corporation ought to clean them out free of charge.

1763. Do the Corporation see after it and make the people clean them out?—Their inspectors make them clean them out. I believe the officers of the Corporation do their work very fairly.

Mr. ISAAC JOHN MURPHY examined.

1764. Mr. EXHAM.—I believe you wish to give us some evidence about the Blackstaff?—Yes.

1765. You are owner or part owner of a very large mill on it?—I have been. That is now the property of a joint stock company, in which I am not interested.

1766. What do you wish to say?—It is with regard to two branches of the nuisance. The one is a nuisance such as was described by Mr. Carlisle, from which a very bad effluvia arises, produced by sewerage matter from the houses going into it; and the other is the liability of the river to floods. It is utterly impossible that it could be dealt with as a flooding nuisance by covering over the river, as it would be absolutely necessary to make a separate vent for the flooded water in a different direction from that in which it runs at present.

1767. What about the sanitary condition of the river?—Supposing that there was such a flood-vent constructed as I speak of, and the present channel of the river left to conduct the ordinary flow of water along it—what may be called the summer flow of water—it will still remain an open sewer; but if it is relieved from the flood water there is nothing to prevent it from being covered in, and that would completely do away with the nuisance.

1768. Would not all the sewage matter then be carried into the Lagan?—Yes; but then I think it must go into the Lagan in any case. I do not know where it can go if not into the sea.

1769. Mr. LAWLESS.—As long as the present system of sewerage existed?—Yes. The line by which the channel of relief (as I may term it) should be brought must be through high-lying ground, from about the position of the distillery beside the Ulster Railway to the Lisburn-road or Donegall-pass.

1770. And do you think that scheme could be carried out at a reasonable expense?—It would require an Act of Parliament.

1771. Supposing it was got, do you think it would be of advantage proportionate to the cost?—I have no doubt it would cost a great deal, but I do think it would. There is no other town in the world of 200,000 inhabitants in which it would not be done.

1772. As far as you know the general wish of the ratepayers and people in the town, do you think they are anxious that it should be done?—No; I think it is not a matter that has been before the people at all. It is an idea of my own.

1773. Have the people had before them and considered a good many schemes about this?—When I was a member of the Corporation, a good many years ago, it was thought that they were not in a position to take up works of this kind. I was a member of two committees appointed to inquire into this subject, and I advocated something like the scheme which I have laid before you. There is no doubt but that it could be carried out.

1774. Mr. EXHAM.—We have been told about the shocking condition of the water that is used by the mills and factories for condensing and other purposes. Could not the mills get water from the Water Commissioners for boiler and other purposes by paying for it?—I have no doubt of it—that is, if the Water Commissioners have the water to spare.

1775. Would much water be required for the use of one of the mills if proper appliances were adopted?—A steam engine with a cooler would require a large amount of water, but you can use the same water over and over again—that is, by using a cooler. The position that I take with regard to the rights of the mills along the river is that they have the right to use the water, and you cannot take that right from them without compensating them for it, and doing so would not get rid of the nuisance. There is no doubt the nuisance is made worse by being used and heated over and over again; but you have dirty water to begin with, and if there was not a single mill along it the Blackstaff is nothing more than an open sewer.

1776. From your own knowledge as a millowner, can you say that the nuisance is worse and worse as it comes out of each mill?—It is. It is bad from beginning to end.

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Mr. JAMES KENNEDY, J.P., examined.

1777. CHAIRMAN.—Are you a justice of the peace, and do you reside at Belfast?—Yes. I am a borough and a county magistrate, and live close to Belfast.

1778. What is your opinion with regard to the taxation of Belfast?—In my opinion it is very excessive, as compared with towns in England and Scotland.

1779. We know what the municipal rates are in the town. On what particular matters do you consider that too much is expended?—That would be going too much into the conduct of the Town Council. I only take results, and if I went into the details of the question I might be blaming a member of the Town Council, or some of the officers, unjustly. I only know this, that in Manchester their 9*d.* rate is opposite our 3*s.* 7*d.* one, and their 1*s.* rate is opposite to our 4*s.* 7*d.* rate, and the same thing exists in Scotch townships as well as in Manchester. I know that in Edinburgh the rates are 10½*d.* and 1*s.* 2*d.*, and in Glasgow only a penny or twopence more than that. I have a son who lives in London whose house is valued at £100, and his taxes only amount to £17. He lives at Windermere House, Upper Norwood. His taxation is only half what it is in Belfast on the same valuation. I think we labour under a heavy debt, and have to pay a heavy sinking fund. My object in giving evidence is only to stimulate the Town Council to try and reduce the rates.

1780. How do you consider your rates in Belfast as compared with Dublin and Limerick?—I think they are about the same as Dublin. I don't know about Limerick. In Cork I believe the water rate is only 4*d.*, and the whole rates 4*s.* Now, our rates upon a good house valued at upwards of £20 amount to 4*s.* 6*d.* or 4*s.* 7*d.*, and our water rate was 1*s.* 8*d.*, and it is now 8*d.*

1781. One gentleman said the rates were 4*s.* 7*d.*, but he lived in a district where there was a special drainage rate. May I take it that 4*s.* 4*d.* is the municipal rate, except in special drainage districts?—Yes. There is another thing to which I wish to call attention, the way in which the death rate is kept in Belfast. I do this for reasons connected with the sanitary condition of the borough, as the sanitary authorities are always saying the death-rate is so low. It is not kept for the borough, but for the whole union. The outside district is out of the borough entirely, and, therefore, the death-rate for the borough appears to be a great deal less than it really is. There ought to be one kept for the old borough, and one for the out districts, for nearly all our merchants, large shopkeepers, and town councillors, reside in the country, and the

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farmers of the neighbourhood are in comfortable circumstances. The true death-rate for Belfast borough could then be seen.

1782. The next point to which I believe you desire to call our attention is the failure of the Corporation to fulfil the Act of 1868 as regards Ballynafeigh?—Yes.

1783. That is the Act which put the county Down on the same footing as the county Antrim?—Yes; we opposed that Act, and got it thrown out in 1867, and it was re-introduced in 1868. The reason we opposed it was this—in 1845 they raised for the town of Belfast £150,000; in 1846 they raised £50,000 for gas purposes, and in addition to that, Mr. Black forgot to tell you, inadvertently, no doubt, that there was £84,000 borrowed without any authority whatsoever, and the whole of the £284,000 was spent on the town of Belfast. They levied the borough rate and some small rates off the county Down, but they never spent one shilling upon it. Therefore we objected. We were willing to pay our own rates, and for our own lighting and watching, but we objected to pay the rates, and for lighting and watching of the town of Belfast. We objected to pay interest on the sinking fund of that debt, at least our proportion of it, and so we opposed the Bill in Parliament; but the Committee of the House of Commons would not let us off, though we wanted to make our district into a separate township, the same as one of those about Dublin. We thought we could manage our own affairs for half the town taxes of Belfast, but the Committee of the House of Commons passed the Bill.

1784. The 28th clause provides that the corporation shall forthwith proceed to put in force the powers of the Belfast Act of 1865, and of this Act, for the purpose of completing, sewering, and repairing the several public streets within that portion of the borough situate in the county Down?—Yes.

1785. And the 29th clause is to the effect that £6,000 shall be set apart and applied as a contribution towards the sewers as in the townlands of Ballymacarrett and Ballynafeigh?—We thought that because the term "forthwith" was used in the 28th clause, that that meant at once and without any appeal. We appealed, however, to the House of Lords, and they inserted the 29th clause.

1786. By which they were to set apart £6,000. Did they not do so?—They did not. They got a main sewer made in Ballymacarrett that cost £17,000 or £18,000, and by the Act of 1865, and the universal practice all over the borough, the council paid one-third of the cost of the main sewer, and the owners of property in the neighbourhood paid two-thirds.

1787. The owners of property paid two-thirds in a certain way—one-third directly, and another third in the form of a special drainage rate?—We have received no favours in Ballynafeigh, nor have the sewers been put in order in our district. We say that Ballymacarrett has had no advantage of that £6,000, and nothing has been spent at Ballynafeigh. There is no sewer in all Ballynafeigh.

1788. The answer given is, that more than £6,000 has been spent on sewerage and paving on that side of the river, either in Ballymacarrett or Ballynafeigh?—That must be a mistake, for there was nothing done but that main sewer, which was not done under the Act of 1868, and if there was any paving I believe the owners of property paid for it.

1789. Do you complain that whatever has been spent in Ballymacarrett, nothing has been spent in Ballynafeigh?—Yes.

1790. Is Ballynafeigh a distinct townland?—Yes.

1791. Why has the money been spent on Ballymacarrett and not on Ballynafeigh?—There has been only £6,000 spent on the former place, but that has been spent according to all former practice, and according to the Act of 1865; that is, that the corporation spent £6,000 on the sewers there, and the people paid the remaining 12,000. Ballymacarrett has not received one farthing of the money. I say that in fairness the £6,000 should be spent upon the two townlands, say £3,000 upon each.

1792. Do you say that the sum should be divided into fair proportions between the two townlands?—Yes; something like that. I do not object to getting something more for Ballymacarrett. That £6,000 under that Act of 1868 was never really expended as intended on special works in Ballymacarrett and Ballynafeigh. They did nothing but spend this £6,000 towards the sewerage of Ballymacarrett, which was no more than would have been done for that district according to their ordinary practice, as an ordinary drainage district; and it is therefore, I say, most unfair for them now to say that the £6,000 they spent on the sewer of Ballymacarrett was a *bona fide* compliance with the 29th section of the Act of 1868.

1793. Do I understand you to say that they have spent £6,000 in Ballymacarrett, but that it has not been in special works?—Yes; they have spent £6,000, but it has not been in special works, as intended by the Act.

1794. Do you consider, as regards Ballymacarrett, the town council have complied with the duty imposed upon them under the Act of 1868?—Certainly not. I would like very much to refer you to the 6th clause of the Act of 1853.

1795. Has that clause been contravened in practice in any way?—Well the owner of a valuable house with forty acres of land is not rated in respect of his demesne or mansion house, while a man who has no land at all pays 4*s.* 7*d.* local rates, water rates, from which the other is exempt.

1796. That is not the fault of the Town Council; that is the act of the Legislature?—Yes; but they promoted the bill which works this injustice.

1797. What you say is this—that the 6th clause of the Act of 1853 creates a hardship, inasmuch as a person who owns forty acres of land in a part of the borough where no streets have been formed, and on which no other dwelling-house is built in the immeditate neighbourhood is liable to escape with a smaller amount of local taxation than the occupier or owner of very much smaller premises in a part of the town that has been built over?—Yes.

1798. Mr. LAWLESS.—Do you complain of the unequal local taxation caused by this 6th clause?—Yes. It so happens that three councillors claim exemption in a small district. There is a very curious fact with regard to the Blackstaff that has not been brought out. As you were told by Mr. Coates the Fall-street sewer goes ultimately down High-street, and then passes over a weir into the Pound Burn. When there is plenty of water, in wet weather—that water passes over that weir, but when there is no water at all, the Pound Burn is filled chiefly with sewage matter, which goes through a considerable district of Belfast.

1799. As compared with the taxation of the towns in England are you aware whether or not the valuation upon which the taxes are assessed is the same. Is it not the case that the principles of assessment differ?—Ours is the Government valuation; theirs is, I believe, a local valuation.

1800. Is it not upon the letting value?—I think not.

1801. Is it upon a local valuation?—Yes, at least several of my friends have told me so. I believe they do not take twenty-five or thirty per cent. off the letting value as they do here, which is a very good rule.

1802. With respect to the amount of the taxation of this town, and with respect to the expenditure of it—do you consider that the expenditure of the rates of this town upon the staff employed by the Corporation is excessive. I include the entire staff of every kind?—I do not think it is. With regard to that, what strikes me is, that some of the officers do not do their duty—particularly the sanitary officers. I think that is very clear from the evidence of Mr. Scott the other day.

1803. CHAIRMAN.—Do you think the salaries are excessive for a town like Belfast?—I think not.

1804. Mr. LAWLESS.—Have you had considerable experience as a mill-owner?—Yes, it is fifty years since I went to the business.

1805. Do the mills and factories here to your know-

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ledge use water from polluted sources, and into which sewage matter has been discharged, for the use of the mills?—The mills and factories using the water which ultimately discharges into the Blackstaff must and do take polluted water, for they have nothing else. I have given up business for the past ten years, but I know that before that, if we could have got an abundance of water at a cheap rate we would have used it. It would be far cheaper for the mill-owners to pay for good water, if they could get it at a moderate price, than to be using the water of the Blackstaff, because it is so prejudicial to health, and it destroys one's boilers and machinery.

1806. Do you think it is prejudicial to the health of the workpeople?—Very much so. I know a great many people who left the neighbourhood on account of the smell. The Rev. Dr. M'Ilwaine told me he fainted in his house in Howard-street, and had to go, in consequence of the offensive smell, to live in the country. I built two mills on the Blackstaff in Brunswick-street and Bedford-street, and had to sell them afterwards, and my successors have built a very large warehouse, and I understand they are leaving those premises, because the young men are continually getting ill there.

1807. Are the majority of the mills within the area in which the Water Commissioners deliver pipe water?—At first they were not. Now they are.

1808. Would you have been willing to pay a fair price for pipe water instead of using the polluted water of the Blackstaff?—Yes; the last mill I had was a small one, and the price of water was, we thought, outrageously high. I, however, forget at this moment what it was at that time. I know Mr. Foster Connor, who was examined here, and I inquired from him as to the price charged for the water, and I came to the conclusion that it was outrageously high. Besides that we know that the Water Commissioners could not give us a supply adequate to the requirements of the millowners and guarantee to continue it.

1809. Was the price then asked practically prohibitory?—Yes.

1810. Would you have preferred getting it from the pipes instead of drawing it from the Blackstaff and the Pound Burn if you got it at a reasonable price?—Yes.

1811. Could you tell me the price at which the Water Commissioners would have supplied you with water?—I could not. They are not able to keep their mains always full. They have not the water.

1812. Do you say that they asked a price that was excessive?—Yes. I forget the price now because it is twenty years ago.

1813. It was before 1865?—Yes.

1814. They had not then the powers they have now?—They had not. I would be very sorry to cast any blame upon the Water Commissioners, because they have done their duty very well.

1815. CHAIRMAN.—Is it by choice the millowners take this polluted water or not?—They began to use it when carts were drawing water into every street in Belfast. Every one who could buy Cromac water used to do so. I used to purchase a barrel of that water every day for the use of my workpeople whom I would not allow at that time to drink the town water which was nothing else but the Lagan pumped up. At the same time, however, the Town Council or their officers were not to blame for that.

Mr. JOHN DINNEN examined.

Mr. John Dinnen.

1816. CHAIRMAN.—I believe you wish to give evidence as to the neglect of the Corporation to carry out sanitary matters of importance?—Yes; it occurs to me that you have not all the facts relating to the Blackstaff before you. I saw the memorial from the medical gentlemen published in the Belfast *Northern Whig*, and as I happened to be the chairman of the sub-committee of the Corporation that took up the matter formerly I thought it right that you should have the report which came from them in order that you might understand the views they held on the subject of the Blackstaff at that time. (Hands in draft report.) There is one thing that you ought to have before you, and that is the reply given to the medical gentlemen, and the report made by the borough surveyor regarding the Blackstaff. If you recollect there was a memorial signed by a number of medical men sent to the Local Government Board. That memorial is dated the 15th of February, 1875, and with it were sent extracts from Mr. Montgomery's report of the year 1866, and that of the law and sewerage committees of the Town Council approved of on the 1st November, 1870. (Documents handed in.)

(The witness handed in the report of these matters contained in the *Belfast Weekly News*, of February 20, 1875.)

1817. *Witness.*—As chairman of the sub-committee of that time, I endorse every word of that report. I find that the 10th section of the Sewage Utilization Act, of 1865, expressly prohibits under pain of indictment any person polluting a watercourse which is within the jurisdiction of the sewer authority, and the 11th section expressly prohibits the sewer authority, from using the river as a watercourse. Now, from the report that was made at that time by the sub-committee we found that this law was violated, and we then came to the conclusion that we could understand the inaction of the Corporation when they themselves were liable to be prosecuted.

1818. If I understand rightly it was upon that ground, Mr. May based his opinion, that they could not proceed against those parties, because at the time they were violating the law themselves?—I am not aware. I was told that there was an opinion of Mr. May stating that nothing at all could be done about the Blackstaff, but I never had an opportunity of seeing Mr. May's opinion. I now say that in my opinion the Town Council have not discharged their duty as public corporators—that there has been an apathy, an indifference, and a culpability in the discharge of their duty. I think the Town Council as a sanitary authority should be no longer trusted, and that the Local Government Board should be empowered to have these works that have lain so long unattended to, promptly and efficiently done, and that the authority and control should be at once removed out of the hands of the present Corporation.

1819. That could not be done without an Act of Parliament?—If a Corporation are guilty of neglect, I think the Local Government Board have some authority, but if not the matter ought to be rectified for the sake of the people here at all events. In 1866 after we had the report of our borough surveyor relative to the drainage of the entire town, the object of the sub-committee was to abate this monstrous nuisance, and to allow the drainage of the entire town to be done by degrees, and not to saddle the town with so heavy an expense, all at once.

1820. There are certainly very considerable engineering difficulties?—Yes, there may be.

1821. Mr. LAWLESS.—At what time did you cease to be a member of the Corporation?—In November, 1874, I resigned.

1822. The last notice taken of that report made by the sub-committee of which you were chairman, was in October, 1873?—It was. I don't know whether I should go into further particulars about what took place, but the whole thing was pooh-pooh'd.

1823. Was it not brought before the Council again?—Not the report we made. The sub-committee's report was shelved at once. But I may tell you that the suggestions we made from an engineering point of view were done in accordance with the plans before us, and with the full concurrence of the sub-engineer of the Corporation. I may further state that we had a very good amateur engineer, a member of the Corporation.

1824. Mr. Montgomery, however, condemned your plan subsequently?—Yes.

1825. Mr. EXHAM.—Did they refuse to place this report upon the minutes of the Town Council?—Yes.

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1826. CHAIRMAN—Was there any motion made with reference to the adoption of that report?—No; it was pooh-pooh'd at once.

1827. Mr. LAWLESS.—I have before me a minute of the Corporation of a resolution passed by them on the 1st of November, 1870, after reading the report of the 28th of October, 1870. The resolution is to the effect, that the following members of the Council be appointed a committee to inquire into the best means of abating the Blackstaff nuisance, and the removal of the cause of the flooding in the town, to report to a special meeting of the Council to be held on that day fortnight; and then follow the names of the committee of twelve appointed. Do you know whether anything was done in pursuance of that?—Nothing; the matter is getting worse and worse every day. I say the Blackstaff should be remedied, but they want to make it an excuse for a grand drainage scheme for the whole of the town. I say abate this monster nuisance, and then go over the rest of the town if it is required.

1828. That committee reported on the 19th November?—Reports and complaints have been made from time to time, since 1847, but nothing has been done.

1829. CHAIRMAN.—Have you any other matter you wish to mention?—Yes; I will not characterize the course that has been pursued by the Corporation with reference to the Parks Act; but I say that had it not been that I happen to be a member of the legal profession, I do not think the Falls Park would have been made. After the provisional order was obtained in 1873, and after the promises made by the Town Council, and the resolutions from the year 1869, up to the year 1873, I think it was a very hard thing that some members of the Town Council should attempt to (I am sure they would not do it in their individual capacity) repudiate their acts and break good faith with the public. Even after the provisional order was obtained there was the strongest possible attempt made to prevent the formation of the Falls Park.

1830. Did they not, however, yield to the memorial of the inhabitants?—They did not yield to the memorial at all, but I suggested that proceedings should be taken against them, and it was not until they were threatened with a *mandamus* that they complied.

1831. Did they not yield before the *mandamus* was applied for?—Yes; but not until they knew it was going to be applied for. There is another matter with regard to the park to which I think it right your attention should be directed. The chairman of the sanitary committee took a very active part in opposing the Falls Park. He is an old corporator, and he made use of the argument that the park was too near the cemetery, and that the result would be that people coming with funerals, and so forth, would not like to hear boisterous or unseemly behaviour when passing the park. Although that argument was made use of, strange to say, since they found it was mandatory to have a park made there, they have passed a resolution allocating the portion of the ground which the Act of Parliament requires to go for building purposes, for the purposes of a cemetery. I think that, knowing as I do what took place at the discussion on the parks question, is the most extraordinary proceeding of which I have yet heard, and if you refer to the Burial Act that was passed, you will see that it was never intended that the borough of Belfast should be confined to one burial ground, which is away at the very outskirt of the town. The present cemetery is in a most inconvenient position for the people living on the county Down side of the river, and I think they have a right to demand a burial-ground of their own, and not be compelled to travel three or four miles to have their people buried in the present cemetery.

1832. Have any of the county Down people applied for an additional cemetery on that side of the river?—I believe there was such an application, but nothing has been done.

1833. Did you apply to the Town Council for redress and failed to get it?—No; I wish to show that the Parks Act should not be violated by the granting of the additional ground they now claim for burial purposes, and that there is the absence of a burial-ground on the county Down side.

1834. Mr. LAWLESS.—I wish to draw your attention to the 8th clause of the Act of 1866, which specially provides that the Act is not to prevent the establishing of a second burial-ground?—Yes.

1835. "And the council may proceed to provide the same by the purchase of land, &c."?—I live in the county Down, and I know the feeling of a large number of the inhabitants there, and I have no hesitation in saying that it is their feeling that there should be a second cemetery on the county Down side. There are fifty acres of surplus ground at Ormeau Park now unproductive, it appears—a beautiful park by nature—but owing to the Blackstaff nuisance it is not resorted to as much as it should be, and fifty acres of the ground are lying idle.

1836. Is the Ormeau Park on the county Down side of the river?—It is. Under the Parks Act they have a right to deduct one-fourth of the ground allocated for the park. There are 173 acres altogether, so that under the Parks Act they could sell for building purposes one-fourth of that. I only notice this matter for the purpose of showing that there is plenty of ground for a cemetery on the county Down side of the river, and that ground is lying unproductive, owing very much to the apathy of the Corporation and want of good government by them of that side of the town.

1837. Has anything substantial been done towards making the Falls Park into the condition of a real park, because I find the expenditure is very small under that head?—What has been done is quite insignificant; it is only a colourable proceeding. As a matter of fact, whether it is owing to the reluctance or not of the Town Council, but very little has been done at all, and nothing for a long time past. They were going to do away with the Blackstaff in 1847. I don't know whether they are going to make this a park or not.

1838. Do you think they failed to carry out the Acts of 1865 and 1868?—Yes; there is one subject on which I ask your special attention in a sanitary point of view, and I think it is a disgrace to the Town Council to allow this to go on, where fever is produced by their inattention and neglect to carry out, and their acting in violation of, the Act of Parliament. The Town Council is to a certain extent governed by committees, and there is what is called an Improvement Committee. The Improvement Committee have to inspect and pass all plans for public buildings, and they have to be approved of by the borough surveyor before any house can be erected. I wish to draw your attention to section 75 in the Act of 1865, and to the penalty imposed by the 25th section of the Act of 1868, and for the violation of the Act—"In case any house or other building erected after the passing of this Act shall be inhabited contrary to the 75th section of the Belfast Act of 1865, the owner for the time being shall be liable to pay, and shall pay to the Corporation a sum of 20*s.* per week for every week during which each such house shall continue to be inhabited." I ask any person acquainted with the town of Belfast to look around them and say whether the provisions of both Acts of Parliament are violated or not. Look at the number of streets unpaved and unsewered, and yet the houses are inhabited to the knowledge of the Council and their officers. I ask you to require from the town clerk or the surveyor the number of houses inhabited in streets that are unpaved or unsewered, and whether there was a single prosecution of the owners. It is no wonder that we have disease prevailing in our town, and the death rate so heavy.

1839. CHAIRMAN.—It was admitted by Mr. Montgomery that the law was not carried out, but he gave his reasons for it?—Yes; but those reasons have not gone forth to the public. I never heard any reason assigned.

1840. The violation of the Act was admitted, and it was put upon the extent of pressure for house accommodation in Belfast, but in the meantime it had reference to the convenience of the inhabitants that the Act had not been carried out. We need not therefore ask you to explain the point as to the fact of the Corporation having violated the Act?—I do not wish to cast the slightest imputation upon any individual corporator, nor do I wish to speak disparagingly of the improvement committee, but it is a curious coincidence that upon that committee there are five timber and slate merchants and two builders. There is one other matter which I wish to refer to, under the Act of 1868, sec. 30.

1841. That is with regard to the passage at the rere of the Belfast Bank; do you wish to give some evidence regarding that?—You have had an explanation regarding that, which I have read very carefully, and I was rather surprised that that explanation was given in the way it was. I happened to be present before the Committee of the House of Commons when this clause was discussed, and most unwilling were they to allow any public passage to be blocked up or stopped, and the plans were required to be submitted of the improvement projected, and I recollect well that it was expressly stated that Bridge-street was one of the leading thoroughfares, that the Belfast Bank projected very much and interfered with the traffic of the city, and that if it were put back it would be a great public advantage. The plans were shown to the committee and the evidence was given, and that is all on record, and now what do you find, that notwithstanding that statutable enactment, the Belfast Bank, who happen to be the treasurers of the borough, have made arrangements and bought up the statutable enactments for money.

1842. What are the arrangements you refer to?—Before the Committee of the House of Commons it was decided that this public building, the Belfast Bank, should be set back and the ground dedicated to the public. Instead of that the Corporation by resolution, which I opposed vigorously, have passed a resolution allowing them for money consideration to close up the passage, and gave them some ground instead.

1843. The Corporation have not availed themselves of the powers given in the second part of the clause?—They have to a certain extent. They sold the statutable right of claiming from the Belfast Bank the right of putting the building further back in front.

1844. What the Corporation have done is that they have closed up this passage?—I complain of a breach of faith on the part of the Corporation in allowing the passage to be closed up without getting the consideration agreed upon, namely, the setting of the bank back. The evidence given on that occasion is on record, and I would beg of you to look at it, and see whether it is consistent with the resolution passed by the Corporation in allowing their powers to pass out of their hands for a money consideration.

1845. Mr. *Black.*—If you wish the evidence, we have it. Mr. Dinnen totally mistakes it.

1846. CHAIRMAN.—There is an agreement bearing date the 31st of March, 1875, between the Bank and the Corporation, by which they were allowed to retain the present site of the bank, closing one passage and opening another?—Yes. (See Appendix No. 12, page 214).

1847. Mr. *Black.*—Mr. Dinnen contends that that was a violation of the Act.

1848. Mr. *Dinnen.*—I do, most certainly.

1849. *Witness.*—Before passing from this Act of 1868, I can only endorse what Mr. Kennedy has said with regard to the expenditure of money in Ballymacarrett, that the Act has not been complied with.

1850. CHAIRMAN.—With reference to Ballymacarrett and Ballynafeigh?—*Witness*—They are both on the same side of the river, and about a mile from each other. They have done nothing for Ballynafeigh, and they have levied the rates there ever since.

1851. Don't those townlands touch?—No; the park lies between them. The boundary is the Lagan village on the Ballymacarrett side, and Ballynafeigh does not commence until about half or a quarter of a mile from the other townland.

1852. Mr. *Montgomery.*—As a matter of fact, I say these townlands adjoin each other the whole way.

1853. *Witness.*—I do not know whether you have had an explanation relative to the rate which the Council have the power to strike for compensation for malicious injuries. Under the Act of 1865, at the separation of the borough there was power given to the Corporation to strike a rate. I merely want to direct your attention to the fact that the Corporation in case the amount claimed is £1,000, have power to strike a special rate. I don't know whether you heard that in 1865 the rate was first struck, and if you refer to the estimates for each year you will find that £1,000 has been put down for the payment of these malicious injuries, and that has been going on from 1865 to 1876. I think there was no occasion to strike a special rate.

1854. Do you mean to say that £1,000 has been set apart in each year for that purpose, and it has accumulated?—It ought to have accumulated. They have accounted no doubt for the money. Some years we know the claims did not amount to £20, and other years £10; and no doubt if the amount they have in hand was calculated, it would be found that they have had in their hands a sum more than sufficient to pay the amount of the compensation, and therefore they had no occasion to strike a special rate at all for that purpose.

1855. Mr. LAWLESS.—The Corporation are bound up to £1,000 for malicious injuries, and for any amount beyond £1,000 they have power to strike a special rate. The malicious injuries were ascertained to amount at a certain assizes to something like £3,577. There was then a rate struck, and I understand that rate was struck to meet the balance of £3,577 over and above the £1,000—that is £2,577. A certain portion of that was applied in discharge of claims for malicious injuries, and the balance remaining was carried over in the hands of the bank, standing to a separate account, bearing separate interest, and there is now about £900 of that fund?—But what I want to call your attention to is that you have not had an explanation about where this £1,000 that has been annually included in the estimates, has gone. The 45th section of the Act of 1865 provides that if any year the sum paid by the Corporation for malicious injuries exceeds £1,000, the Corporation shall, in the then next ensuing year, levy a sum to pay the excess beyond £1,000; and the 50th section provides that the Corporation shall include in their yearly estimates the sum of £1,000 to pay the amount of compensation for malicious injuries; and the 45th section, as I have already said, provides that that £1,000 should be annually in the hands of the Corporation to meet any contingency that might arise in consequence of riots, or anything of that kind. Therefore, they had no right to strike a special rate to meet that £2,700, or whatever the amount was, for the accumulations of the £1,000 each year during previous years, would have more than paid the deficiency of the one year. The Corporation also have power to appoint a Recorder for the borough, and to establish a Recorder's court, and there are certain salaries payable by the Corporation in connexion with that court.

1856. What is the point you want to raise?—The point I want to raise is that this court was established for the purpose of meeting the public requirements, and from that time to the present the Corporation have been paying the salary, and the public have not been getting any benefit. Furthermore, the court does not meet the requirements of the public, inasmuch as the sittings are held at inconvenient times. Instead of the court sitting on regular days, for two or three days at a time, it comes on just before the quarter sessions, and people are kept waiting at least from ten days to a fortnight. It thus monopolizes the

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quarter sessions business. That I now say on behalf the inhabitants of the town, who complain of this matter, because the court is paid from out of their rates. At the time the Recorder's court was established, it was done for the purpose of facilitating the recovery of small debts promptly, and not one single farthing have the Corporation derived from that court in fees. They pay the salaries, but they get no fees.

1857. Mr. *Black.*—It is a matter over which we have no control.

1858. *Witness.*—I will show you that you have control. You pay the salaries under the Act of Parliament. The salaries are fixed at £500 for the Recorder, and £200 for the clerk of the peace. But you will find under the Municipal Corporations Act that where a Recorder is established for a borough, that the Corporation is required to fix the fees; instead of the fees going into the hands of the Corporation, they go into the hands of the clerk of the peace, and the result is that instead of getting £200 a year, the clerk of the peace is getting £500 or £600. I think the town should have the advantage of the difference between the salary allocated under the Act of Parliament and the fees.

1859. Can you tell us what fees are paid in the Recorder's court. Are they the same as at quarter sessions?—There is a table of fees under the Act of Parliament, but there are fixed charges that are not under the Act of Parliament, such as fees on spirit licenses, and on affidavits filed in court, and things of that kind.

1860. Is it your proposition that all fees payable, statutable or otherwise, should go into the coffers of the Corporation, in aid of the Recorder's salary paid out of the city rates?—Yes; not only that, and I think that a portion of the stamp duties in the court should be applied in liquidation of the salary of the Recorder. I say that the Corporation have not done their duty under the Municipal Corporations Act in not setting apart the fees which should go into the corporate funds under the Municipal Corporations Act.

1861. Does the clerk of the peace draw his salary as well as the fees?—Yes.

1862. Mr. LAWLESS.—Do all the fees go to the clerk of the peace in the Recorder's court?—Yes.

1863. Mr. EXHAM.—Does Mr. Otway, the Recorder, hold a monthly court?—No; it is held every six weeks. It is not half often enough; but not only that, but it is so arranged as to catch the quarter sessions business, and the result is, that it prolongs the court and renders the Recorder's court itself inoperative.

1864. Mr. LAWLESS.—Have the Corporation power to regulate the sittings of the Recorder when they appoint him?—I can only refer you to the Municipal Corporations Act. I cannot answer that question, because I have not given it sufficient consideration; but I know this much, that the Recorder would be only too glad, if it were properly represented to him, to try and arrange the court to sit oftener.

1865. Has any application been made to the Corporation to represent the matter to the Recorder?—I know it has been greatly commented on.

1866. But has any application been made to the Corporation?—I am not aware; I think not.

1867. CHAIRMAN.—Have you any further evidence to offer?—There is just one other matter, and it is a reform which I consider is much required in the Corporation with the view of lessening the taxation of the town. I believe the Corporation to be a huge political engine, worked by the officials of the Corporation, who are paid out of the rates of the town.

1868. If you can produce facts in evidence to substantiate that assertion, we shall be happy to take such evidence; but do not make statements unless you are going to support them by evidence?—The officers I look upon to be the ruling spirits in the Corporation. They nominate, canvass, pay runners and agents for the purpose of having men of their choice returned as representatives to that body.

1869. Who do you say do that?—The officials of the Corporation.

1870. Can you name the person or persons who do this?—I will name one person; but I do not like to individualize.

1871. But how can these statements be answered unless you do individualize?—Then I will individualise for my present purpose. There is the cashier who has been before the public. This cashier commenced on a salary of £70 a year, and you will find on referring to the printed accounts that his present salary is greater than that of any other person, I will venture to say, in the town of Belfast, holding a similar position, if not double what such a person would receive.

1872. What is his salary?—£70 was the salary originally, now, I believe, it is £300, and I consider that the Corporation acted in an improper manner with respect to him.

1873. Is it in raising his salary?—Yes; and especially when he has taken an active partizan part—one that was not in keeping with the position of a public officer, paid out of the rates of people of all denominations; and knowing how the Corporation officials were going on, I moved a resolution in the Corporation to prohibit any officer of the Corporation from taking an active part at any election.

1874. Mr. LAWLESS.—Can you give the date on which you moved that resolution?—It was shortly after I was returned in 1871, or it might have been in 1872. Yes, it was at a meeting of the Council held on the 1st of February, 1872. I hold in my hand a summons to attend that meeting. I may observe before going further, that I thought it was my duty to try to have politics avoided in the Corporation. I thought it was a perversion of the municipal trust to allow it in any way to be mixed up with or influenced by politics. The moment I introduced my motion into the Council, immediately the cry was raised, "Oh, this is introducing politics," although the very opposite was the reason that induced me to bring it forward, which really was for the purpose of trying to have the same system adopted in the Corporation as exists under the Local Government Board, where no officer is allowed to interfere in election matters, save by recording his vote. I thought that an official of the Corporation had no right to take up a partizan position, and to interfere in the election of members for the Corporation, more particularly when he is paid by the public money. Well, this was the notice of motion I gave; and I may take the opportunity of mentioning in passing, that there was some little good done in the way of reform during the time I happened to be a member of the Council, as I find that this same summons contains another notice of motion to obtain the transfer of the gasworks to the Corporation, a scheme that met with considerable opposition, but which ultimately was carried into effect. This is the notice of motion I gave: "Councillor Dinnen to move—'That it be an instruction to the employés of the Corporation not to take any active part prior to or at any municipal or parliamentary election beyond recording their votes.'"

1875. Was that resolution moved and considered?—It was moved, seconded, and discussed, and on being put to the vote was rejected by 17 to 6.

1876. Mr. EXHAM.—At the time you moved that resolution did you state any instances within your own knowledge to the members of the Corporation of officers who had so interfered at municipal or parliamentary elections?—Yes; and not only that, but one councillor, who happened to be recently returned, although he did belong to the same party, identified this particular gentleman as having taken part against him, he being a new member.

1877. CHAIRMAN.—Did you state these facts in support of your desire to have the resolution, of which you had given notice, adopted by the Council?—Yes; I am stating my recollection of what occurred at the time. I know at that time there was a very strong

feeling in the town that the officials were interfering improperly in returning members of the Corporation. In consequence of this resolution being rejected, I believe the spirit has still become stronger, and that instead of the officials being told not to interfere, that they now, to a very large extent, actually have the control of the return of the members of the Corporation in their own hands.

1878. In what way have they the control?—They control both the nomination and the election of representatives for the municipal borough.

1879. Do you mean to say that they receive instructions from the Corporation to take an active part in the nominations and selections?—I say that they receive instructions indirectly, that there is an inner circle of the Corporation who manage the entire borough, and the others are but mere tools in their hands.

1880. Do you mean to say that the town council give instructions to their officers to take an active part in the elections?—Yes; and so much so that it is looked upon as a kind of political refuge for old hacks who have been doing tory work, when a situation happens to be vacant.

1881. Who are those gentlemen who give those instructions, because it is a very grave charge you make against them, and it is but fair and right that you should mention their names, in order to give them an opportunity of defending themselves if they can?—I am making a charge against the officials.

1882. But you say that the officials are acting upon the instructions of members of the Corporation. You should give us the names of the officials who so act, and also the names of the members of the Corporation from whom they derive their instructions?—There is a difficulty in that, especially when you have not given us an opportunity of cross-examining any of the witnesses that have been called on behalf of the Corporation. I have no hesitation in stating that I believe I would have no difficulty in being able to elicit those facts if I had an opportunity of cross-examining some of the witnesses that were brought up before you; and without having afforded others as well as myself that opportunity, I consider it would be hard to name any particular person as the person who gave directions, but I can state as a fact that the Corporation officials not only go so far as to nominate aldermen, but that the gentleman to whom I refer had the audacity, when asking for an increase of salary, to go to the late Mayor, Sir John Savage, and say that he should support the application he was making because he was the man who got Sir John Savage into the Corporation, and was the means of having him made Mayor.

1883. Who is the person who you say said this?—The cashier. In order to have the exact words which he made use of, I would refer you to the newspapers of the 2nd of February last, which contain an account of the proceedings, fully published, at which the statement I allude to was made.

1884. Mr. EXHAM.—Did Sir John Savage state at that meeting that the individual you allude to made those observations?—Yes. As a matter of fact Sir John Savage was castigating him in a speech that he was making, in the course of which he said, that the official in question went so far as actually to have the audacity to state that he was the person who got him returned to the council. I say that some of the officials have a certain power in their hands which I contend ought at once to be removed.

1885. CHAIRMAN.—Who are the other persons included in what you have designated as the "inner circle"?—Well, there are what are called the rate collectors of the borough. These men have in their power the constitution of the burgess lists.

1886. Do you include all the rate collectors?—Yes; all the rate collectors. There are rate collectors for each ward. They have in their hands the returning to the town clerk of the names of the different people who are entitled to be on the burgess roll, and they also know the different parties who should be put on as claimants. This state of things gave the greatest possible offence. I mean the belief that the rate collectors were abusing (though I do not mean to say that they are doing it to the same extent now as formerly) their powers. I find it on the minutes of evidence in the Blue Book (which I can give in evidence if you desire it) at the time the Act was passed in 1864, that that state of things existed, and the Council from that time to the present, notwithstanding the opposition given by the independent ratepayers of the borough, have violated the promise they gave to the Committee of the House of Commons, on the faith of which the preamble to the Indemnity Act was passed, namely, to introduce a public Bill to do away with those rate collectors and have a collector-general appointed, and for other purposes. The evidence will show that the preamble of the Bill was passed on the faith of a public Bill being introduced by the Corporation. I may quote an extract from that book where the Chairman of the Committee stated—"That the great object of the Committee was that, if possible, some measure should be introduced to prevent a continuance of the grievances and heartburnings which appeared from the evidence on both sides to prevail in the borough of Belfast."

1887. Who was the Chairman of that Committee?—Mr. James Milnes Gaskill. Well, the result of the discussion before the Committee was an understanding that a public Bill should be introduced, and that those town collectors who have the manipulation of the burgess roll, should be abolished.

1888. Mr. LAWLESS.—Was any public Bill introduced?—None. I mention these minutes of evidence, taken before the Committee of the House of Commons, for the purpose of showing what was the feeling of the Committee when that indemnity Bill was approved of on the faith of a public Bill being introduced. I say that the terms of that public Bill were to be the abolition of the rate collectors of the different wards, the appointment of a collector-general, and further arrangements for the improvement of the town to be arranged by named arbitrators. I say that that has not been done, and that there has been a breach of faith on the part of the Corporation in not carrying those contemplated changes out.

1889. CHAIRMAN.—Those minutes of evidence are on the records of the House of Commons, and we can refer the Select Committee of the House of Commons to those minutes of evidence by date, and it will be for the Committee to draw their own inference?—I may tell you that one of these rate collectors was notoriously a district ward agent and a well-known political agent before his appointment, and he still continues in that office up to the present time. He also occupies the position of deputy grand master of an Orange lodge at the present time.

1890. What is that collector's name?—Charles Noah Davis.

1891. What ward does he collect for?—The St. George's ward.

1892. Is there any other collector to whom you object?—I hope you will understand me as not making any objection to Mr. Charles Noah Davis or to any particular individual rate collector. I am only attacking the system, and I do so for the purpose of showing that those gentlemen who hold offices of that kind have a certain amount of control in their hands which, I think, ought to be removed. And having stated so much I think that until some change takes place in the government of the town by the removal of the present Corporation, you will never have the public comforts and the public good of the town considered. I think you have had sufficient evidence of their neglect in sanitary matters. I think I have shown you conclusively that there is improper conduct going on in the inner circle, as denounced by Sir John Savage; and until the Local Government Board or the Government step in and take the control of the town for some time out of the hands of the Corporation, I say it is my deliberate opinion we will never have any peace or good for the inhabitants of the town of Belfast.

BELFAST. *Dec. 20, 1876.*

Mr. John Dinnen.

1893. Is there any other individual whom you desire to name except the cashier?—The cashier was denounced by Sir John Savage.

1894. I want you to name those who you say are guilty of corrupt practices in the Corporation—for your charge amounts to that. You at first, if I remember, clearly said there were three officials. Do you limit the charge to three?—I do not limit it at all.

1895. Will you name the others? Who are the three?—The cashier.

1896. That is only one?—I have mentioned the position of Mr. Noah Davis.

1897. That makes two. Who is the other?—I cannot at present name a third. I say the entire body are more or less tainted.

1898. But that will not do. You should not make so grave a charge as that which you have preferred without being fully able to substantiate it. You have charged certain members of the Corporation and certain corporate officials with corruption. It is not fair play if you do not individualize. You know you could not make a graver charge?—I reiterate that charge, that the Corporation permits its officials to take an improper part in the municipal elections. I cannot give you details or the names of each party, particularly as no opportunity has been afforded of cross-examination.

1899. I think you should name whom this "inner circle" consists of that you say exercises this control over the Corporation. That is practically a charge of corruption, and you should now support that charge by naming the persons to whom you allude. If you decline to do so, then of course your statement falls to the ground?—I think the statement on the authority that I have named, that there is a political influence or advantage in the hands of the officials of the Corporation is enough.

1900. I want to know who those persons are. If you make this public charge the people against whom you make it must in fairness have an opportunity of coming forward to give evidence in their own defence, otherwise as I have said before judgment will go by default?—I have referred you to the statement made by Sir John Savage. I think a statement coming from a gentleman occupying the position of an ex-mayor that the corporate officials were exercising that improper authority should be sufficient to satisfy you that there was something wrong.

1901. I want to know who those other parties were?—Well, it is difficult to go into that.

1902. You have brought a charge against a particular officer of the Corporation, who has had his salary increased from £70 to £300 because you allege that he has "worked" the Corporation, or the "inner circle" of the Corporation, by exercising undue influence or corruption at the elections of the Corporation. Well, it comes to this, that he is the only person you will name?—He is the only person of whom I have personal knowledge.

1903. Then your charge falls to the ground with regard to all the other persons except the cashier?—If any evidence I have given affects any other person I withdraw it.

1904. Is your object to prevent the officials of the Corporation from being allowed to take any part in political contests?—Clearly; that is my entire object, and to prevent them from using their office improperly and their influence too with regard to elections.

1905. Mr. EXHAM.—With regard to the minutes of evidence taken before the Select Committee of the House of Commons, has there or has there not been any change in the carrying on of the practices that were at that time made the subject of complaint before the Committee?—The same state of things exists; but I am in justice bound to say that the rate collectors have been more particular in the collection of the rates, and that the same system is not carried on as heretofore as to disfranchising voters.

1906. Has your complaint against the rate collectors, as far as it goes, reference to the past and not to the present?—Yes; but it has reference also to the power that they still have in their hands.

1907. Do I understand you to say that at the present time the system prevails of rate collectors disfranchising certain persons, and putting on others?—They have it in their power, but I do not say that they do it at present to the same extent; in fact, it is not done at present to the same extent. The public bill was to provide for that and other matters, and it has never been carried out. The bill was passed on the faith of the undertaking given before the Committee, but they have never carried it out. With reference to the wards, I think the town is not properly divided. If you look at the map of the wards you will see that they are arranged in a most extraordinary way—one running into the other, &c., and so they have remained since the Act was passed, notwithstanding the undertaking on the faith of which they got the bill.

1908. Mr. LAWLESS.—When was there a re-distribution of the wards?—In 1853. A commissioner was sent down; there was no representation on one side, and the wards were divided in a way that gave and give great dissatisfaction.

1909. CHAIRMAN.—We have had it already that the wards are unequal in point of rateable value, and in point of the number of burgesses?—You will see at once that it is almost impossible for any person who attempts to assert an independent position to fight at a small expense a ward containing as many burgesses as some of the county towns in Ireland.

1910. Do you think that the wards are too large?—Far too large. The number of wards should be increased, and by the bill that was to have been introduced, the town was to be arranged in a manner somewhat similar to that in which the wards are arranged in Dublin, where, I believe, they have fifteen wards. I would say that if a change is to take place the number of wards in Belfast should be from ten to twelve.

1911. Mr. LAWLESS.—What was the population of Belfast when the re-distribution of the wards took place?—From 110,000 to 120,000. Now, as you are aware, the population is 200,000.

Mr. John Morton.

Mr. JOHN MORTON examined.

1912. CHAIRMAN.—Upon what point do you wish to give evidence?—First I want to refer to the 29th section of the 1868 Act, with reference to the expenditure of the £6,000.

1913. Do you reside in Ballynafeigh?—Yes; I can state that there has been no part of that £6,000 expended in compliance with the 29th section of the Act. There is no sewerage at all, the streets are not even made, and there has been nothing done.

1914. Can you say whether or not any application has been made by the inhabitants of Ballynafeigh on the subject?—I am not aware; however, I have also to state that there are some very large buildings in the neighbourhood of Ballynafeigh that are very badly off for sewerage.

1915. Is there not sewerage there?—There is none; and the want of it is dangerous to the health of the people. The next matter I want to refer to is to the 75th section of the 1865 Act, that was referred to here to-day by Mr. Dinnen, with reference to the new streets not being paved and sewered.

1916. Do you confirm what has been stated by him?—Yes; that was amended by another section.

1917. Do you take the two in connexion?—Yes. I want to state one or two facts. There are three streets in the vicinity of Grosvenor-street, Lady-street, Ton-street, and Slate-street. In the first of these there are twenty-nine houses at present occupied, in Ton-street there are fifteen, and in Slate-street fifteen houses occupied, and they are in a most deplorable condition; there are no sewers in existence, no paving and no channels—in fact they are in a most deplorable state.

1918. Are there not channels?—No.

1919. Is there any flagging?—No. The only way the people have of passing from door to door is by a footway formed of cinders which the firemen throw out.

1920. How long have these houses been inhabited?—About a couple of years. They have all been built since 1865.

1921. Have these streets been opened as a public thoroughfare?—Yes.

1922. Mr. EXHAM.—Who are the owners of that property?—The Grosvenor-street property is owned by Mr. Thomas Lawson Browne, who is a member of this council.

1923. Is he the owner of these three streets?—Yes. He is also a member of the town improvement committee. I next refer you to a property in Ballymacarrett. I visited four streets there last night, and found the lower part of Memel-street in a very bad condition. There are also Duncombe-street, and Lagan-view-street, and Pancras-street, and they are in the same condition, they are perfectly impassable. You could not go through them without going into thirteen or fourteen inches of mud.

1924. Are there any footpaths there?—Yes, but they are not completed—they are in the same state. It is almost impossible to pass over them. The curbstones are laid down, but there is no paving yet, nor any sewerage that I am aware of. It may exist, and if so the surveyor can tell, but I do not know of it.

1925. Who is the owner of the streets?—I cannot say whether it belongs to one individual or not. The party building there at present and who owns some of this street is Mr. Peter Quinn. He holds this property from Mr. John Brown who is the chairman of the town improvement committee. Mr. Quinn is not a member of the Council. Pancras-street runs off Memel-street.

1926. CHAIRMAN.—How long have these streets been open to the public?—I cannot say.

1927. Twelve or six months?—I cannot say; there are people living in them now.

1928. Are there any other streets there in that condition?—These are the only ones.

1929. Has any representation been made to the Town Council or the improvement committee, as to the condition of these streets?—I am not aware that any complaint has been made about it.

1930. Mr. LAWLESS.—Do you consider it is the duty of the Town Council to prevent these streets from being opened until they are finished?—I do, and it is a duty imposed on them by the law.

1931. Mr. EXHAM.—Does the sanitary officer go there to see after the condition of the place?—I do not know, but it is the duty of the sanitary officer to make a search and see after such things. If he did go there he has not done anything to the place.

1932. Are you satisfied with the arrangements of the town generally, as to the sanitary matters and the condition of the streets?—Mr. Montgomery gave an explanation as to the town increasing so rapidly—that they were not able to keep pace with the demand for houses, but if you refer to the 86th section of the Act of 1865, you will find that it is the duty of the owners of property to make all these improvements.

1933. Upon an order from the Council?—Yes; and therefore it is the fault of the Council. My own impression is that the remissness on the part of the Town Council is, because there are a certain number of gentlemen on the improvement committee who are timber merchants and builders.

1934. Mr. LAWLESS.—Are there many timber merchants and builders on the improvement committee?—Yes; there were seven last year, and I believe the same number this year.

1935. What is the number of the improvement committee?—Fourteen Councillors and five Aldermen, and I think seven of these belong to the timber and building trade.

1936. CHAIRMAN.—Is there any other point to which you wish to draw our attention with regard to the sanitary arrangement—any special complaint?—Of course, I would like to mention something about the Blackstaff. I reside in that neighbourhood, and I have to pass over it twice a day on the Cromac-street side, and sometimes more frequently for the last fifteen years, so that I have had a sufficient opportunity of seeing that river. I have heard numbers of people say they would visit the park but for the nasty smell that arises from the river—Ormeau Park I mean. I think it keeps people from visiting the park, and it is also injurious to the interest of property-holders in that neighbourhood, and the health of the people.

1937. Does that state of the Blackstaff in your opinion prevent people from using Ormeau Park?—Yes. There is another matter that I noticed in the evidence of Mr. Scott. In reply to a question from Mr. Exham, if the river was cleansed out occasionally, he said "Yes; frequently," but I say that is not a fact. There is certainly what I may describe as a cess-pool immediately between what was the weir of an old mill and the paper-mill bridge, and perhaps once in the summer they put a number of navvies there and carry away a few loads of the stuff, but it is impossible to take anything out of the course of the river from that to the Dublin-road bridge on account of the great number of stones lying in the bottom of it, and there is nothing done with that portion of it. It would be a great deal better for them not to stir up the mud in the river; they only make it worse while they are doing it. All the cleansing the river gets is a mere bagatelle. I wish also to express my opinion to the same effect as the last witness as to the size of the wards. They are not equal, and a redistribution is most requisite and necessary. As Mr. Dinnen stated, I might as well contest a borough, or in fact some of the counties in Ireland as some of the wards here, on account of the great number of burgess in them. There is also another matter—Mr. Kennedy said that the salaries were not excessive, but in my opinion the salaries are much in excess of what they should be. I should say that one-half the present salaries would be sufficient, having regard to the way competent persons of the same class are paid here.

1938. Do you mean the salaries generally or any one in particular?—The salaries generally. They are on too high a scale.

1939. Mr. LAWLESS.—Are you a member of the Town Council?—I am happy to say I am not, as it at present exists, but I am a ratepayer.

Mr. ROBERT STEWART examined.

1940. CHAIRMAN.—You reside at 75, York-street, Belfast?—Yes.

1941. Are you a ratepayer and burgess?—Yes.

1942. What is your profession?—A licensed vintner.

1943. Do you wish to say anything as to the mode in which the collectors perform their duties, or their mode of collection?—Both; but first I wish to say something with regard to the police force of Belfast.

1944. Are you satisfied with the manner in which the police discharge their duties?—Yes, perfectly satisfied. I would not have them changed on any account, or put under the control of the corporation. I know, as a matter of experience, that when we had the police under their control, a great many of them were open to accept bribes and assist in many species of misconduct, and I know that the present Royal Irish Constabulary are a very superior body of men, and discharge their duty very efficiently, and are impartially constituted of all sects. I think that if the local police were again brought into Belfast they would be a partisan force, as they were before, instead of a police force. I think there is no evidence on record that Mr. Bailey ever refused to give assistance to the Corporation. My object in stating this is, in consequence of what was stated by Dr. Alexander, because I believe that what he said was a matter of *animus*.

1945. What objection have you to the mode in which the collectors perform their duties?—The

BELFAST. *Dec.* 20, 1876. Mr. Robert Stewart.

collectors are paid a per-centage on the collection of the rates; that per-centage is excessive, for it enables them to employ deputies. In the ward for which I pay rates there is a person appointed collector who is an ex-member of the police force, and superannuated. He is appointed collector, and I think the only credentials he had was, that he was a member of the old local police. He is a man advanced in years, and I take it for granted he is unable to discharge the duties personally.

1946. Why?—Because he employs a deputy. I have paid taxes to the Town Council for four or five years, and during the whole of that time Mr. Rankin, the collector appointed by the Town Council to collect them, never was in my house. I complained frequently to several members of the Corporation, and drew their attention to this fact, but no redress followed. I think it is a great grievance that men should be paid large salaries for doing nothing but sitting in their chamber, not as tax collectors, but as tax surveyors.

1947. Does he employ more than one person?—I only know of one who collects my rates. I am not speaking with any degree of personal knowledge, I am speaking of the ward in which I live. I believe that a similar system is adopted in at least two of the other wards.

1948. I want to know whether it is one or more deputy he employs?—It is one deputy.

1949. Has that man, to the best of your knowledge, always accounted for his receipts, or have you had any cause to complain?—I think he is a most efficient collector.

1950. It is not from any objection you have to the deputy that you complain?—It is not.

1951. Mr. LAWLESS.—How much does he receive?—In the Dock Ward the commission on the collections amounts to about £270. They get seven and a half per cent.

1952. CHAIRMAN.—What is the name of the collector?—George Rankin. I have just been informed that he was a member of the Royal Irish Constabulary. He pays out of the commission which he receives £60 a year to this deputy.

1953. Do you know that?—Yes.

1954. From the man himself?—Yes.

1955. Does that deputy give security?—No, he does not. Rankin is responsible to the Corporation, and I believe enters into a bond for the due return of the moneys, but I hold that a collector should not be appointed unless he is able to discharge the duties in person, and see that every person is properly registered on the burgess roll. I do not object to him. I object to the principle which enables him to employ a person as deputy by paying a larger salary than he is entitled to. I think it is calculated to lead to abuse. I was about to say that there is a system of disfranchising the people in Belfast carried on (I do not say deliberately carried on), but it results in disfranchising the people. The tax collectors allow persons to be too late in paying their rates, and those persons are generally persons opposed to these collectors in politics, and I need hardly say here that these collectors are always appointed through political influence exclusively.

1956. Is that your opinion?—Yes; and the opinion of many others.

1957. Do you mean that they delay collecting the rates for a particular object?—Yes; from some persons, and those persons are always opposed to voting in the direction of their masters.

1958. Cannot those persons always pay or tender their rates?—Yes; but as a rule the people are not sufficiently versed in municipal matters to know that they will be disfranchised by not paying them in time. In Smithfield Ward last year there were a number of persons who were willing enough to pay their rates, and who were never asked for them until it was too late to enroll them on the burgess roll. I know as a matter of fact that upwards of 100 voters were disfranchised. I was a candidate at the last Smithfield Ward for a town councillor, and the people who imagined they were on the roll complained very bitterly of this important fact, and I could, if necessary, bring up at least fifty people who could state that they were never asked for their rates.

1959. Were those people of the poorer class?—Persons in medium position.

1960. Were they people of whom the collector could have no doubt?—They were people who were perfectly solvent.

1961. I want to know if they were persons in the poorer classes and solvent?—There are many of the persons to whom I have referred that are very solvent.

1962. Men whom the collectors would have no reason to be indulgent to, because they might not be able to pay?—Not the slightest. The municipal taxes, as far as I understand, must be paid on the 31st of August of each year.

1963. Have you ever known an instance in which the collectors refused to receive the rates?—No, never. The next point to which I wish to refer is with regard to the mode and manner in which the costs of the town solicitor, and the several other solicitors employed by the Town Council, are paid, and the manner in which the amount of their costs is ascertained. I wish to say that I was reading very carefully the report of the evidence given by Mr. Black. He said that he was paid no salary, and that his bill of costs were always taxed by the taxing master in Dublin, and that a solicitor who was only paid his taxed costs was certainly not overpaid. Mr. Exham said he was well aware of that, but I will try to convince Mr. Exham that he is well paid. In the year 1873 Mr. Black's taxed costs alone amounted to £2,605 13*s.* 9*d.*; in the year 1874 to £1,705 13*s.* 9*d.*; and in 1875 (last year) to £1,261 9*s.* 5*d.* Now, the ordinary ratepayer imagines that that is a very fair salary for a solicitor. In addition to that, Mr. Black has an extensive private practice; he is permitted by the Corporation to have it, and he is also supplied with a suite of rooms, which are at least valued for £80 a year, being in the centre of the town, well ventilated, and capacious.

1964. Are they in this building?—Yes. He is also supplied with stationery free of charge, and everything considered it would be best that Mr. Black should be paid a fixed salary. I think that the better course would be that the Town Clerk should be a solicitor, and that he should conduct all the legal proceedings, and money would thus be saved for the ratepayers. I may also say for the information of the Commissioners that there are three solicitors employed by the Corporation, the others being John Coulter, and James M'Lean, son to the sessional Crown solicitor; they each receive £150 annually.

1965. Is that a salary from the Corporation?—Yes; I believe the town solicitor as town solicitor should discharge all those duties. I believe there should not be three solicitors. In the year 1875 (I think it was 1875) Mr. M'Erlean preferred an indictment against the Corporation, and it must have appeared to Mr. Black and these two other gentlemen to be a very serious indictment, for they brought in a fourth solicitor. This fourth solicitor defended the suit, and the three other gentlemen remained silent.

1966. Mr. EXHAM.—When was that prosecution?—In December, 1875, before Mr. O'Donnell. The prosecution was for opening a graveyard full of dead bones before Mr. M'Erlean's door. The bill of costs simply says, "bill of costs," so much.

1967. Do you mean Mr. Black's costs?—I mean the account of the costs.

1968. Do you think the particulars of the several items should be given?—I think the particulars should be given in every instance, of every class of items, in dealing with a company or a corporation. We have no evidence to show that Mr. O'Rorke, who was called in by the three eminent solicitors, did not get paid out of the taxes of the town. If they stated that they paid him out of their own pockets the ratepayers would have been satisfied; but if not, why should the Council pay him for helping the other three.

1969. Do you think it is a thing that requires explanation on the face of the accounts?—Yes; some particulars of the items of law costs should be set forth, so that there should be no mystery about them.

1970. Did Mr. O'Rorke get them off?—It fell through.

1971. CHAIRMAN.—Do you wish to say anything with regard to the way in which the municipal elections are held in Belfast?—I do. They are all presided over by Tory aldermen; there is very little else in the Corporation now, except Mr. Bernard Hughes, and he is going very rapidly in that direction. I refer to the class of men who preside over elections in Belfast. The booths are so constructed that a portion of them is let off to Tory candidates—as for instance, in the case of the Smithfield Ward election. I was a candidate for one of the vacancies on the 25th November last, and there were two agents employed by my two opponents. I may state that I am a Presbyterian and Independent. There were four candidates in the field for two vacancies, Messrs. Haslett and Ewart my opponents, and also Mr. Rea; and I say that the booth was so constructed as to give an advantage to my opponents. When I entered it I found a large construction of wood in the form of a counter, and behind this counter were two agents of the Tory party. As each voter came in he was asked for his name by these men, and when he gave the desired information, he was given a ticket (the tickets were supplied by the Conservative candidates), on which was the number representing his name on the burgess roll. When they got this number, they were handed a paper on which was printed "Vote for Haslett and Ewart."

1972. You say they were handed a voting paper on which it was suggested how they should vote?—Yes; it was a "timely reminder." Each voter as he came into the polling booth was handed this bill, and at the same time he was instructed to go inside and mark the voting paper. I remonstrated with the alderman, with regard to these men being permitted to remain there, and he was so extremely Tory (Mr. Bernard Hughes was the alderman) that he would not interfere. He refused to remove the agents from the polling booth, as he said he received his instructions from the town clerk.

1973. Did he offer you any similar accommodation?—He did not. He was not so generous.

1974. Mr. LAWLESS.—Did he tell you he received his instructions from the town clerk?—Yes, and that he would not interfere. I should have stated that across the street from where the polling booth was situated tally rooms were taken by these candidates, and a regular system of communication was kept up between the agents who were behind the counter which I have already described and the persons across the street.

1975. How?—By means of messengers going across and giving the names of the persons who had voted.

1976. CHAIRMAN.—Was word sent to the other side how the polling was going?—Yes; as each person voted his name was struck off, and the information was sent to the tally rooms so that they knew who had not voted, and messengers were sent to hunt up the other voters. I immediately proceeded to protest against the irregularity.

1977. Did they offer any of these papers to any gentlemen whom you expected to vote for you?—Yes. I should say that Mr. Rea's electoral friends and my electoral friends, though they never went to the tally rooms of our opponents at all were still handed the papers. I protested against this conduct, and pointed out to Mr. Hughes one or two sections of the Ballot Act, and he said I should put my objections on paper, and I did so, and retired from the election, and proceedings are now being taken to have the election declared null and void in the Queen's Bench. I believe all this trouble that I have been put to is in consequence of the officials of the Corporation (one or two of them) being active in conducting the election.

1978. Will you name the officials to whom you refer?—I include none individually, and I exclude none, because they are all one and the same.

1979. Do you decline to mention names?—I do.

1980. You said one or two of the officials?—Yes.

1981. Are you unable to individualize?—I could individualize remotely.

1982. What do you mean by individualize remotely?—I decline to mention names. I believe it is not advisable at present. I could give names but I have reasons for not doing so, owing to a suit which I have pending in the Court of Queen's Bench, with regard to this election, and mentioning the names now, which I could do now, might prejudice my proceedings in that court, and for that reason I do not wish at present to mention the names. There is one thing which I omitted to mention, and it is this—Mr. Black stated that his costs were taxed by the taxing master in Dublin. I am convinced from information which I received, and which I believe to be very reliable that that statement is not correct. I believe that costs were taxed by an official of this Corporation, and I think you should receive evidence on that point.

1983. Can you specify the bills of costs? There should be no difficulty in seeing whether you are right or wrong. If you can give us the bills to which you refer the thing can be cleared up in a moment?—I will do that. I intended to say there should be an increase in the number of wards, also how I think they should be divided.

1984. That is a question entirely for the House of Commons and not for us.

1985. *Witness.*—I see in the account—"Johns, Hewitts, and Johns, for taxing costs, £22 1*s.*"; "Samuel Black's taxed costs, £957 15*s.*, and Johns, Hewitts, and Johns, for attending at the taxation of costs, £22 1*s.*"

Mr. BLACK recalled.

1986. Mr. LAWLESS.—Were those costs taxed as between attorney and client?—Yes.

1987. Were Johns, Hewitts, and Johns directed to attend on the part of the Corporation on the taxation of those costs?—Yes, and they reduced every item that they could. My costs were all duly taxed.

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Mr. ROBERT STEWART recalled.

1988. CHAIRMAN.—What is the next point upon which you wish to give evidence?—There is just one alteration which I would like to make in my evidence of yesterday, and that is with regard to the rooms occupied by Mr. Black. I said that the Corporation allowed him free rooms, free gas, and free coal, and that the estimated value of these would be about £80 a year; but I am now in a position to state, and also in a position to put it in writing, that the offices I have referred to would let at £200 per annum. I have also been informed that Mr. Black is the attorney for a building society, and that while being so he assisted in passing all plans for the erection of houses. I have been informed of that fact.

1989. Mr. LAWLESS.—Can you mention any instance of his assisting to pass plans?—No.

1990. CHAIRMAN.—We have heard a good deal already about the paving of the streets. If you wish to mention anything with regard to that, you may as well do so now?—John-street, Berry-street, Little Donegall-street, Mustard-street, Union-street, Wine-tavern-street, Smithfield-square, and many of the streets leading off the Shankill-road, which I need not mention, are paved with very large paving stones,

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and are very uneven and unlevel, which causes large pools of water to collect in them, so that the people cannot possibly pass through these streets without being wet. In some places you would go knee-deep in them.

1991. Are there any crossings in these streets?—No.

1992. Are the footpaths paved?—They are paved with Kidney paving stones. In North-street and York-street there is a thick kerbstone on the footpaths. The street leading from the town hall here to Ann-street, yesterday morning and this morning, has been a perfect sea of mud and dirty water, and I think that arises from the very imperfect surface drainage.

1993. Are the street channels alongside the footpaths kept in good order?—There is an utter want of flagging, or paving either. In these streets that I first mentioned the traffic is impeded materially when laden carts pass through them.

1994. Have those streets been long built?—They are the oldest streets in Belfast. The houses are very old. Frequent complaints have been made as to the state of these streets, and of the labour on horses in dragging laden carts over the boulder-like paving stones. The police office and the courts adjacent are in a bad condition owing to the state of the sewerage, and since they have been built a great deal of money has been spent in remodelling the buildings, which were only recently erected; with regard to the Recorder's court——

1995. That is a building we have already heard of; the basement of which was flooded?—Yes; I just wish in confirmation of what I say to draw your attention to a paragraph published in the *Northern Whig* of the present month (handing in copy of the *Northern Whig* newspaper).

1996. Mr. LAWLESS.—Is this about the prisoner who was nearly drowned in a pool of water when coming from his cell to stand his trial before the Recorder?—Yes; and I may say that the Recorder concurred with the remarks made on the occurrence by Mr. Rea.

1997. CHAIRMAN.—You next wish to give evidence with regard to the conduct of the cashier?—I wish to say with regard to the cashier that he is a great political power in this Corporation.

1998. How does he use that power?—He assists directly and indirectly in the return of all the councillors to the Corporation, and by reason of his political services, and in consequence of the action which he takes in election matters there is no difficulty whatever in his managing to have his salary increased from time to time on such terms as he may think proper to put forward, and of which he thinks he requires to give only momentary notice. In confirmation of the truth of what I say I would call your attention to the following report published in the *Northern Whig* on the 2nd February of the present year:—

"THE SALARIES QUESTION.

"The town clerk read the minutes of the Council at which the salaries question was considered. The only alterations from the report presented on the 1st January was that the salary of Mr. Woods, the accountant, should be increased from £300 to £350 instead of £400, as originally proposed; and the salary of Mr. Cobain, the cashier, from £220 to £300 instead of £350, as originally proposed.

"Mr. Thomas H. Browne moved the adoption of the minutes of Council in committee, which were unanimously presented.

"Sir John Savage said there was no vote taken but they were not unanimous.

"Mr. Rodgers seconded the motion.

"Mr. E. H. Thompson said he had a great objection to propose an amendment to anything done by the Council in committee, but he had been unavoidably absent from the meeting, and if present would have taken objection to part of what was done. He would move an amendment omitting that part of the report where it was proposed to reduce the increase of Mr. Wood's salary from £100 to £50. This increase was well considered in the Finance Committee, and the Committee thought that, considering Mr. Woods was giving a six years' engagement £100 was only a fair increase. There were objections to other advances, but there was none to that of Mr. Woods, and a compromise should not have been entered into prejudicial to the interests of a valued officer. No officer in the Corporation better deserved the increase than Mr. Woods. The Government auditor had often referred to the remarkably excellent manner in which the books were kept, and indeed they all knew this for themselves.

"Mr. R. Thompson seconded the amendment.

"Dr. Alexander said that if the matter was to be opened up for discussion, he would propose that no increase should be given for the present year. It was an invidious thing to propose that the salary of one officer should be raised to the amount originally proposed and another not.

"Mr. Gaffigan was opposed to any increase of salary at present. If the gentlemen who occupied their comfortable offices for a few hours in the day were aware of the difficulties business people had to contend with in paying the taxes they would not be shouting for big salaries. One of the officers in particular (Mr. Cobain) had caused all this row and all these meetings with respect to salaries, and his qualifications, except in a political or electioneering point of view, did not justify his claim upon the Council.

"Mr. Gregg said this was now the fourth day they had had this question before them. Mr. Gaffigan had mentioned about Mr. Cobain, but in what other Corporation was the accountant paid higher than the cashier.

"Mr. Haslett said that if they postponed the matter for a year they would be in a better position to consider it.

"Sir John Savage would avail himself of the opportunity of saying a word or two on the subject. He regretted that Mr. E. H. Thompson had not seen his way to fall in with the views of the Council in committee, but, notwithstanding, nothing had been said to alter the opinion that he had taken upon this matter. He agreed with Mr. Haslett that salaries should be raised gradually instead of in a hop-step-and-jump manner, giving £80 or £100 increase at once. Any gentleman who thought himself under-paid had nothing to do but send in his resignation (hear, hear); but he did not know that a single one of these gentlemen were under-paid. On the contrary, they were paid up to the full capacity of their ability; but he was willing, for the sake of peace, to agree to a compromise. Mr. Cobain, he had heard, had stated that he (Sir John) had shown great ingratitude, as he (Mr. Cobain) had put him into the Council the last time he stood for election. He gave that an unqualified contradiction. He would be ashamed to be a nominee of Mr. Cobain or of any man (hear, hear). He stood there as an independent man, and no man was more so than Sir John Savage. He had been independent all his life, and never was a nominee. That man that he put into the Council having the idea to vote against him—the man who makes Town Councillors and Aldermen—to stand up and oppose him when he comes for an increase of salary. How could a man who was offered £80 of an increase say he was treated badly? He did not want to be severe (laughter), but he had not exhausted his treasury of implements, and would just say to every man in the Treasury to act independently.

"Mr. Thompson's amendment was then put, and lost by a majority of twenty to seven."

The rates are principally misappropriated by reason of these large salaries. I say the salaries of the officials are tremendously in excess of what they ought to be paid. I say there are two exceptions, and those two are the town clerk and the clerk of markets. I think the salaries of these officials are not excessive, because their duties are onerous and intricate. These are the only two that meet with general approval outside this hall. The accountant has £300 a year, and there is no accountant in Belfast, or in any of the Councillors' offices, who has more than £150 a year that I am aware of. I say his salary ought to be £150 a year. I say it is one-half too much. There are also five apprentices of the Town Council, all of whom get £40 a year, and I consider that too much.

1999. Do they not begin at £20, rising up to £40?—I say they should begin at £10 a year, and be raised £5 each year. With regard to the salary of Mr. Conway Scott——

2000. He is the executive sanitary officer?—He is. I say his salary is excessive, and that he is not competent for the office.

2001. Is not his salary approved of by the Local Government Board?—Yes; but I say the Local Government Board approve of many things they should not. Any recommendation of the Town Council is sure to meet their approval. This Mr. Scott used to measure gravel on the roadside and was not a proper person to be appointed as executive sanitary officer of a place like Belfast. With regard to the appointment of Dr. Browne; he is a magistrate and was once a member of this Corporation, and mayor of Belfast. His appointment was made when he was at the same time resigning his position as honorary physician for the Belfast Royal Hospital in consequence, as he said (and as persons then present heard him state), of advanced years and declining health. I say therefore his appointment was very unsuitable and improper, and I am in a position to state that an efficient consulting sanitary officer can be obtained here for £100, instead of £300 a year.

2002. Was not Dr. Browne's salary also approved

of by the Local Government Board?—That makes no matter. The taxpayer ultimately pays it. In the year 1875, I find the sum of £124 2*s.* 2*d.*, expended in cleansing, painting, and gas supplied to the Albert Memorial. My objection is that the amounts are excessive. Mr. Fitzpatrick's charge is £25 for cleaning the statue, and Mr. J. Lynn, for reporting on repairs, the sum of £15 15*s.* I say that no Corporation should have sanctioned the passing of that £15 15*s.* for work that any ordinary individual would have done for £1.

2003. Do you know Mr. Lynn?—No I never heard of him before. The charge is nearly as much as that of the man who did the work. Then there is £20 for keeping the clock in order, and I say that is a waste of money. The clock may be of use in the daytime, but at night it is of no earthly use, unless you are standing in the street beside it. There is £71 12*s.* 8*d.* worth of gas yearly consumed in illuminating it, which was money thrown away, considering you cannot see it at any distance. In the year 1874 there is charged for the removal of the Earl of Belfast's statue, 4*s.* 8*d.* for candles and some other items. You will observe that they had to remove the statue after dark for fear of the gentlemen of the Pound who might very likely attack it. For the removal of the statue itself £5 15*s.* 6*d.* is charged.

2004. Did not Lord Donegal pay all the expense of that?—If he paid it, why should we be charged, as we are in the accounts.

2005. But you will see from the other side of the account, that Lord Donegal paid more than was expended?—Then I think it was unfair for them to receive more than they paid. This expenditure with regard to the Albert Memorial, and the Statue of the Earl of Belfast, I contend the Belfast Corporation should never have incurred, and I say that the rates were misappropriated, because these statues were put up to perpetuate the memories of men whose opinion the majority of the ratepayers did not agree with; that they should not be supported with public contributions, and that they should not be cleansed, repaired, &c., at the expense of the ratepayers. I say that the charge upon these statues was a useless expenditure of money. I complain of large sums of money being charged under the head of sundries. I think it is calculated to mislead. If sums to the extent of £2,000 or £3,000 are paid away, I say that the persons receiving the payments should be specified distinctly in writing and in printing, and also what the payments were for, and that these payments should not be set forth *in globo*.

2006. Do you mean to say that the accounts as published do not give sufficient information to the ratepayers?—I do; and I also say that items appear here and there through the entire reports setting forth bulk sums for wages and carting, and that it is a system of book-keeping which is at the least open to suspicion.

2007. Do you not know that those accounts are audited by the Government Auditor. These items appear before him, and any ratepayer can attend the audit and make any complaint he may have?—That is quite true; but sometimes it is not convenient to attend. We have an instance of the Government Auditor passing sums he should never have passed if he had known his business.

2008. Mr. LAWLESS.—I understand you to mean that the accounts submitted every year to the auditor should be full accounts and not abstracts of the accounts?—Yes.

2009. CHAIRMAN.—Are there not full accounts submitted to the auditor?—There may be; but my argument is that they should be published, and furthermore, I wish to state that the receipt which every ratepayer receives on the payment of his annual taxes should distinctly set forth all the items which he pays for. It should be set forth more distinctly. Coming under the head of general purposes rates, people do not know what they are paying for at all.

2010. I would next refer you to an item of £66 2*s.* 6*d.* which appears in the expenditure side of the police fund, for the year 1873. "Mr. James Henry, canopies for courts and repairs to robing rooms."

2011. Do you object that he was then a member of the Town Council at the time?—Yes; and is still. Then there is £127 10*s.* 9*d.* for cleansing the Blackstaff, and I think you have sufficient evidence before you to show that it has not been yet cleansed, and that that money has been uselessly expended. In the same year (the year ending 31st August, 1873), £48 5*s.* 3*d.* has been spent for the cleansing of the Blackstaff. In the year 1874, I also find that Mr. James Henry has been paid the sum of £87 6*s.* 6*d.* for building and materials. I observe by the list of expenditure published in the year 1873, that this item appears in the miscellaneous account. "Cost of erection of platform in the Botanic Gardens, on the occasion of the knighting of the mayor and chairman of the Harbour Commissioners, £8 16*s.* 5*d.*" It is not said to whom it is paid.

2012. Do you object to it as being an improper charge on the rates?—Yes; and if it is a proper charge, that the name is not given of the person to whom the account was paid.

2013. Did you or anyone else appear before the auditor to object to these items?—I did not appear, nor anyone else on my behalf, but surely the auditor should have disallowed them himself. I have only seen them a very short time ago, when I commenced to look into these matters, with a view to this inquiry, but when I saw it I thought there was something wrong. I would state, with regard to the publishing of the book of expenditure and receipts, that I suppose there are not fifty ratepayers in Belfast, outside the town hall, who know that such a book is published yearly. I think a public notice should be placed in different parts of the town, saying that that book is published yearly, and can be obtained on the payment of 1*s.* I went into the office last year, and asked the town clerk to show me the minute-book, and after he had showed it to me he came forward and said I should have to pay 1*s.* for looking at the book. He said this just as I was getting the information I wanted. I thought the proceeding was very queer.

2014. Mr. LAWLESS.—That contract with Mr. Henry bears date 4th January, 1873. Do you object to the amount that was paid to him?—The contract was paid when he was a member of the town council,—the payment was made for that contract within two months after that date. I believe that Mr. Harvey, who was a town councillor, made an award with regard to the payment of the amount, and this award and this payment were both made when Mr. Henry was a town councillor.

2015. What sum was paid under that award?—I think it is £87 6*s.* 6*d.*

2016. CHAIRMAN.—I find "J. Henry for building, &c., £87 6*s.* 6*d.*—charged to the police fund account"?—In the year 1874 a sale of the surplus grounds at the pork-market took place. Messrs. Archer and Sons prepared plans for it, and I find charged in this account—Messrs. Archer and Sons, £9 10*s.* 6*d.*, "for plans of the surplus grounds at the pork-market." (This is in the police fund account.) There were two sums of £21 each paid to William Hastings and George M'Auliffe for a valuation of the ground. Mr. Black's law costs in connexion with the sale of the ground were £78 5*s.*, and £33 1*s.* 2*d.* is charged for advertising it for sale.

2017. What is the total amount?—£162 16*s.* 8*d.*

2018. Do you know if any of these items were objected to before the auditor?—I am not sure.

2019. Not to your knowledge?—Not to my knowledge, but I now say that the amount paid to Messrs. Archer and Sons for preparing the plans was uselessly expended, there being a surveyor and an assistant surveyor for the borough of Belfast paid an annual

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salary for doing such work as this, and I say they ought to have prepared the plans of this ground.

2020. In the year 1874, under the General Purposes Fund, I find Mr. Luke M'Cassey, civil engineer, "for plans of reclamation of slob lands and general drainage plans" paid £140, and Mr. Mackinnon, for plans, £27 4*s*. Now, I say that our two surveyors should have prepared the plans, and saved the town that sum of £167 4*s*. I think you will find, from Mr. Simms' report on the audit, that no objection could be possibly taken before him to the conduct of the corporation. The report is of the most adulatory character, and is so complimentary to everyone, I wish it could be put on the notes of this inquiry, and placed before the select committee of the House. In the years 1872, 1873, 1874, and 1875, we have sums of money paid to Alderman Henderson for printing and advertising.

2021. Was he an alderman in those years?—Yes.

2022. Was that paid for advertising in the *News Letter*?—Yes; while he was alderman; and you will understand me as objecting to the amount charged by him as being in excess of that which is charged by the other three newspapers. Workmen's wages also appear here and there and everywhere in the books, and whether or not such wages are paid is a matter for the auditor; but I say there is no regularity in the way of keeping the books, and that they are open to suspicion. With regard to the law costs for the year 1873, under the head of "General Purposes Fund," I find that Mr. William Kisbey, with respect to the claims for malicious injuries, for professional services rendered, is paid £120 15*s*., and to Mr. M'Clean, solicitor, £10 12*s*., and to Messrs. Johns, Hewitt and Johns, £22 1*s*.; and then there is an item for "sundry persons for damage done to their property, £3,777 11*s*. 8*d*." I say that such an enormous sum of money should not be set forth under the head of "sundry persons," but the names of the persons and the sums of money paid to them should be given.

2023. And the amount claimed by each individual?—Certainly; and I hold that the personal services of Mr. Kisbey were not required, for we have a town solicitor, who, according to evidence as yet uncontradicted, is worth £3,000 or £4,000 a year.

2024. Did not the claims amount to £14,000 or £15,000, and were they not reduced to £3,777?—Yes. I say that these particular claims should be heard before a judge and not before the Corporation. These were claims arising out of party riots, and should not have been adjudicated upon by the Corporation, and paid for by them. Latterly the Corporation have allowed a number of individuals to erect expensive stalls in the public streets, which are decked with flashy sign-boards.

2025. What are they?—They are called "Irish Temperance League coffee stands."

2026. Are they an obstruction to the footway?—They are erected by the consent of the Corporation, several of whom are members of that association. There is one of them erected in Police-square, and I say that they are erected with the view to monopolize the commercial enterprise of taxpayers who keep hotels and lodging houses, and pay very large taxes. People go in there and get a cup of coffee, but it is not so much harm to the inn-keepers as to the common lodging-house keepers.

2027. Do people sleep in these stalls?—I do not know; they seem to be of mysterious construction. They provide food at a much cheaper rate than the lodging-house keepers, and the association can dangle a purse of £5,000 in the eyes of the ratepayers and say that they do not care.

2028. Are they an obstruction?—They are, most unquestionably, and they have no right to be there at all. Several prosecutions were instituted within the last three or four months by the police regarding the sale of oranges and apples on the public highways, and it was proved in evidence that these were injurious to the interests of the fruiterers, and the magistrates convicted the street sellers.

2029. Mr. *Black*.—They have only one stall in the town, and it is a temporary erection, that can be removed at any time.

2030. Mr. *Stewart*.—With regard to the Recorder's Court, I agree with every sentiment expressed yesterday by Mr. Dinnen. We have a clerk of the peace who pockets about £100 a year on an average for licensing applications.

2031. Mr. EXHAM.—I find on looking at the book that the items of compensation for malicious injury in the accounts appear to have been gone into most minutely by Mr. Simms, the auditor.

Mr. John Brown.

Mr. JOHN BROWN examined.

2032. CHAIRMAN.—Are you chairman of the town improvement committee?—Yes. There were some statements affecting me made in evidence on the previous day to which, in justice to myself, I wish to refer. It was stated by Mr. Morton that four streets in Ballymacarrett—namely, the lower part of Memel-street, Duncome-street, Lagan-view-street, and Pancras-street, were in a very bad state, some of them being quite impassable from mud; and that Mr. Peter Quinn, who was building there, held the property from Mr. John Brown, the chairman of the improvement committee. Now, I wish to say that Mr. Peter Quinn does not hold the property under me. It does not belong to me. Mr. Quinn took a number of acres from Mr. Corry, one of the members for the town, and under his arrangement Mr. Quinn was himself to make these streets. It is a filled-up street—filled up slob ground, and it takes time to consolidate such ground; so that if the improvement committee made Mr. Quinn finish it at once it would sink, and they would have to put stuff on it afterwards. Therefore they have to wait for a little time until it is properly formed. These streets referred to are no thoroughfare. If you walk a little way onwards you would go into the tide. They are only part of the way built upon. I do not think there is one of the houses quite finished or occupied yet.

2033. Mr. *Morton*.—Certainly there are. In Lower Memel-street, Duncome street, &c., there are houses occupied.

Mr. Joseph G. Biggar, M.P.

Mr. JOSEPH G. BIGGAR, M.P., examined.

2034. CHAIRMAN.—Are you a resident and ratepayer in Belfast?—Yes; and I have been a member of the Town Council and Water Board, and I read some reports in the newspapers after I left it about the meetings of the Town Council, by which it appeared that the Town Council officials were recommending that the Water Board should be amalgamated with the Town Council. I have had considerable personal experience in both of these boards, and I thought it was only right I should give my opinion on the subject of the amalgamation, and show in what respect it differed from that of Mr. Black. He said (I think it was Mr. Black said it) that there was a very material conflict of interest between the Water Commissioners and the Town Council about several matters, and he specified one or two. One was this question of the price of watering the streets. That was the principal point, but in my opinion it is too small an issue to raise in any inquiry of this sort. However, there was a reason why the Water Commissioners were not able to act as liberally in the matter as they will be able to do in time to come, from the inadequacy of their supply of water, owing to the increase of the population, and to the limited extent of their borrowing powers for providing a sufficient supply. The result was that the original calculations of the engineers were upset, and the Water Commissioners were not able to give the additional

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supply and at the same time sell the water at a more liberal price. Since the Act of 1874 was passed their powers are extended, and they will be able to give a larger supply and to lower the price. In addition to that there is another point to which I wish to refer. The Corporation wanted the water for the purpose of watering the streets always at the time it was scarce. Now, at this time of the year, the water is running to the sea. They would gladly give the water at much less than 4*d.*, but in the summer time they should get a higher price. There is always a risk that the manufacturers would need a supply. I think that upsets the argument made use of with regard to the question of the conflict of interests between the Town Council and the Water Board—and on which we have had a good deal of controversy in the newspapers and during the time I was on both boards——

2035. Were you on both at once?—Yes; there was also more or less trouble in supplying water in the case of fires; but there were two parties concerned, and when you have one set of men watching another set of men you are very likely to find where the fault was. Each one set out where he thought the blame was, and the result was that the public got at where really the *bona fide* fault was.

2036. Where did you come to the conclusion the fault was?—I think more or less on both sides. Of course this took place some years ago. Mr. Reilly's complaint was that the Water Commissioners' men did not go to open the plugs. He ought to know where they were as well as the Water Commissioners' men.

2037. We have heard that they are working well enough at present?—Mr. Black said, in his evidence, that this controversy took place some three years ago and that the two boards should be amalgamated.

2038. The real grievance complained of was that two boards should have a right to open up the streets, that two jurisdictions should be over the streets. He said they were working harmoniously together now?—It is strange I did not take notice of that in Mr. Black's evidence; but after all, the matter you refer to would not, I think, be of sufficient importance to bring about such an issue. As well as I remember the Water Commissioners opened a street when they required to do so, and they closed it up in a temporary way, and then gave notice of the matter to the Town Council who, I suppose, were paid the amount of their claim, so that I do not think that reason sufficient for what was proposed. There was another question raised by Mr. Black not in connexion with the water board, and really I would be disposed to take a very different view of it. He said there was no reason why the Harbour Commissioners and the Town Council should not be joined. I do not know if this question about the Harbour Board exactly comes within your province, but I wish to state one matter about it. There is a very material conflict between the Harbour Board and the Town Council on one point, and it is a most serious matter for Belfast. It is with regard to the outlet for the sewage, and it was referred to by Dr. Alexander. We have had a great number of complaints here, and before the inquiry ends you will have more about the defective state of the sewage of Belfast. There is a great difficulty in getting a proper outlet for the sewage, and this is a vital question—much more serious than that of the price of water, &c., and with the view to having a proper outlet I would hazard the opinion that it would be desirable the two Boards should be joined. The question is—how is it to be done? That is—how are you to get rid of the sewage?

2039. I have already said that the question of the Blackstaff being a nuisance is proved beyond all doubt, and we have had several schemes laid before us to remedy the evil, but we are not here to determine between rival schemes—it is not a question for us. We will take a note of your opinion, that with the view to having a proper outlet for the Blackstaff, the Town Council and the Harbour Board should be amalgamated.

2040. *Witness.*—I do not wish to raise any rival scheme. I am in favour of a thorough scheme of reform for the sewage and not for one of those temporary remedies. They paid too much for the gas-works. It was a dear bargain. I think if the gas-works were not in the hands of the Corporation now we would have gas at a lower price than we are paying for it. With regard to the houses being occupied when the streets were not paved and sewered, I may say that there are many such places. I know that the excuse of Mr. Montgomery is that the increase in the number of streets is so large that it could not be kept pace with, and I think it is not a very unreasonable excuse after all. On the very important question raised here by Dr. Dorrian, about the grave-yard, I may say that the opinions and wishes of a large portion of the population of Belfast were not considered or consulted at all, but were set aside altogether. The Roman Catholics were all of the bishop's opinion, but the members of the Town Council being all Protestants, except one or two, they set the opinion of Dr. Dorrian and the Roman Catholics of Belfast at defiance. The laws of the Roman Catholic Church could not by any possible means be carried out, because of the decision come to by the Town Council.

Dr. MICHAEL R. O'MALLEY examined.

Dr. Michael R. O'Malley.

2041. CHAIRMAN.—Do you reside in the Ballynafeigh district?—I reside in the town.

2042. You wish to give us some evidence with regard to the sewerage of the Ballynafeigh district?—Yes.

2043. We heard yesterday that the sewerage there is very imperfect?—Yes. I am physician to the Nazareth convent there.

2044. Will you state shortly the evidence you wish to give as physician to that convent?—As a matter which concerns the public health, and at the request of the superioress of the convent, I want to say something about the defective state of the sewerage. The convent, until about twelve months ago, was a private residence. Now there are between sixty and one hundred inmates in it, and the tank into which the sewerage flows is merely a cesspool.

2045. Was the house made originally for a private family?—Yes.

2046. Is the tank large enough now when there are so many inmates in the convent?—No; and the consequence is, that there is a frequent overflow from it, as there is no main sewerage in the neighbourhood, and it endangers the health of the people very much.

2047. Is there not any main sewerage there?—There is no main sewerage into which they can drain.

2048. Have you inspected it yourself?—Yes, I saw the cesspool.

2049. Can you state that it is very prejudicial to the health of the inmates of the convent?—Certainly.

2050. And also to the immediate neighbourhood?—Yes. This convent is established for the reception of old infirm people, and young children who are orphans, foundlings, and incurables of all creeds.

2051. Have you ascertained for yourself that there is no means of connexion with any public sewer in the neighbourhood?—I have done that. I have made inquiries about it, and there is no main sewer with which a connexion could be made.

2052. Has any representation been made by the superioress of the convent, or by anyone on her behalf, to the borough surveyor on the subject?—Yes; I have it from the superioress that a communication was made, and that Dr. Browne was out there; I am not certain, but I think the surveyor was there also.

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Dr. Michael R. O'Malley.

2053. Did Dr. Browne inspect the place?—Yes.

2054. Mr. EXHAM.—Has anything been done since that?—No.

2055. When did Dr. Browne go there?—I do not know the exact day.

2056. Was it within the last few months?—Yes. There is also the Magdalene Asylum on the other side of the road, and a number of private houses that are similarly inconvenienced.

2057. CHAIRMAN.—Do they also complain of the want of sewerage?—Yes.

2058. Have they cesspools?—No, I think not.

2059. How do they dispose of their sewerage?—I think there are no cesspools. I think it is removed from time to time.

2060. You only speak of what you believe to be a fact?—No; I know of one house I am positively certain about.

Mr. James Dempsey.

Mr. JAMES DEMPSEY examined.

2061. CHAIRMAN.—What material points are there to which you wish to direct our attention?—Upon the question of expenditure. I don't think the improvements in the town are at all commensurate with the money they have cost, and I consider that the salaries paid to our officers are altogether too high. For instance, our borough surveyor is now paid £650 a year, while in 1865 he had £300; and the assistant surveyor who had originally £100 is now paid £275.

2062. Do you think that the increase in the salaries is more than commensurate with the increased work?—Yes. The borough surveyor has now a large staff and two assistant surveyors, and the Act only contemplated his having one. There is the surveyor of highways, and a clerk in the surveyor's office, and a large staff, all paid very high salaries.

2063. What staff has he except his assistants and the labourers who receive weekly wages?—They are put down as weekly wages, but I think they are very fair salaries. For instance, you have the weekly salaries of the inspectors—Bradley, £3 10*s.*; James Donnelly, £2; George Zachary, £2; Samuel M'Kenny, £1 16*s.*

2064. Are not these men all employed for scavenging purposes?—They are not.

2065. At what work are they employed from time to time?—I do not know.

2066. At what are they employed, Mr. Black?—Mr. *Black*—The workmen vary, but those men are inspectors and do not vary; they are permanent; they are foremen.

2067. *Witness.*—But my observations do not apply to these men, but to the salaries of the superior officers.

2068. Would you specify whose salary is excessive?—I think the salary of the borough surveyor is very excessive. The surveyor of buildings of Customs Board, in London, receives only £500 a year, and of the Inland Revenue Department, London, £400 per annum. Taking the capabilities of those officers into account, I think our borough surveyor is greatly overpaid. Indeed I think that the whole of the superior corporate officers are overpaid.

2069. Are their duties similar to those gentlemen you have named?—I should say that the duties of the London officers are more onerous.

2070. Have you any special knowledge as to what the duties of the borough surveyor are?—I think it should be much less critical supervising the plans of small houses than performing the duties which those officers in London whom I have named have to discharge. In 1865 the salaries in the borough surveyor's office here amounted to £605, while in 1875 they were £1,657. There might be some exception taken to that, because in the borough surveyor's list of salaries that I have before me, Mr. DeCobaine's is included. I have also included the officer employed in the sanitary department in the £1,657. Mr. DeCobaine in 1865 received £75 per annum; in 1875 he was receiving £300. I think that is excessive.

2071. Is he in the same department now that he was in at that time?—No; but he is classed with the salaries. The fire brigade in 1865 cost £866, and in 1875, £1,451. I think the increase of salaries has been the principal increase of the cost of that department also.

2072. Can you give me the number of new houses built in Belfast during the last ten years?—I cannot; but there is not so much difficulty in passing plans for new houses; they are generally passed in batches. I don't think many of them are ornamental, and many of them have been built on sod without any proper foundation for them.

2073. Has the work of the fire brigade been heavy?—Fires have not increased very much, I am happy to be able to say. The accountant's salary appears to have increased very much. His salary at present is £350. I think that is very much in excess of what it ought to be. I think that looking at the state of things that is now prevailing it would seem that the officials first appear to have got their salaries increased, and then they require to have assistants. I question very much whether there is much more done in some departments than signing letters, they have so many assistants.

2074. Then you complain not only of the increase of the salaries but of the increase of the staff?—I do; I think the whole thing could be done much more economically than it is. I think the work of the staff is very light. The total list of salaries is about £10,967.

2075. Does that not include wages?—No; it does not.

2076. Does it include the salaries of the gasworks officers?—Yes.

2077. But that is altogether distinct?—I think that there is no more work in both departments than there is in the Customs Department of Belfast, which employs gaugers, landing officers, and others, and I think they ought to be better paid than the corporate officers.

2078. Have you compared these salaries with those paid in any other municipal borough. Do you find the same proportion of salaries paid elsewhere?—I have not been able to do that, but I have compared them with the public service, and I find they are in excess of that. There is, for instance, the salary of an officer who has been recently appointed, Dr. Hodges, the borough analyst. He receives £150 per annum, and yet he charges £30 for materials.

2079. Has he been appointed under the recent Act of Parliament?—Yes.

2080. Do you complain of that amount as excessive?—I think so; I especially complain of the £30 for materials in addition to his large salary.

2081. Is not that also submitted to the Local Government Board?—I suppose so. His first report showed that he had analysed twenty-eight samples. I have estimated that they should not cost more than 10*s.*, and I think that £30 is decidedly excessive.

2082. Mr. *Black.*—That amount is charged for retorts and things of that kind. The money was for utensils, and, I think, the town should pay for them.

2083. Did you ever object to these things before the auditor?—We never heard that there was such a thing as printed accounts.

2084. But you knew there was a public audit?—We know nothing of that. We have no information on that subject.

2085. Are not the public newspapers open to everyone?—It is not published in the newspapers I say. I think if we had some representation on the Council we would know more of these matters. It appears that the paper it is published in—though a valuable paper in the evening—is not published until after the people have gone home.

2086. Does not the auditor publish it in more than one paper?—I do not think he does, and I do not think that it is for the purposes of inquiry that any publication is made. I think the salary of the present town clerk is an excessive one. From £350 in 1865 it was increased to £450, and now it

Mr. James Dempsey.

is £600. I understand he does not approve of the principle of employing apprentices.

2087. There is no obligation on the auditor to publish a notice of the holding of his audit, but do not the Corporation publish the notice of his audit in the newspapers?—I do not think the ratepayers know anything about it. I object to the number of apprentices, and the rate at which they are paid. I think the superintendent of the fire brigade receives too much salary. It is at present £250, and I think his qualifications have been derived from his having been a fireman. I object to these officers being paid so high out of the rates of the town when officers of the public departments are not paid anything like the same salaries. There has been a great deal of congratulation about the gas question, but I don't think it was stated that the cost of lighting has considerably increased. With coals about the same price we had gaslight in 1865 at about 3*s.* 9*d.* per thousand, whereas we now pay 3*s.* 11*d.* Up to very recently we got it from the gaslight company for 3*s.* 9*d.* I object to the commission charged for the collection of the gas rents as being too high, and I also object to a reduction being made in the price of gas to large consumers. I think there should be a discount given to those who pay in proper time, but not an excessive discount. I would allow a discount for prompt payment, but not twenty per cent. to large consumers. I object to allowing anything over two and a half per cent., and that only for payments within a month's time. I think the salaries paid in the department of the gas works will prevent a reduction in the price of gas to the proper standard. The manager gets £600 a year, and the assistant manager, £250—it costs £850 for the management of the gasworks.

2088. Mr. EXHAM.—What did he get from the company before?—I am sure the salaries have been increased, but I don't know how much. The manager's office costs £1,295 per annum, and the salary of the cashier is almost equal to that of any collector of customs in any port—£500 a year. The salaries of the clerks are as high as staff officers of the army. I also object to the erection of a temperance league coffee stand in the public street.

2089. What is your business?—I am a vintner and wholesale spirit dealer. I consider that these temperance league people are organizing a crusade against the traders to which I belong, and it is not fair for the Corporation to assist a body against a section of the trading community, either by advertising or otherwise.

2090. Do you consider that the coffee-house where it now stands is an obstruction to the public thoroughfare?—Most certainly; there was a passage way for carts where it now stands, and there is not one now. What I object to is that this is probably only the beginning of many of them. My principal object in giving this evidence with regard to the salaries is, that at the very last meeting of the Corporation there was notice given for a further increase of salaries, but I suppose that in consequence of the visit of this Commission the matter has been allowed to lie over for the present.

Mr. JOHN MULHOLLAND examined.

Mr. John Mulholland.

2091. Mr. LAWLESS.—Where do you reside?—At 37, Milford-street, Belfast.

2092. And you are a ratepayer of the borough?—Yes.

2093. Do you wish to give evidence with regard to the question of the neglect of the corporation in managing the public streets?—I do.

2094. What is the point on which you wish to give evidence?—Milford-street is a long street, leading to the Falls-road and into Albert-street; when the ground at the end of it was about to be built on, Mr. Browne, the chairman of the improvement committee, came and looked at the spot where this building was being put, and told me to go before the improvement committee and complain about it. I did so, but they, nevertheless, let the man build on that piece of ground and passed his plans.

2095. Was the building on it when Mr. Browne saw it?—It was partly up. What I understood was, that the improvement committee objected to this in the first instance, and then passed the man's plans afterwards. Alderman Hughes, a member of the improvement committee, told me that the plans were approved of, by which this obstruction was caused in Milford-street and the Quadrant-road. He told me they were passed by favour to the contractor.

2096. Mr. EXHAM.—Who was the person who executed the plans for the works?—His name was Croft.

2097. When were those plans passed?—Two years ago.

Mr. MONTGOMERY re-examined.

Mr. Montgomery.

2098. CHAIRMAN.—What do you say as to this complaint about Milford-street?—For some years I endeavoured to prevent that block of buildings being erected. Mr. Browne never stated that he put any of the blame on me. We had been endeavouring to prevent it for years, but the owners of the property erected that building in defiance of the town council, After three or four years of persistent effort on my part and on the part of Mr. John Browne, the owners took their own course, on legal advice, and built the house on the place which is a continuation of Milford-street. The corporation was not allowed to continue the street straight through, for the owners built up a row of houses which made the street narrower at one end than the other. We have applied to a number of the owners of property to co-operate with us in making these streets all through in continuation, but not one of those owners would give us any assistance, and I do not think the rates are applicable to the purpose. There are many instances such as that to which I have now referred.

Mr. THOMAS M'VEIGH examined.

Mr. Thomas M'Veigh.

2099. What point do you wish to draw our attention to?—As one of the minority on the Liberal side of the town my opinion is, that the police would be required to be increased another 100 yet. This town is disgraceful for riots at one season of the year. There is one class of the population whose houses are perfectly safe at those times; but people who have their houses wrecked, have no chance of getting their claims for compensation passed in the town council. I think it is better that the present police system should prevail, rather than that the corporation should establish a local force.

2100. Is it your opinion that the appointment, control, and regulation of the police force should be in the hands of the government instead of the corporation?—Yes, certainly.

Mr. JOHN JOSEPH DUFF examined.

Mr. John Joseph Duff.

2101. CHAIRMAN.—Are you a ratepayer of the borough?—Yes.

2102. What is your business?—I am a licensed vintner, carrying on business at Cromac-street and Chichester-street.

2103. Upon what subject do you wish to be examined?—I have a decided objection to any change in the police force. My belief is that if the police force of Belfast were not under the control of the Government, as at present constituted, it would deteriorate

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Mr. John Joseph Duff.

the value of property in this town at least 25 per cent., owing to the want of confidence that there would be in the administration of the force.

2104. Mr. LAWLESS.—Do you think the same state of things that prevailed in 1864 would be likely to be restored?—Yes, I do. I believe that if the police force were under the control of the Corporation, and there was a contested municipal election, and I took part in it in virtue of my rights, and used my influence in favour of one of the candidates, the police force would use their powers against me as police, and my business would be injured. We cannot do anything here. We have no representation on the Town Council for Catholics.

Mr. Thomas H. Browne.

Mr. THOMAS H. BROWNE examined.

2105. Do you wish to make a statement about the unfinished streets alluded to by Mr. Moreton, in the first of which there are twenty-nine houses occupied?—Yes. He said they belonged to Messrs. L. and T. Browne.

2106. Do they belong to you?—I am the joint owner of them with another party. He said they were neither sewered nor paved, &c. They are perfectly sewered, and the drains in the backyard go into the main drains, and the footways are formed and kerbed ready for paving.

2107. He said they were not sewered as far as he believed. He said he did not think they were from the state of the street?—The roadway is also made ready for paving. I may mention that the houses are not ours now. They were built by us about two years ago, and we sold them to another party, and are now only ground landlords.

2108. The exact complaint was this—that you being a member of the improvement committee of the Town Council had sufficient influence to allow this street to be opened before it was in a proper state to be opened?—I deny that entirely. If members of the improvement committee of the Town Council happen to have the misfortune of being owners of property, they are more particular not to show any favour to themselves than any other property.

2109. Did you, as a matter of fact, exercise any influence with regard to the opening of this street?—Certainly not. The other streets are sewered and bottomed, and the footways made all to paving. Of course they will be done with the approval of the town surveyor.

2110. When were the houses built and when were they sold?—The houses were built two years ago, and they were sold—part of them three months ago and part a year ago. The streets were so far made before the houses were sold.

2111. Was there any question with the parties to whom you sold them as to whether or not the street should be opened immediately?—As soon as the other side of the street was built.

2112. Did you, or would you, derive any benefit, directly or indirectly, from the street being opened before the time specified by the Act?—Not the least.

2113. Was it a condition with the parties to whom you sold those houses that they should go into occupation immediately?—Yes, it was.

2114. Mr. EXHAM.—Don't you know perfectly well that the section states that the surveyor is not to allow the houses to be occupied until the street is completed, and that the party is liable to a penalty of 20*s.* a day for every day it is occupied?—Yes.

2115. Mr. *Black.*—That section has never been enforced in Belfast.

2116. Is it your excuse, Mr. Black, that the Corporation knowingly violated the law since the time they themselves obtained their own Act?—I admit it was not carried out.

2117. Mr. EXHAM (to the *Witness*).—Do I understand you to say that before these houses were used the street had been thoroughly drained and sewered, although it had not been paved?—Yes. These houses are now in perfect sanitary condition. They are new houses, and they are perfectly sewered.

2118. Did you not know at the time you sold them that the 75th section of the Act of 1865 had not been complied with?—I knew that it was not to the full extent.

2119. Why then did you make it a condition, as you say you did, with the parties to whom you sold the houses, that they should be occupied immediately?—Because the streets were sufficiently finished, and the sewers were complete.

2120. Did you do anything or interfere with the opening of houses further than you have stated?—I had nothing further to do with the matter. I deny that as a member of the Improvement Committee or as a member of the Town Council, I used any influence whatever in having those houses opened.

Mr. O'Neill.

Mr. O'NEILL re-examined.

2121. CHAIRMAN.—Do you wish to say anything about Mr. Browne's houses?—I live in sight of those streets in question. I paved Peel-street at a cost of £75; Ross-street, at £57, and I am now paving Mayor-street at a cost of £96 6*s.* All those streets are in sight of the streets that Mr. Browne has been examined with reference to, and I say deliberately that not one of the streets to which Mr. Browne referred is bottomed or made let alone paved. There are kerb-stones running along, but no paving between them and the houses. Outside that stone there is mud and slush, and no bottom. It was a swamp some time ago, and is so still and from passing, I know that those houses are inhabited for a long time. I state now of my own personal knowledge that the statement made by Mr. Moreton is substantially correct.

2122. Did you complete the paving of your streets before the houses were let?—They were let before I bought them. There was a kind of paving on them a long time before, but I was forced to pave my streets when I bought them.

2123. Who compelled you to pave your own streets?—I was made do so by an order of the Corporation.

2124. Do you positively say that those other three streets in view of yours have not yet been done?—Yes; I was made do mine at once because I was not a Town Councillor.

2125. Were you allowed a shorter period before you were made do your streets than Mr. Browne has been allowed for his streets?—I got a much shorter time. The place is at a low level and very like a swamp. It was drained, and the Messrs. Browne built those houses on ground which is still a kind of swamp, and each of the houses is occupied. I think they are built about two years.

2126. Did they come down upon you as it were and make you flag and pave your street without giving you the same time or about the same time they are supposed to have given to Mr. Browne?—My time was very much shorter. I was made do it at once. My streets had been macadamised for years past before the paving took place, but when I got the notice for the paving—the notice was put up at the corner of the street—I had to get it done at once. There was a kind of paving on my street, and it was in better order than Mr. Browne's were. I had to pay £75 in one case; in another £57, and in a third £96 for paving the streets. I objected that I should be made a "scape-goat" of, and when on one occasion I was served with a summons and plaint on the part of the Corporation in reference to this paving, I went to the office of Mr. Bruce about it, and when he told me I would have to pay £2 10*s.* costs, I replied I would never pay a farthing, and I have never been asked to pay a shilling of it since. Mr. Browne's houses are built on a swamp.

2127. Do I understand you to mean that the place is a swamp now?—Yes; the streets are not paved.

2128. The CHAIRMAN read a memorial he had received from a number of the ratepayers residing in the neighbourhood of Millfields, complaining of a nuisance existing in a mill-dam there, which he handed to the officers of the Corporation for an explanation.

Adjourned.

DECEMBER 22, 1876.

Mr. SAMUEL BLACK re-examined.

2129. CHAIRMAN.—You made a note of the points to which you wish to reply?—I did.

2130. There was a very important portion of the evidence given to which I wish to draw your attention. Mr. Dinnen says in the course of his evidence (reads):—"I consider the Corporation a huge political engine, worked by the officials who are paid out of the rates of the town." What is your answer to that?—My answer is that it is untrue.

2131. Can you produce any facts in evidence contradicting it? He also said (again reads from the evidence of Mr. Dinnen):—"The officers of the Corporation I look upon as the ruling spirits, who nominate, canvass, and pay runners and agents for the purpose of having the men of their choice returned as representatives of that body." Speaking for yourself, Mr. Black, can you say whether or not you ever did any such thing?—I can state most distinctly that since the day I became solicitor to the Corporation I never interfered, either directly or indirectly, with political affairs within the borough.

2132. Can you say of your own knowledge whether any officer of the Corporation at any time nominated, canvassed, or paid agents for the purpose of having men of their own choice returned?—I can say that as far as I know it is perfectly untrue.

2133. I pressed Mr. Dinnen on the subject, and I could only get him to name one person, the cashier?—The cashier will answer for himself.

2134. To the best of your belief has the cashier interfered as to the elections in any way whatever?—I I don't interfere with them myself, and I do not know anything of his interference.

2135. Did he ever interfere in elections by your instructions?—Certainly not; neither he nor any other officer of the Corporation.

2136. Can you say whether or not any members of the Corporation have given any instructions to any official to take an active part in elections?—Never to my knowledge.

2137. Do you know of other persons who have so interfered?—I do not.

2138. Do you know of any "inner circle of the Corporation" which governs the rest of the body, as stated by Mr. Dinnen?—I do not know of any "inner circle of the Corporation."

2139. Can you tell us the circumstances under which the salary of the cashier was raised from £70 a year to £300 a year?—I think it was a mistake to say it ever was £70 a year; when he came here he was simply a clerk in the cashier's office; he was appointed at a salary of £78 a year as clerk.

2140. Was he appointed first simply as clerk?—Yes, and not as cashier: he was subsequently appointed as cashier, and his duties increased greatly.

2141. Mr. LAWLESS.—About what time?—It was about 1866: after the passing of the Act of 1865 the revenues of the Corporation became greatly increased, and we found it necessary to considerably increase the staff at that time.

2142. CHAIRMAN.—When was he appointed cashier, and at what salary at first?—Mr. Plato Oulton was the accountant and cashier at that time.

2143. The two offices were combined then?—They were.

2144. What salary was Mr. Oulton paid?—My impression is that he had £250 a year.

2145. Do you remember when Mr. Cobain was appointed cashier?—About the year 1866, I think.

2146. Can you tell at what salary?—£100 a year.

2147. Has it since been raised to £300 a year?—It has.

2148. Was it raised at one time or at different times?—At different times: when the gasworks were taken over by the Corporation, the cashier of the company was paid £500 a year: of course we had to take him over on the same terms; Mr. Cobain, the cashier of the Corporation, said he filled a corresponding office of one and the same importance and labour, and that the salary he had then of £220 a year was not at all equal to the duties he discharged; therefore, he applied for an increase of salary. The salary he then had was £220 a year.

2149. Was there a proposal afterwards to raise it to £350?—There was.

2150. Was it raised to £300?—Yes.

2151. Mr. LAWLESS.—Do I understand you to say, that because the cashier of the gasworks received £500 a year for his salary, Mr. Cobain became dissatisfied with his salary, and applied for more?—He put that forward as a reason for getting more.

2152. CHAIRMAN.—Mr. Dinnen said that Mr. Cobain's salary was raised for services rendered in connexion with the municipal elections. Is that true?—That is perfectly untrue.

2153. Mr. EXHAM.—Were you present at the meeting of the Corporation when there was a resolution moved by Mr. Dinnen to prevent any officer in the Corporation from taking any part in elections, save recording his vote?—This is the resolution. (Reads resolution referred to.)

2154. Were you present when that resolution was moved?—I was.

2155. Was it moved, seconded, and discussed; and upon being put to the vote, was it rejected by seventeen to six?—Yes, that is quite correct.

2156. Can you say why that resolution was rejected, and what were the grounds urged against its adoption?—There was a great deal of discussion about the matter. I think it was a resolution that might have been fairly passed, and I think it would have been passed, but for the injudicious course adopted by some of its supporters. They brought charges against the officials which were shown to be totally groundless, and without foundation.

2157. Were the grounds urged for its adoption similar to those made the other day by Mr. Dinnen?—Yes; the Council simply refused to adopt any such resolution on such grounds, and said they did not wish to interfere with the private rights as citizens of any of their officers, but at the same time they never gave them encouragement to take an active part in political matters in the borough.

2158. CHAIRMAN.—Mr. Dinnen said, in reply to Mr. Exham, that he had when moving his resolution cited instances of this. Was that so?—The members of the Corporation knew of their own knowledge that his statement was incorrect.

2159. Did the Corporation make any inquiry into Mr. Dinnen's charges?—No, they knew them to be groundless.

2160. Mr. Dinnen also said that he believed the action of the officials had grown stronger since his resolution was rejected, and that they now had complete control over the election of the Corporation. Do you deny that statement is correct?—Yes.

2161. Are you present at all meetings of the Corporation?—Yes, I am at almost every meeting of the Corporation.

2162. He also says that this is done by the inner circle of the Corporation. Have you any knowledge of this?—I have not.

2163. I asked him to name any official beside the the cashier, and the only other persons he named were the collectors?—Two of them were referred to—Mr. Charles Noah Davis by him, and Mr. Rankin by Mr. Stewart. It was stated that voters of one party were disqualified by the collectors by their neglect in applying for payment of the municipal taxes. Now I find the number disqualified for the last year for non-payment of municipal taxes in the dock ward in which Mr. Rankin is the collector, were eighteen. In Smithfield ward, where Mr. Davis is collector, only fourteen were disqualified for non-payment of

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municipal taxes, but ninety-seven were disqualified for non-payment of poor-rates.

2164. Were any voters disqualified by reason of the collector not having returned their names?—I can't tell. I dare say there were, but that would not interfere with the collectors; they get the names from the clerk of the Poor Law Union, and they are not responsible for that in any way.

2165. Did the Corporation pass rules in the year 1868 with regard to the collection of rates?—Yes. (Hands in rules).

2166. Are they carried out?—They are.

2167. Do you say of your own knowledge that the rules are carried out?—Yes, strictly; and I think it would now be well for me to state the practice as to the collection of municipal taxes. The rates are all struck on the 1st of January in each year, and the rate-books are at once put into the hands of each rate-collector for collection. The first month in each year is occupied principally in receiving taxes from the landlords of property, who are entitled to a discount of twenty-five per cent. for prompt payment, and therefore the collectors are obliged to remain in their offices during that month. Immediately after they serve notice on the ratepayers with as little delay as possible, stating the particulars of all the municipal taxes leviable and requiring payment. If the taxes are not paid by the 1st of May, notice is published in all the newspapers requiring payment, and informing the parties in arrear that proceedings will be taken against them to recover the amount due. After that each of the collectors is obliged at every meeting of the finance committee, which takes place once a fortnight if not more frequently, to bring in a list of the first fifty names on the rate books of the persons in arrear, and he is obliged to account for the collection of the rates, and the collector himself then serves a further notice on the parties in arrear and demands payment personally, and if the rates are not paid he then issues summonses against them. A fresh list is brought in from time to time of the next fifty names, and so on until the whole books and all the parties in arrear are gone through. There is no favouritism in the matter. The names are taken in regular order from the rate-books as they occur.

2168. If these instructions are carried out it is impossible that any person could be disqualified by reason of their not being called upon to pay their rates?—Quite so; they must, in fact, receive two notices.

2169. Mr. LAWLESS.—Are the names of the persons taken alphabetically?—No; they are taken just as they occur in the book; such are the instructions given to the collectors, and such I believe to be carried out. I think that, on the whole, in no town in the three kingdoms (and I have a good deal of knowledge of them) are the rates as well collected as in this.

2170. Mr. EXHAM.—Is not this one of the rules—"No deputy or assistant shall be employed by any collector for any other purpose than assisting in filling notices and receipts, preparing returns to the accountant's office, and other office work, it being the intention of the Council that each collector shall be the personal collector of the rates of his ward?"—I see that it is.

2171. Do you know that the collector for one of the wards (I think the Dock ward) does not collect the rates personally, but employs and pays a deputy to go out and collect them for him? Is that within your knowledge?—It is not. It is the first time that ever I heard of such a thing.

2172. To your knowledge have instructions been given by the Town Council themselves in accordance with these rules to each collector that he is to collect the rates in person, and that his deputy or assistant is only to assist him at the office work?—I know that those are the instructions given by the Council, and we always thought they were carried out. I may state that Rankin, the man referred to, is I believe one of the best collectors we have. He collects his ward extremely well.

2173. We heard nothing against him or the manner in which the rates were collected. The complaint was that he collected the rates by deputy, which is in direct violation of the rules. Is it within your knowledge or within the knowledge of the Town Council, as far as you know, that he employs a deputy?—As a matter of fact we know that he employed a deputy for particular purposes, but we never knew he employed that deputy for the purpose of collecting the rates.

2174. The statement made by Mr. Stewart was that for five years Rankin never came to demand or receive a rate from him, and that he (Mr. Stewart) always paid his deputy. He also said that the deputy told him (Mr. Stewart) that Rankin paid him £60 a year for collecting the rates for him. What do you say to that?—Rankin is in regular attendance in his office, and out about his district, but whether he called for Mr. Stewart's rates I do not know.

2175. But surely if this has been going on for five years one would suppose the Town Council or their officers would know it. I want to know whether he acts as alleged, and if so whether he does so with the knowledge of the Council?—Certainly not. Perhaps you will allow me to explain that so anxious were we that no person should be disqualified for non-payment of rates, or from not being properly rated, that we actually advertised in all the newspapers within the last year, requesting all firms and others to see that the names of individuals were returned properly, and to send them in to us at the town hall. In many instances the rate-books were corrected in this way.

2176. Otherwise you take the names from the Poor Law Union books?—That we are obliged to do.

2177. Does each collector report to the town clerk every Saturday whenever there has been a change of occupancy or residence, as he is bound to do under the rules?—I know that they frequently made reports, but whether they did so once a week or not I really cannot say.

2178. CHAIRMAN.—Were they instructed to make such reports?—They were.

2179. Mr. EXHAM.—Is the 3rd rule carried out; "these books" (that is the collector's rate collection-book) "shall at the close of his collection for the day be lodged in the accountant's office"?—I believe that rule is strictly carried out. In St. George's ward only twelve voters were disqualified for non-payment of the town rates.

2180. CHAIRMAN.—Is there any quarter of the town which is more inhabited by Roman Catholics than the others?—There is a place called the "Pound" which is principally occupied by Roman Catholics.

2181. Which ward is that in?—I must confess my ignorance of that. My impression is that it is either in St. George's ward or Smithfield ward. In fact I believe it is in both of these wards.

2182. There is another general rule here which says that "no application, report, recommendation, or proceeding relating to the salary or pecuniary allowance of any officer shall be taken into consideration at any other than the monthly or quarterly council meeting next after the quarterly or monthly meeting at which such report, application, or recommendation shall have been made or submitted to the Council"—so there must always a month or quarter elapse between the notice and the voting on it. Has that rule been always adhered to?—Yes; any such application must be brought forward at one meeting, and taken up at the next.

2183. Mr. EXHAM.—Were you present at the meeting when a member of the Council (I do not say who) complained that Mr. Cobain said that he ought to vote for his increase of salary, because he (Mr. Cobain) helped to return him as a member of the Town Council?—I was present at the meeting when Sir John Savage made a statement to the effect that it had been stated to him by some one else that Mr. Cobain had observed that he (Sir John) should support his application for an increase of salary, because he had assisted him, or voted for him at his election.

2184. Was Mr. Cobain then asked whether he made use of such a statement or not?—Mr. Cobain was asked by me, and he said he never made such a statement.

2185. Did Sir John Savage make the statement to that effect in Mr. Cobain's presence?—He did.

2186. Did he in this council-room make a charge that Mr. Cobain had said that?—He did.

2187. Was Mr. Cobain called before the Council to answer or explain this statement made by Sir John Savage in open Council before the vote was passed to increase his salary?—He was not. I remember that a number of the salaries were proposed to be increased at that time, and the matter was referred to the Town Council in committee for consideration. It was suggested at the meeting of committee, that the increase should be simply one-half instead of the whole amount. That was accepted, and after it came up again at the subsequent meeting (anything done by the Council in committee must be confirmed in open Council), it was proposed, notwithstanding that compromise, that the salary of Mr. Woods, the accountant, should be made £400 a year as was originally proposed—because the Town Council as a body thought that he was performing very important duties. Sir John Savage I think was annoyed at the matter being re-opened, and made that statement which has been alluded to with regard to Mr. Cobain.

2188. When that charge was openly made before the whole Council by a gentleman of Sir John Savage's position against an officer of the Corporation, was any inquiry made by them as to whether or not he (Mr. Cobain) had made such a statement?—My impression is that the Council took it as a joke.

2189. Is it the statement of Sir John Savage?—Yes.

2190. You say that he distinctly denied to you that he made use of it. Did you ask him about it?—Yes, and he distinctly denied that he made such a statement.

2191. Mr. LAWLESS.—Was Mr. Cobain's salary increased beyond the amount that had been agreed to by the committee of the Council?—Certainly not.

2192. Was Mr. Woods'?—No, but a motion was made to that effect. There was a question asked me about the collectors reporting changes of occupancy or residence. I have now before me the book in which these changes are reported from time to time to the town clerk. He makes a note of them. They are entered in this book alphabetically by the town clerk himself. (Hands in book.)

2193. There seems to be reports made every day?—Every day.

2194. This is only for the last quarter?—Yes.

2195. Have you any regulations as to the duties of the town surveyor, because we had it in evidence yesterday that other surveyors were called in occasionally?—The town surveyor is to make all plans; but occasionally a leading engineer has been called in to advise and assist him in important matters, such as the main drainage scheme. On one occasion (about the year 1870) the Council proposed to carry it out, and also to clear lands for irrigation purposes. The town surveyor was totally unable either by himself or by his assistant to prepare all the plans for that. We had applied to the then Government to advance the money to carry out the irrigation scheme, and certain plans were required for the purpose, which the surveyor could not possibly prepare in time, and therefore assistance was called in.

2196. For what were the two persons paid £21 each for making valuations?—That is a total fallacy. It was with reference to the sale of the Park market ground which adjoins this place.

2197. CHAIRMAN.—Were not two sums of £21 paid, and if so, for what purpose?—Those sums were not paid for plans, but for valuations. I advised the council that it would not be well for them to put grounds of such value into the market without having the opinion of at least two competent valuators as to their actual value, and two leading valuators in town (Messrs. Hastings and M'Auliffe) were brought in to put a price on the grounds. They were paid £21 each, and I consider that was a very moderate charge.

2198. Was that done on your advice?—Yes; there was also an item of £9 10*s.* for plans. There was a plan prepared by the surveyor, but we required to attach to it all the particulars and the conditions of the sale. We required about 200 copies of it, so that it would be utterly impossible for the surveyor, unless he was a lithographer, to get these ready. A lithographer was, therefore, employed and paid. It might have cost five or six times the amount paid for the work if it had been done by the surveyor, and may be could not have been done by him in the end. (Plan produced.)

2199. Does Mr. Montgomery prepare all the plans for the Corporation? Is he always required to do that?—Yes; and his entire time is devoted to the work of the town. He is not permitted to take any private business whatever.

2200. What were the occasions on which other solicitors were called in?—I am merely paid according to the amount of work done, and not by salary, and would be very glad if I had a salary instead of payment for work actually done by me.

2201. What was the occasion of calling in other solicitors?—I merely conduct what I may call the office business of the Corporation. It would be totally impossible for me to attend to their petty sessions and other local court business, and accordingly Messrs. M'Lean and Coulter attend to the local court business, and get £150 a year each for it. The reason there are two employed is, because there are two courts sitting at the same time, and each has his own business to attend to. Sometimes cases will be going on in each of the courts at the same time, and the magistrates were of opinion that one solicitor could not possibly attend to them both. As to the calling in of others, there was a case brought by Mr. M'Gillan against the Corporation for an indictment, and Mr. O'Rorke was called in to assist the local practitioners in the court.

2202. Not to assist you?—No; I had nothing to do with it. Mr. O'Rorke attended during that case. It is the only case that I know of where he was called in. Mr. M'Lean, sen., was also referred to as having been brought in to assist in the malicious injury claims, but he was only brought in on one day, I think, when counsel was away. The list of 157 claims amounted to something about £14,000, some very small sums, and some large ones. One gentleman thought he was entitled to £1,375. The counsel employed for the Corporation was obliged to go away, and Mr. M'Lean was called in to assist me for one day, and only for one day, in the business.

2203. Was there any discussion in the council on the resignation of Mr. Seeds, who had been the solicitor conducting the prosecutions for the Corporation, as to whether the business might not be conducted by one solicitor?—There was, and it was the unanimous opinion of the Town Council that it would be better to have two, and the reason was to have the courts worked efficiently.

2204. Mr. LAWLESS.—What business had the magistrates to express any opinion on the subject?—The magistrates were asked about it (the magistrates sitting in the courts), and they gave it as their opinion privately that it would be very desirable to have two solicitors instead of one.

2205. Mr. EXHAM.—I could understand it if there were cases going on every day in the two courts. I would like to know who asked the magistrates privately for their opinion on such a subject, and who were the magistrates that gave it?—Several of the Corporation asked members of the bench.

2206. CHAIRMAN.—Do you know the members of the bench who you say expressed that private opinion?—I was not present; I, myself, privately asked one of the resident magistrates, and he told me that in his opinion it would be desirable to have two solicitors.

2207. Who was that magistrate?—Mr. Orme.

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2208. You say you asked Mr. Orme, and that members of the Corporation asked other magistrates?—Yes.

2209. Can you name who the other magistrates, and who the members of the Town Council, were?—I cannot name them.

2210. Mr. LAWLESS.—Did you communicate what Mr. Orme said to the Town Council?—I did.

2211. Mr. EXHAM.—Is there any resolution on the books to the effect that the magistrates having considered it would be desirable to have two solicitors to attend to the courts they should be appointed?—There is a resolution, but I cannot say what it is. There was originally only one court instead of two, and one solicitor who was paid a salary of £200 a year. He resigned.

2212. Mr. LAWLESS.—When?—I think about three years ago. He resigned, and the two gentlemen were appointed at £100 a year each. They subsequently complained that their salaries were not a sufficient remuneration for the duties they had to perform, and it was raised to £150 each.

2213. CHAIRMAN.—I asked you about Mr. Montgomery's duties. It was referred to here yesterday by Mr. Browne, who came forward to give an explanation about some streets which were opened contrary to the Act of Parliament, and afterwards Mr. O'Neill came forward. I want to know whether these notices are given by the improvement committee, or whether the borough surveyor acts on his own responsibility in calling on parties to do any species of work?—The surveyor brings before the committee any case in which he considers an order should be made. It is entirely within his discretion, and as a matter of course in every case that he brings forward there is a report sent to the council that an order should be made, and the order is made. I know nothing of the streets referred to.

2214. Does the order originate in practice with the committee?—In 99 out of every 100 cases it originates with the surveyor.

2215. Have you ever known any case in which the borough surveyor brought forward applications for the owners of property in a street to be compelled to do certain work, and in which the order was refused to be granted by the committee?—I cannot recollect a single instance. I may also add that since the present sanitary committee came into existence under the Public Health Act they have taken up this question, and where they saw from time to time that streets would be improved by being completed they sent forward reports to the improvement committee, which were attended to.

2216. Mr. EXHAM.—Did the improvement committee direct the surveyor not to carry out the Act of Parliament?—The 75th section was found impossible to be carried out in practice.

2217. You got the Act of 1865 yourselves, and made its clauses more stringent by the clauses of the Act of 1868. Why was that section not asked to be repealed if you found it could not be carried out, instead of being made more stringent by the Act of 1868? It is merely a question of cost to the owner as to whether he will carry out the Act of Parliament or not. By the Act the owner is not to allow any persons to inhabit the houses until the terms of the Act are carried out. I want to know why the improvement committee and the surveyor do not carry them out?—The council tried to carry out that section, and they had such representations made to them as to the inconvenience of doing so, that they have not enforced it.

2218. Why did they enforce it in the case of Mr. O'Neill and his streets, and not in the case of Mr. Browne, who was a member of the improvement committee, and his streets?—I know nothing about Mr. O'Neill's streets.

2219. Mr. LAWLESS.—By whom were those representations made to the council?—By owners of property in town.

2220. Was not that really by the builders?—Yes. I believe there is no town in the three kingdoms in which the owners of property are obliged to make the streets first.

2221. Mr. EXHAM.—Probably that is because they have no such Act of Parliament.

2222. Mr. LAWLESS.—Did you ever enforce the Act and prevent the owners from allowing their houses to be occupied until everything was done?—I do not recollect.

2223. Mr. EXHAM.—The borough surveyor can stop up those streets. He has only to put a bar across and say to the owners, "You cannot occupy the houses until everything required by the Act is done"?—That is quite true, but it could not be carried out.

2224. CHAIRMAN.—Mr. Exham asked you a very pertinent question—"Why, when you found the Act of 1865 could not be enforced, you did not get a clause amending it"?—I was not solicitor for the Corporation then.

2225. Was not the town spreading rapidly between 1865 and 1868?—Yes, very rapidly.

2226. But not to the same extent it has done since?—It was spreading more rapidly between 1865 and 1868.

2227. Mr. LAWLESS.—Was there ever any instance to your knowledge in which a builder of houses, who was a member of the Corporation, when his houses were built, had notice served on him to complete the paving of the street before his houses were occupied?—I have known many instances in which we required them to be completed. As a matter of course, an order was made.

2228. Can you give us the names of builders who were members of the Town Council and who were ordered to comply with the Act?—Certainly, but not at the moment.

2229. Did you ever know a case in which application was made by the borough surveyor for such orders in which they were refused?—Certainly not.

2230. Do such matters come within your knowledge?—I think I would have known that had it been the case.

2231. Why then was not Mr. Browne made to complete the streets in which his houses are before they were occupied?—That I cannot tell.

2232. You wish to give evidence on some matters relating to your law costs?—Yes. I wish to draw attention to some matters personally affecting myself. I was appointed solicitor to the Corporation in March, 1871. I find the payments to me for the years 1873, 1874, and 1875 have been referred to. You will see the purpose for which that was done when you take into account what I received for the preceding years. In the year 1871 I got nothing at all. I do not mean to say that I did not earn it, but I was not paid anything that year, and my costs were not taxed until a year subsequent.

2233. In what year were you appointed?—In 1871. In 1872 I only got £572 14*s.* 1*d.* In 1873, 1874, and 1875 it is quite true I got the amounts referred to—£2,324 19*s.* 7*d.* in 1873, £1,422 17*s.* 6*d.* in 1874, and £1,590 13*s.* 1*d.* in 1875.

2234. Can you tell me how much you were out of pocket of those costs?—It would be totally impossible for me to do that on the moment. The amount for 1873 included the costs connected with the investigation of the claims for malicious injury amounting to a very large sum. It also included the Parliamentary costs in opposition to the Central Railway Bill and certain other matters in which the town was concerned. The amount for 1874 contained further Parliamentary costs, and the costs of negotiations about the sale of the gasworks and opposition to the Gas Bill, and other things, which amounted to a very large sum. The amount for 1875 included the costs of the Gas Act, and also the provisional order and the Act confirming it. It was also stated here that my costs were taxed by the officials of the Corporation. How that error crept into the mind of the person who made it I cannot say.

2235. That is not the case?—No. It was also stated that I got stationery from the Corporation, but I never got the value of a sheet of paper. It was also said that I was solicitor for a building society, and that I assisted in passing their plans. It is true I am solicitor for a building society, but the business of that society is to lend money upon buildings erected, and if they ever passed plans for building it is certainly unknown to me.

2236. Are you required by the terms of your appointment to take no other employment?—No. I am happy to say that my private practice is as good as my public practice.

2237. Of course I need not ask you whether or not much of those costs are costs out of pocket—but you cannot say how much?—A very considerable amount were costs out of pocket. Unfortunately we are sometimes brought into court, but up to the present we have been always successful.

2238. Mr. EXHAM.—I think it is only fair to say that the Corporation seem to have adopted the best course—that is to employ a well-known firm of solicitors to attend the taxation of Mr. Black's costs.

2239. CHAIRMAN.—Was every bill of costs taxed by the proper officer?—Yes. The rate for the malicious injuries was referred to, and Mr. Dinnen said that £1,000 was included in the estimate for each year. Now, of course, at the beginning of the year the Council estimated what the probable expenditure will be during the year, and very frequently they included £1,000 in the estimate, and at the end of the year, if it is not expended, it goes into the balance of the general purposes fund and reduces the estimate for the next year. If you take the year 1871 for instance, you will find that we estimated our contribution to the county Antrim Grand Jury at £7,000. Unfortunately we had to pay £8,883 0*s.* 7*d.* In 1872 we estimated £9,000, and paid £9,608 1*s.*; in 1873 we estimated £10,000, and paid £12,168 0*s.* 3*d.*; in 1874 we estimated £12,000, and paid £14,568 0*s.* 6*d.*; and in 1875 we estimated £14,000, and paid £16,817 16*s.* The clerk of the peace was also named, but if you refer to the 194th section of the Act of the 3 and 4 Vic., cap. 108, you will find that by that section the fees are payable to the clerk of the peace himself, and not to the Corporation. So far as his salary is concerned we have nothing to do with it. The Lord Lieutenant fixes his salary, and we are obliged to pay it.

2240. How long did Mr. Seeds do business in the two courts. Did he get any assistance?—Yes, he occasionally got assistance from his legal friends.

2241. Do Messrs. M'Lean and Coulter attend at the courts every day, or do they ever go to the country on their private business, and get their cases postponed?—It is of very frequent occurrence for persons practising in these courts to get cases postponed for some other day, and they may occasionally get it done.

2242. It is said they get cases put off altogether for the purpose of enabling them to go and earn money elsewhere. Do you know if that is so?—I cannot say.

2243. Mr. LAWLESS.—How often do these magistrates sit?—Every day.

2244. At what hour in the morning?—At eleven o'clock.

2245. How long do they sit?—They sometimes sit very late. I have heard them complain of the gaslight.

2246. How many hours in the day, on a rough average, do they sit?—Some days they would have from thirty to forty cases to attend to on the part of the Corporation, and on some days not one. There was also a complaint made about the salary of Mr. Stelfox, the manager of the gasworks and his assistant. When we took over the gasworks his father had £750 a year, but we made an arrangement by which a reduction was made, and his son was appointed at a salary of £500 a year. This was increased to £600 last year.

2247. Were the united salaries of Mr. Stelfox and his father £1,100 a year?—Yes, and now the salaries of the manager and his assistant are only £850. The sub-manager gets £250 a year, and Mr. Stelfox, £600.

2248. Was there any pension given to Mr. Stelfox's father?—None whatever.

2249. Do you owe him any money?—Not a farthing. The old man thought he had worked long enough. He resigned, and his son, who was a most efficient officer, was appointed in his place. The book-keeper, Mr. Charles Stelfox, had a salary of £175 a year.

2250. Is he a brother of the other man?—Yes; and he is a most efficient officer.

2251. Was there any stipulation by Mr. Stelfox on his retirement that his son was to be appointed in his place?—There was, and we had no objection to him. With regard to the expenditure on the clock and the Albert memorial being an illegal charge, if you will look to section 180 of the Act of 1845 you will find we have full power to make the expenditure. With regard to the observation that we had statutable powers to prevent the end of Mill-street from being built up, I have to say that we have no such powers, and could not prevent it. We had no power to prevent the street from being closed, and when we found that we could not absolutely prevent it we made an arrangement by which the open space was not built on, and the Corporation thought it was only fair that when private property was naturally to benefit by this that the owners of it should contribute a certain amount of the expenses. (One gentleman contributed £450 towards the widening of Hill-street, because it was of advantage to his property); and a gentleman, the chairman of the committee I think, gave £5 towards the £35 required to keep the end of Milford-street open. In addition to the Corporation giving the public money, some of its members gave a subscription from their private purse.

2252. Up to the time when the Corporation appointed Mr. M'Lean and Mr. Coulter as their solicitors in these courts they had Mr. Seeds acting in the two courts at a salary of £200 a year?—Yes.

2253. From whom did the proposal for the change come?—So far as I know it was from the committee themselves.

2254. Did they seek to remove Mr. Seeds or did he offer to resign?—He offered to resign. It was entirely at his own desire, and his resignation was accepted with reluctance.

2255. Was he a competent man?—Yes.

2256. Why then were two gentlemen required to discharge the duty which one had theretofore done properly?—It was considered better to have two instead of one.

2257. Did the Corporation advertise for a successor to Mr. Seeds when he resigned, or how did it happen that those two gentlemen were appointed?—They were gentlemen practising in the town. I never would think of advertising for a solicitor.

2258. Were there any other competitors for the place?—Never that I heard of.

2259. Did these gentlemen offer to do the work for £100 a year?—I do not know. The committee offered a salary. Here is the report of the police committee presented to the Town Council on the 1st December, 1873. (Hands in report.)

2260. What was the general way of giving intimation of a vacancy for any office?—As far as I know there may have been an advertisement.

2261. Was there any intimation given of the intention to appoint a successor to Mr. Seeds?—The committee's report appeared in all the public papers on the 2nd December, 1873.

2262. When did it come before the Council?—On the 1st December, 1873. The report is dated 27th November, 1873, to be presented to the Council on the 1st December, 1873, and it says—

"Mr. Seeds having resigned the office held by him for many years as petty sessions solicitor, the committee recommend the Council to approve of the following as the terms, conditions, and duties, subject to which a new solicitor shall be appointed in his place.

"*Conditions.*—That the annual salary shall not exceed £200. to commence from the date of appointment, to be payable quarterly,

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and three months' notice to be given in writing by the Council or solicitor, previous to terminating the employment. That the duties shall be performed personally and not by deputy: that the solicitor shall take his instructions from the officers of the Council, and prepare all summonses, civil bills, and notices connected with the cases, and if required by the Council or committee of Council, to personally attend and advise the Board as to any intended proceedings or appearance or application; and to appear on behalf of the Council or any of their officers, or any party in their employment, or police, at any petty sessions court held in the borough, or coroner's court, or magistrates' inquiry and recorder's or quarter sessions court in relation to Corporation business. Also in appealing from any conviction or decree, or decision of any such courts. That all costs ordered to be paid by any court in any case in which the Corporation is interested, shall be paid over to the credit of the Corporation. And they further recommend that intimation be given in the usual way of the vacancy in said office, and appointing a day for the Council to fill up the vacancy."

I will now read you the resolution of the 1st January, 1874—

"Moved by Councillor Dinnen, and seconded by Councillor Atkinson, that the report of the police committee adopted by the Council on the 1st December last, which provides for the appointment of a petty sessions attorney, at a salary not exceeding £200 a year, be rescinded, and that two attorneys be appointed—one for each court, at a salary not exceeding £100 a year each, or such other arrangement as the Council may approve of on the subject; passed. Poll demanded—for, fourteen; against, nine."

At the same meeting of Council, 1st January, 1874—

"Moved by Councillor Dinnen, and seconded by Councillor Atkinson, that the appointment of petty sessions solicitors be postponed until next meeting, and that in the meantime an advertisement be inserted in the newspapers in accordance with the resolution now passed for the appointment of two solicitors."

2263. There is a further report of police committee presented on the 1st January, 1874, as follows—

"Notice was published in the newspapers of the intention of the Council to appoint an attorney to attend the petty sessions business of the Corporation, in the room of William Seeds, esq., resigned. The following gentlemen have intimated their willingness to undertake the duties if appointed, John Coates, E. O'Rorke Dickey, John Coulter, James M'Lean, junr., and Charles Russell, and the committee request the Council to make a selection."

2264. That occurred between the 1st of January and 2nd February?—Yes; the next I find is a motion moved by Councillor Atkinson, and seconded by Dr. Alexander. There were eight aldermen and twenty-three Councillors present on the occasion.

2265. Did you attend that meeting?—I did. I see I was present.

2266. A notice of motion was given by one gentleman to appoint two solicitors?—There was a resolution to appoint two instead of one.

2267. Was that carried?—It was.

2268. Is there any reference made in it to the statement of the magistrates?—There is not.

2269. Was there any communication made to the public in any way of the change in the arrangement of the intention to appoint two solicitors instead of one as formerly?—I am not aware of any.

2270. Mr. EXHAM.—Were they to be appointed on the terms of the original report; because the original report of the police committee you can see practically required the man to be at the courts every day?—I hold that they are bound to be there every day.

2271. Mr. LAWLESS.—Were they appointed under the terms of the report of 24th December, 1873?—Certainly. They accepted their engagement in accordance with the terms of that report.

2272. How soon after the appointment was the change made on the salaries from £100 a year to £150?—I think the £150 was only made during the present year.

2273. Was there an advertisment put in the newspapers?—Yes; then comes the appointment of Messrs. M'Lean and Coulter. You see the appointment was not made without notice, though I was not aware of the fact.

2274. Mr. EXHAM.—It appears that the report of the police committee was adopted on the 1st December, 1873. What notice is required that a decision of the Council is sought to be set aside?—Notice must be given on the summons paper to every member of the Council of the intention to rescind any resolution.

2275. Mr. LAWLESS.—Was there any notice given of Mr. Dinnen's motion?—Yes; it must have appeared on the summons paper. Before you pass from that subject I would just like to call your attention to the summons sheet, and to read you another resolution—

"Meeting of Council, 2nd February, 1874. Moved by Councillor Atkinson, seconded by Alderman Alexander—'That Mr. James M'Lean, junr. and Mr. John Coulter, be appointed to conduct the business of the petty sessions, quarter sessions and Recorder's court, and that it be referred to the law and police committee to make the necessary arrangements with these gentlemen. Passed unanimously.'"

2276. Did the Corporation ever advance a sum of £5,000 or £3,000, or any other sum to Dr. Browne himself, or to him and other members of the Corporation, and if so, to whom, and for what purpose?—I cannot fancy anything to which the question you have been required to put to me refers, except it be with reference to the mayor's salary, which was paid to six of the mayors who filled that office. The mayor's salary was £1,000.

2277. Was the mayor not paid here for some time?—No, he was not.

2278. In what year was it that a mayor received a salary?—In the year 1865.

2279. Was any mayor paid up to that year?—No.

2280. Give us the names of the mayors who received the salary of £1,000 each?—Yes; John Little, 1865; William Mullan, 1866; David Taylor, 1867; S. M'Causland, 1868; F. H. Lewis, 1869; and Dr. S. Browne, 1870. Mr. Little gave his salary towards the erection of the Albert memorial.

2281. Has any mayor been paid any salary since 1870?—No.

2282. Mr. EXHAM.—Did each of those gentlemen, including Dr. Browne, receive the £1,000 during their year of office?—They did.

2283. Were these payments made by resolution of the Council?—Yes.

2284. Was there any report from any committee suggesting to the Town Council that the mayor should be paid a salary the same as in other places?—It was discussed fully in the Corporation at the time, and a resolution was passed.

2285. Was it a resolution for a year only?—Simply for the year. It was discussed fully in the estimates for each year.

2286. Was it renewed for the other years you mentioned?—Every year there was a fresh vote taken.

2287. Has it ceased since the year 1870?—It has.

2288. Did they cease to pay the salary by a resolution of the Council?—There was a division in the Council on it, and they decided that they would not pay the salary.

2289. Who was the mayor of Belfast then?—Mr. Philip Johnston.

2290. Was the matter brought forward since 1870?—The question was not brought in again.

2291. Did each of the gentlemen you named receive in his year of office the £1,000, and no more?—Just so.

2292. Was any more money paid to any of these gentlemen on any pretence whatever?—Not a farthing that I know of, except what has been paid to Dr. Browne as consulting sanitary officer. Mr. Stewart mentioned an item yesterday which appeared in the borough fund account for the year 1873 as the cost of erection of a platform in the Botanic Gardens on the occasion of the knighting of the mayor and chairman of the Harbour Board; but he forgot to draw your attention to the opposite side of the account, where you will find that the amount was repaid—the workmen of the Corporation were employed to do the work, but the cost was re-paid.

2293. Were you in the Corporation in the year 1864?—I was.

2294. Do you wish to give any explanation with regard to the statement that has been made that the Corporation never carried out the pledge that they certainly appear to have given to the Select Committee of the House of Commons with regard to bringing in a public bill?—I am not aware of anything requiring the Cor-

poration to bring in a public bill for any purpose. The Corporation might bring in a private bill.

2295. After the bill of 1864 was passed, was the question of promoting a public or private bill relating to the regulation of the affairs of the borough ever considered by the Corporation?—I am under the impression that it was considered by the council; but I believe they never settled the heads of any bill.

2296. Were any steps taken by the council with reference to getting the heads of any bill settled by the arbitrators named to the Select Committee in 1864?—I have no recollection of any steps having been taken for that purpose.

2297. Had Mr. Little to whom the Corporation first voted a salary as mayor, been engaged in any litigation with Mr. Rea before that vote was passed?—Yes; he prosecuted Mr. Rea at the assizes here and got a verdict of guilty against him.

2298. Did he get costs?—Yes.

2299. How much?—I could not tell you.

2300. Was Mr. Mullan one of the special respondents in Mr. Rea's information against the Corporation?—I think not.

2301. Was Mr. David Taylor?—I think not.

2302. Was Mr. Samuel M'Causland?—Yes; I am under the impression that he was one of the special respondents.

2303. Was Mr. Lewis?—He was a special respondent in that case.

2304. Was Dr. Browne a special respondent?—He was. I may add that Mr. Philip Johnston who was mayor in 1871 was also special respondent, and he got no salary.

Mr. W. C. Cunningham examined.

2305. Mr. LAWLESS.—Are you the clerk of the peace here?—I am.

2306. When were you appointed clerk of the peace?—In the year 1867. Belfast was then created a separate jurisdiction under the Municipal Corporation Act.

2307. Do you mean the Act of 1840?—Yes.

2308. By that Act the power was taken from the old Corporation and the appointment put into the hands of the Lord Lieutenant?—Yes; it was vested in the Lord Lieutenant. There are two appointments—the clerk of the peace and the registrar to the recorder. The Lord Lieutenant appoints the clerk of the peace and the recorder appoints the registrar.

2309. How is your salary fixed?—At the time of the passing of that Act (3 and 4 Vic., chap. 108) all clerks of the peace were paid for their duties (both criminal and civil) by fees, and by the 194th section of that Act the Town Council are to settle the amount of fees as thereby provided. In that Act they simply provided for the court then in existence, and not for any court that might afterwards be constituted. I took the opinion of counsel on the subject, and he advised that the machinery there provided for fixing the salaries of clerks of the peace could not be carried into effect, because the fees should be fixed by the council six months after the election of the Corporation under the Municipal Corporation Act.

2310. Were there any table of fees in existence when you were appointed here?—No. In point of fact I did duty as clerk of the peace for a year and a half in the criminal court, and only got as fees the amount of the crown summonses.

2311. Was any table of fees fixed?—No; and if there had been they would have gone into my pocket.

2312. Were the fees paid by the tables of fees in the county Antrim?—No; by the 6th and 7th William IV., the fees for criminal business were charged by the Irish Grand Jury Act, and provision was thereby made for the payment of salaries to clerks of the peace in Ireland for discharging the business, and those salaries are still paid; but after the 31st and 32nd Vic., my salary was fixed by the Lord Lieutenant in pursuance of its provisions at £200 a year. I get this salary for certain specific duties for which I was not before paid. I prepared a statement of what those duties are, and beg to hand it in to you.

2313. Does this statement contain any of the fees you received?—It refers principally to duties for which I was paid nothing—for the summoning of jurors, the discharge of criminal business, the preparation of indictments at the borough sessions court, the arraigning of prisoners, and for performing all the duties of clerk of the peace in connexion with the criminal business of the borough quarter sessions court.

2314. What amount of fines or fees do you receive in the Recorder's Court?—I get fees for the duties discharged under the Parliamentary Voters and Jurors Acts; also certain sums for Crown summonses and other matters at the Crown side; and these fees were never intended to be paid to the Corporation. With regard to the sittings of the Recorder's Court there was a very extraordinary statement made, but I can show that he is only bound to hold six courts in the year. He holds four courts as county chairman.

2315. Under what legal obligation is he only bound to hold six courts in the year?—By the memorial to the Lord Lieutenant's warrant. To show you that Mr. Dinnen is mistaken, and that the courts are held as nearly as possible at equal intervals, I will just call your attention to the courts held by Mr. Otway last year. He held a county court as chairman on the 13th January, a borough court on the 14th February, and one on the 13th March; a county court on the 15th April, a borough court on the 15th May, and one on the 12th June; a county court on the 10th July, and, after vacation, a borough court on the 25th September, and county court on the 28th October, and a borough court on the 4th December.

2316. Mr. EXHAM.—Is it a fact that before the borough of Belfast was taken away from the county Antrim Mr. Chichester got from the Grand Jury a salary of £370 a year besides fees?—Yes.

2317. Does he get the same salary still?—Yes.

2318. Does he also get the fees?—Yes.

2319. Were not the duties and work of the clerk of the peace for the county greatly reduced by the taking away of Belfast from the county Antrim?—Yes.

2320. Then he gets the salary of £370 a year, and the fees, and £200 a year is paid by the borough to you as the clerk of the peace for the borough besides?—That is so.

2321. Do you discharge your duties in person as clerk of the peace for the borough?—I do. I was only absent from the borough court at one sessions.

2322. Have you power to appoint a deputy?—I have for the civil side of the court, but not for the criminal side, except in case of illness. The clerk of the peace is one person and the registrar is another. In Cork he is the same person. I am bound to attend in person as clerk of the peace, but not bound to attend in person as registrar. In point of fact I have no deputy. I have an assistant, but I sign every decree.

2323. What power have you as registrar to appoint a deputy?—I have the same power as other clerks of the peace in Ireland. It has been done by every registrar.

2324. Have you ever caused your business to be performed by deputy except in case of illness?—Yes. I have frequently in the case of civil business, but in the case of Crown business I feel myself bound to attend. I was not appointed by the Town Council. Twenty-one out of the twenty-three members of the Grand Jury signed the recommendation in my favour, and that was the way I got my appointment. The Government would appoint no person except a solicitor.

2325. Is not the result that there is an increase to the salaries of £200 divided between Mr. Chichester and you for the very same work which he did before, and the people of Belfast pay this, and Mr. Chichester in addition gets all the fees?—Yes.

2326. Mr. LAWLESS.—How much did you receive for the last two years from spirit license applications?—I received £123 14*s.* 6*d.* from that source last year.

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The Rev. Isaac Nelson.

The Reverend ISAAC NELSON examined.

2327. Mr. LAWLESS.—You are, I believe, a Presbyterian clergyman?—Yes, and a large ratepayer residing here.

2328. Do you complain of the sewering and the paving of the streets?—Yes; I happen to be part owner of property in several streets—Canmore-street, Cupar-street, and Mountjoy-street. I did everything, as I understood, that the Corporation required in Canmore-street, and was the first person in that street who had completed the work in connexion with his property over which the Corporation had any control. At the end of some time, however, they took proceedings against me in the Court of Queen's Bench for £91 for work they alleged they had done for me. I did as much myself for £4 or £5, I should say.

2329. Were not these proceedings taken against you in 1872?—I believed I had finished that street in 1870, and these law proceedings were taken in 1872. Here is a letter I wrote to Mr. Black on the 30th of July, 1872—

"SIR,—In November last you issued a summons and plaint against me, requiring me to finish Canmore-street, of which you know nothing and care less. As guarantee for the outlay of £5 or £6 you require the sum of £91 0*s.* 5*d.* to be placed in the coffers of the Council, and you modestly ask 7*s.* 6*d.* for your own trouble. I requested that two or three members of the Improvement Committee would come and decide on the mode of doing the work. This you refused, but in your sovereign clemency you granted a delay of three weeks to finish the street. I completed the work within the given time, and under the direction of James Donnelly, the only surveyor who seemed to take any interest in the work. You now furnish me with a bill of costs, and threaten to mark judgment in the action. I now warn you, and will charge nothing for the advice, at your peril individually, and at the peril of the Town Council, not to proceed further with law or expense until I am informed definitely and legally whether or not Canmore-street has been accepted as completed and done by the Town Council. When you lay this communication before the Improvement Committee and send their answer, you will hear more from

"ISAAC NELSON.

"Mr. Samuel Black, Town Solicitor."

Up to this hour I have never received an answer as to whether or not they consider the street finished. There is a communication of a hurried sort from Mr. Black, saying that he would accept the street as finished; but I believe that if they chose to proceed to put me to law again, I have no means of proving that that street is finished. With respect to Canmore-street, I complain that I have been subjected to unnecessary expense by the Corporation. They went so far as to direct me to bring the water from the Shankill-road to Canmore-street.

2330. Mr. EXHAM.—Did they require you to make a sewer?—They did, and I made it. The sewer they ordered me to make I objected to make. With regard to Cupar-street, that street is not finished to this hour, owing to the confused and absolutely preposterous manner in which first one and then another gives directions as to what they require. Some of the houses in Cupar-street are not tenanted.

2331. Is Cupar-street completed?—It is not; and yet the expense for doing so was paid to the town solicitor.

2332. What have you paid?—About £10 or so.

2333. What work was to be done for that?—I cannot say. But my complaint is that they put one to law expenses without any necessity for it.

2334. Has the work for which the £10 was required been done?—In a great measure, but not all. They wanted me to build a parapet wall which would have been four feet up in front of my houses, but I refused.

2335. What has been done with regard to Mountjoy-street?—In that street the work is unfinished. It has cost me in law expenses alone £17 or £18. The people opposite me have not done their work, but I have.

2336. Cannot you call upon the Improvement Committee to make these other people do their portion of the work?—I declined ever to appear before the Improvement Committee until they determined the truth or untruth of my original statement.

2337. Are you dissatisfied with the way in which the Corporation officials carry on their work in regard to the streets?—I am dissatisfied with the outlay; we are plundered by the way they go on.

Mr. William O'Hara.

Mr. WILLIAM O'HARA examined.

2338. Are you a ratepayer in Belfast?—Yes; for the last twelve years.

2339. And are you engaged in any trade or business?—I am a merchant tailor and general draper in Old Lodge-road.

2340. Is it in relation to that street that you desire to give evidence?—Yes. It is a street about an eighth of a mile long, and there is only one crossing—at Townsend-street—the entire length of the thoroughfare, which is crossed by, I should say, from ten to twelve streets. Immediately opposite my door a stream passes—the stream in relation to which Mr. Carlisle gave evidence—that goes from Agnes-street to Fairy's Well. At the point opposite my door there is an open barrel sewer into which it flows. In Fortingall-street there is no sewer, except an open gutter, and the water flows down from it into this place, and the water also coming down the Old Lodge-road, runs into it, and three or four pipes empty into it also. Well, the result is, that if there is an hour's continuous rain the doors of the houses all along the street for a considerable distance are flooded two feet up. In some of the private houses I have seen the doors covered with dirt and clay three feet up during heavy rainfall in the middle of summer. Indeed at night the people are sometimes roused up out of their beds in consequence of the flooding of their houses.

2341. Mr. EXHAM.—Is this an open sewer? Is there sewage matter there?—Yes; there are three sewerage pipes running into it opposite my door.

2342. Where do those pipes come from?—One carries away the sewage matter from the property adjoining the place near where I am living.

2343. What is the name of that property?—It is part of the Old Lodge-road; the houses commence at 176 and run up to 190 or 200; and the sewage matter from that property is conveyed by the pipe I have alluded to.

2344. Who owns that property?—Part of it is owned by a gentleman named Kelso.

2345. Is there any main sewer in that road?—I cannot speak definitely with regard to that; my own impression is that there is not.

2346. Is there a bad smell arising from this open sewer?—Yes, very bad.

2347. Have the sanitary officials ever looked after it?—Yes; from the King-street factory down to this point it was formerly open the whole way. Recently it has been piped down and now there is just a sort of rough opening left where it gets into the old barrel.

2348. Have you got the benefit of the open sewer opposite you?—Yes.

2349. Is there any pipe sewer from your house?—I have a pipe sewer into the Bedegue-street sewer; but whether that is connected with the main sewer or not I cannot tell.

2350. Mr. LAWLESS.—Is the Old Lodge-road long built?—I suppose it is one of the oldest thoroughfares in the town. The upper portion is not, however, so long built. I may observe that there is part of the footpath just behind the county court-house, on the opposite side of the street from the county court-house which is nothing more or less than a mud embankment. There is not even a kerbstone along the edge of that portion of the footpath.

2351. How long has that remained so?—It has been in that condition ever since the road was made. There has never been anything done to it since the property was built.

2352. Mr. LAWLESS.—Who is the owner of it?—I do not know.

2353. Mr. EXHAM.—Did you ever complain to the Corporation about it?—No, I did not. With reference to some of the streets referred to in evidence yesterday evening—Lady-street, Ton-street, and Slade-street, I may remark that I am perfectly familiar with the condition of them, and all that has been stated about them is true.

2354. What do you know about those streets?—

Mr. William O'Hara.

Well, they were described as a swamp. I do not think that term describes them at all; they are a perfect nuisance. Lady-street in particular, is one perfect mass of nuisances of every description. I suppose there are upwards of thirty cart-loads of rubbish deposited there off the streets of the town.

2355. How long have the houses there been inhabited?—About three years ago they were first tenanted.

2356. Has the road been left in the condition you describe all that time?—Yes; I have passed through it week after week, and when I heard Mr. Browne give his evidence I felt as if a blind had passed over my eyes, and after the Court rose I went again and looked at those streets, and saw the state they were in; and I now state positively that they are in a fearful state. The only attempt at the formation of a road is the laying down of a kerbstone on the edge of each footway, but the roadway itself is as I have said a perfect mass of nuisances of every description. Owing to the quantities of road dirt deposited there, the roadways are on a level with the kerbing, but if you went to walk on it you would sink down at least ankle deep in the filth.

2357. How long do you say the houses in these streets have been inhabited?—About three years as far as my recollection goes, that is about the time Lady-street was inhabited. The houses were inhabited as soon as a fire could be lit in them.

2358. Do the people pay rent?—Oh, yes.

2359. To whom?—I do not know.

2360. To whom do these houses belong?—Some of them to Mr. Browne who is a member of the Improvement Committee. I may observe that in my opinion the whole surface water from the fields appears to be conveyed into those streets, and if it was taken away by proper sewers, then Lady-street, Ton-street, and Slade-street would be better fit for habitation.

2361. Is the owner of those houses a man of means sufficient to enable him to do his portion of the work?—There can be no doubt about his ability, if he has the inclination to do what he is bound to do.

2362. Is there a sufficient fall from those streets to enable them to be drained?—There is; they could easily get a proper level for the sewer.

Mr. THOMAS GAFFIKIN examined.

Mr. Thomas Gaffikin.

2363. Mr. LAWLESS.—Are you a member of the Town Council?—Yes.

2364. What are the points upon which you wish to be examined?—I wish to state that I have known the Lagan for the last sixty years, and have been walking in its neighbourhood during that time. I remember the time when fish were alive in it. As the population in its vicinity increased and mills were built, the stream became polluted. The principal sewage that polutes it is taken at the south-west side, where there is great drainage from the warehouses, colleges, &c., and that is taken into the Lagan. If the Pound Burn was diverted before it joined the Blackstaff, the Blackstaff would never be polluted.

2365. Mr. EXHAM.—Do you know any reason why the Pound Burn has not been diverted?—Well, since 1870 the Blackstaff has been the subject of a variety of schemes. In that year Mr. Montgomery produced a plan—I believe it was approved of by Mr. Bazalgette—for a new system of sewerage for the entire town. That would cause an increase of the rates to a very large sum. By that scheme, to a portion of which I was opposed, it was intended to relieve the Blackstaff, by taking the nuisance of the Pound Burn out of it, at a high level by sewer, and it would, to a very great extent, have that effect; but no plan has as yet been adopted.

2366. Do you think that this plan would, to a certain extent, carry out that end?—Yes; a portion of that plan, if carried out, would have relieved the Blackstaff and Pound Burn; but in connexion with that, I may say that the Blackstaff was made a lever for a whole number of Acts of Parliament, and the Blackstaff has got more blame than it deserved. It was made use of when it was proposed to go in for an Act of Parliament in 1870, for the sewerage of the entire town, and the reclaiming of the sloblands of the river at Holywood on the one side, and Macedon on the other. That scheme would have been a source of great expense, and the Town Council, in my opinion, had nothing to do with it.

2367. Mr. LAWLESS.—How is the Blackstaff polluted by the Pound Burn?—The Pound Burn gets its name from being a clear stream, which used to run through the fields where cattle were impounded. As mills and factories were built, and the population increased, the sewage was diverted into it, and it has been made an open sewer for the last thirty years. It flows into the Blackstaff, which is also polluted in a similar way, and that increases the nuisance, and the Blackstaff then, with the addition from the Pound Burn, flows into the Lagan.

2368. How many mills are now along the Pound Burn?—Several. I may say that the drainage from them and the several streets which discharge into the Burn has made it a common, and in some places, an open sewer instead of a clear stream.

2369. Is the sewerage stuff in the Pound Burn used for mill purposes?—Yes; the works of the mill owners being close beside it, it is used for mill purposes. At the present time of year, however, the Blackstaff is not objectionable. There is no more nuisance in it at present than there is in the water down the Belfast Lough.

2370. Have you been a long time a member of the Corporation?—Yes; nearly twenty years.

2371. Was there any influence or power existing in the Corporation that prevented them from setting to work and organizing the cleansing of the Pound Burn, and preventing it going into the Blackstaff?—I do not know of any.

2372. Do you believe there was anything of the kind? Do you believe there was any influence in the Corporation that prevented the Pound Burn from being properly drained, and prevented it from running into the Blackstaff?—I am not aware of any.

2373. Mr. EXHAM.—Are you on the improvement committee?—I am. I was its chairman for some time.

2374. Is there any influence there which prevents the provisions of the Act of 1865 from being carried out with respect to not allowing houses to be occupied until the streets, &c., are made as required by 75th section of the Act of Parliament?—I do not know of any.

2375. Why then do not the committee carry out the provisions of the Act?—That I cannot tell.

2376. Mr. O'Neill told us yesterday that he was called upon by notice by the improvement committee to do some paving work or something of that kind in Ross-street, Peel-street, and Mayor-street. There were some other streets in the neighbourhood which were the property of Mr. Browne or one of the firm of which he is a member. Mr. O'Neill was made to complete his streets long ago, while Mr. Browne's are not completed yet. I want to know was the question of ordering Mr. Browne or his firm to complete their streets ever brought before the improvement committee?—I don't recollect distinctly, but when I was chairman of the committee I certainly did my best to get those streets completed.

2377. Were you overruled when you wanted to have them completed—were you out-voted?—I do not recollect how it happened.

2378. Is it a fact that there are five timber and slate merchants and two builders on the improvement committee, and that they are concerned largely in building operations in the town, and derive a large profit from such buildings, and that by the influence of those persons the surveyor does not put the Act of Parliament into force with regard to the streets where they have built?—I do not know that those persons could have much influence on the city surveyor, but at the same time I must confess that I would on many occasions have preferred that there

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Mr. Thomas Gaffikin.

were not so many men in that line of business on the improvement committee.

2379. Mr. O'Neill informed us yesterday that he bought some property in that district, and that before he got it at all the houses were inhabited and the street paved to a certain extent, but that he was called upon notwithstanding that to do it better, and he stated that an action was brought against him for £58 for the cost of his share of the work, while an action was not brought against Mr. Browne although he owed £98; and he complained that while the improvement committee took those proceedings against him they had allowed Mr. Browne to set his houses without having made the steeets or provided the matters required by the 75th section of the Act, and that his houses are inhabited for the last three years, while he has never been made to comply with the Act. Do you know anything of that?—No; those three or four streets were laid out, and had houses built and inhabited while I was absent from the Council. I was only re-elected again last year.

2380. Were you present on the 2nd of February last at a meeting of the Town Council when a discussion took place with reference to an increase of the salaries of some of the officers of the Corporation?—I think I remember that.

2381. Did you ever see a report of your own speech on that occasion. Do you remember the question of the salary of Mr. De Cobain being increased?—Yes; I was opposed to that.

2382. Was it suggested at that time that there was any increase of duty or labour cast upon Mr. De Cobain which justified an increase of salary to him?—It was not, and I was not aware of any.

2383. It has been stated to us that you spoke as follows at that meeting:—

"I am opposed to any increase of the salaries of the officials at present. If the gentlemen who occupied their comfortable offices for a few hours in the day were aware of the difficulties business people had to contend with in paying the taxes they would not be shouting out for big salaries. One of the officers in particular, Mr. De Cobain, had caused all this row, and all these meetings with respect to salaries; and his qualifications, except in a political or electioneering point of view, did not justify his claim upon the Council."

Is that a correct report of your observations on that occasion?—I think that is correct.

2384. Did you consider Mr. De Cobain justified in applying for an increase of salary?—I did not.

2385. Was there any allegation made at that time, or statement put forward upon his part as stated here to-day by Mr. Black, that the salary of the cashier of the gasworks was £500 a year, and that Mr. De Cobain considered that he ought to be placed upon something like an equality with that officer?—I do remember something about that.

2386. Why did you state that Mr. De Cobain's qualifications were of a political or electioneering character?—Because I knew them to be so.

2387. In what way?—By his canvassing in every way in his power, by his attending Conservative meetings, and making himself as influential as possible with reference to every change that took place in the Town Council.

2388. Do you know that of your own knowledge?—I do.

2389. Were you a member of the Town Council when Mr. Dinnen moved his resolution to the effect that none of the officials should interfere in political matters save by recording their votes?—I was, and I voted for that motion.

2390. Is it a fact that when Mr. Dinnen brought forward his resolution at that meeting, and stated it as his belief that the officials of the Corporation did interfere in election contests, that that statement was emphatically contradicted on the part of the officers, and that the reason why the resolution was not carried was alleged to be that it was known to be untrue to assert that the officers interfered in political matters?—Yes, but I voted for the motion because I knew the statement to be true—that the officers did interfere at elections.

2391. Were you put out of the Town Council?—Yes.

2392. When were you put out?—I was out all of the year 1875. I was put out in November, 1874.

2393. When did you get in again?—In the next November.

2394. You said you were aware that Mr. De Cobain interfered in election affairs; of your own knowledge did Mr. De Cobain interfere adversely to you in the election at which you were put out?—He did.

2395. Did any other officers of the Corporation?—There was a feeling among the officers that I should not be in the Town Council.

2396. Do you include Mr. Montgomery or Mr. Black in that statement, as you named the officers of the Corporation in general?—No, I do not; I do not call those gentlemen officers of the Corporation. They are independent professional gentlemen.

2397. Was your reason for saying that on many occasions you would have preferred fewer gentlemen in the timber and slate trade and builders being on the improvement committee, that their own personal interests used to interfere with the discharge of their duties as members of the Corporation?—Well yes; but not grossly; but to some extent there is no doubt that it did.

2398. When you say there was a feeling among the officers of the Corporation that you should not be re-elected, had you done anything directly or indirectly beyond what you believed it to be your duty to do against those persons?—No; quite the contrary.

Mr. Michael Shiels.

Mr. MICHAEL SHIELS examined.

2399. Are you a ratepayer here?—I am; and I have expended about £2,500 in building in the outside districts of Belfast.

2400. Do you wish to give evidence as to the condition of any particular part of the town?—Yes. Mr. W. Riddell and Mr. Easdale, two very large ratepayers and I, went before the gas committee last year and requested them to have the gas light extended as far as the borough cemetery on the Falls-road. It is the width of a road immediately outside of the municipal boundary.

2401. We were told that if we could give a guarantee that the tenants that would occupy the houses that I then had built would take the gas, that they would take the matter into their consideration, and that at that time, as it was the light season of the year, perhaps they would see their way to extend the main fifty yards, which is the distance from the last lamp, to accommodate my tenants.

2402. Was anything done after that?—There has been nothing done yet.

2403. Did they ask you to join in the expense of the mains?—I had no right to do so. I will certainly dispute the payment of the police rate unless I am lighted as well as watched.

2404. Are your houses to which you wish the benefit of the gas extended within the municipal limits?—Yes, considerably, a quarter of a mile.

2405. Why do you want it brought outside?—I do not want it brought outside.

2406. Did you not want it brought to the borough cemetery?—Yes; but only as far as the municipal boundary extends, which almost adjoins the cemetery. In other portions of Belfast, where aristocratic people live, they have the gas much further extended than we have.

2407. Is there not any supply of gas now from the Corporation works to the locality where your property is situate?—No.

2408. Mr. EXHAM.—What length of road is there without a lamp?—After you pass my door there are no lamps for a quarter of a mile from the boundary.

2409. And are there houses for that distance?—There are.

2410. Is the lamp at your door the one farthest out along that road?—Yes, the farthest. I have, I

may mention, other property, even fifty yards further out, and I cannot get light for it. I also say I think there should be £1,000, or at least £800 a year struck off the salaries of the overpaid officials of the Town Council, and that the men who are doing the real work—the hard-working men—should get advances to their present salaries. I also am of opinion that the position of an officer of the Corporation should be properly valued, and that on his appointment he ought to know the salary he would receive, and be told that he should not be asking for advances.

2411. Do you say that salaries should not be increased when once the men are appointed, no matter how long they may have served?—I do. After having been in Europe, Asia, Africa, and America, the large amount of taxation which I am liable for here makes me afraid to look at the pile of houses I have built, and makes me often wish I could have my money back and leave the town.

Mr. Michael Shiels.

Mr. JAMES WALLACE examined.

Mr. James Wallace.

2412. Are you a ratepayer in the town?—Yes.

2413. And you wish to give evidence with regard to the police?—Yes; I would be very sorry to see the Royal Irish Constabulary force here superseded or removed, and I do not at all coincide with anything that has been said about their maladministration. We could not do with less than 400; and the £16,000 which they cost by no means represent what would have to be paid for a local force. A local force of 400 men would cost more than the present force. The sum that would have to be paid for a force, even equal in number to the present, would be much larger than the present expenditure.

2414. Do you think it is better that the control of the police force in this town should be in the hands of the Government, and not in the hands of the Corporation?—Unquestionably.

2415. Can you say of your own knowledge that that feeling is largely shared in by the ratepayers?—I think it is pretty largely shared in. There are some parties who would wish them superseded and a new force appointed under the control of the Corporation, but I think that wish is from a partizan point of view. With reference to the complaints on the subject of the Corporation not having sufficient water to flush the sewers, I complain that there is a large quantity of water that could be collected and used for that purpose if proper means were adopted.

2416. Do you then complain of the present management of the Corporation in this respect?—I do.

Mr. WILLIAM M'CORMICK examined.

Mr. William M'Cormick.

2417. Are you a ratepayer?—I am.

2418. What do you wish to give evidence in relation to?—In the first instance with regard to Victoria Park.

2419. Where is that park?—It is at the extreme end of Ballymacarrett, on the county Down side of the borough. I am here to complain that it has not been made a public park.

2420. Is it the property of the Corporation?—It is not, but I believe it ought to be, and there is a difficulty between the Harbour Board, as to who ought to be the possessors or finishers of the park. The Harbour Board in 1854, obtained an Act of Parliament for the purpose of enabling them to reclaim ground in that neighbourhood, on the express condition, that portion of it was to be made into a public park for the people, and I know that at the time they were getting signatures to their memorial to go before Parliament, they had accompanying that memorial very pretty plans of a park made out, and in that way they obtained signatures to the memorial with which they went before Parliament. The ground has been reclaimed, but the park is not yet made. The matter has been several times brought before the Corporation, but the park has never been handed over to the Council.

2421. Was it to have been handed over to the Corporation?—Yes.

Mr. SAMUEL BLACK re-examined.

Mr. Samuel Black.

2422. Can you explain the reason this park has never been handed over to the Corporation?—I can explain that. There was an *ommissus* in the Act obtained by the Harbour Commissioners. There was no provision made in the Harbour Act of 1854—the 17th and 18th Victoria, chap. 45, sec. 20,—by which the Commissioners could hand over the park to anyone, but we have lately applied under the provisions of the Public Parks Act for this park to be handed over to the Corporation, and the Harbour Commissioners have referred the matter to a committee of their body, so that the matter is in fact in process of arrangement at the present time.

Mr. WILLIAM M'CORMICK re-examined.

Mr. William M'Cormick.

2423. I am glad to learn that that is so, as this park would be the most healthy part of Belfast, as it is some miles down the lough. With regard to the manure depôt, I think it is most deplorable that that nuisance should be allowed to exist. It is at the central railway, along the bank of the Lagan, quite convenient to the Blackstaff. It is one of the principal thoroughfares by which people get into Belfast, on the county Down side of the river. It is also lying close to the public markets, and I think that the Town Council should take immediate steps for the purpose of having it removed. It is almost impossible to go across that central railway bridge in summer time, the effluvium is so great that arises from it. In summer the effluvium is never away from it, and it is intolerable when one passes along that central railway bridge which is twenty or thirty feet above it.

2424. Are there any houses in its proximity?—There are—a great many by the side of, and all around it. I wish also to state that between one-fourth and one-fifth of the ratepayers of the town are entirely unrepresented on the Council. The majority of the working classes, ratepayers of this town, think it very strange that they are denied privileges in connexion with the franchise that are enjoyed by their fellow workmen in England and Scotland.

2425. I believe you desire to make a statement concerning the assessors?—Yes. The working classes of this town some years ago put in a gentleman in whom they had confidence, and, strange to say, what was hitherto unknown in the Corporation of Belfast, the fee that had been paid by the Corporation up to that time was refused to him.

2426. Can you give the date when that occurred?—I cannot say exactly; four or five years ago.

2427. Who did the working classes elect?—Mr. Charles H. Ward as one of the borough assessors.

2428. Do you say that the Corporation refused to pay him his salary?—Yes; and he occupied the position for two years. The working classes of the town were most indignant that he was not paid.

2429. Did the Corporation refuse to pay him for the entire time?—They did.

2430. Upon what ground?—I cannot say. The salary had been paid for years before to men who were considered by some to be in a better position than Mr. Ward was.

Dr. E. D. GRIBBIN examined.

Dr. E. D. Gribbin.

2431. Mr. LAWLESS.—I believe you are a physician and surgeon?—I am.

2432. Do you wish to be examined in relation to the sanitary state of the town?—Yes. I wish to state that for the last quarter of a century, and above that period, I have been practising as a physician and sur-

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Dr. E. D. Gribbin.

geon in this town, and I know in the course of my practice that fever has occasionally cropped up, and sporadic cholera has also appeared, in the district adjoining the Blackstaff. My attention has been directed to watching those diseases for some years past, and I have seen ten, fifteen, and twenty cases of those diseases in that neighbourhood. There has been nothing done by the Corporation in the way of mitigating the evils attendant upon the condition of the Blackstaff.

2433. Do you attribute the prevalence of those diseases to the condition of the Blackstaff?—Well, I have remarked when the cases first cropped up they occurred in the vicinity of the Blackstaff. I recollect the disease attacking the people living on one side of Cromac-street, and also some families in the neighbourhood. I would suggest that at a small expense the evil might be greatly mitigated. I am aware that many members of the Town Council are as anxious as I am to mitigate the evil. I attach no blame to the sanitary committee, nor do I attach any blame to the sanitary officers that are now connected with it. I have had on different occasions to apply to them in order to have grievances remedied when they came under my notice, and I always found them most zealous and painstaking officers. I would suggest that at a small expense the evil might be mitigated or abated. Supposing they commenced at the Corporation property—the gasworks—and flagged the bottom of the Blackstaff, and filled up the deep cesspools that are to be found along its course, and made an inclined level, so that when a high tide would rise it would sweep down all the offensive matter that had collected. That could be accomplished by deepening the channel below the Corporation property at the gasworks. I also wish to refer to the smoke nuisance. I know a respectable family living in an adjoining street, and adjoining their premises is an establishment in which are four smoking compartments. In those places the ingredients used are sawdust and wheaten straw. From the imperfect combustion which takes place when you expose those two articles to heat a noxious fætic vapour is given off that is almost unbearable. That smoking process is carried on there for the smoking of American hams and bacon. The nuisance is generally carried on at night, and the fætic vapour is intolerable.

2434. Is it dangerous to health?—I really believe it is. I know one establishment where four smoking vents are in operation. I attach no blame to the Corporation staff. I did expect that there would be some remedy for it, but the person who committed the nuisance got into the Town Council, and I believed it was useless to appeal to a Board where one of the judges was the culprit.

2435. Do you mean to say that the gentleman who was carrying on this establishment and causing this nuisance was a member of the sanitary committee of this Corporation?—Yes, I know that of my own knowledge.

2436. Was his attention ever called to it?—Often; and that party is at present the owner of the establishment which adjoins the parties' private dwelling house to which I have alluded, and I have not the least doubt that it is injurious to health.

2437. Are there more of these establishments in the town?—I have only referred to this one, which has come under my observation. I believe if this gentleman had not been a member of the sanitary committee, the evil would have been removed long since.

2438. Did you call the attention of the sanitary officer to this matter?—I did, both to-day and yesterday. He is not to be blamed; if he could have remedied it he would have done so long ago.

Mr. John Robb.

Mr. JOHN ROBB examined.

2439. Mr. LAWLESS.—I understand you wish to give evidence as to the differential rate between large and small house property?—My opinion is that it militates very much against the better description of property in Belfast.

2440. Can you shortly state in what respect you think so?—There are a class of property owners who find that the large taxes injure their property to a considerable extent. Of course an increased tax will considerably militate against the letting of the property they are building below a certain class, and consequently it increases the rate upon the better classes of property.

2441. Do you think it is a kind of premium upon the better class of property?—Yes; a kind of premium.

2442. Do you say that from their construction and build the houses are not valued at as fair a valuation as if they were better built?—Of course when they come under a certain value it decreases the valuation considerably.

2443. According to your knowledge of Belfast, is a re-valuation of the entire borough desirable?—I have no doubt of it.

2444. Do you think, having regard to the present day, that the rateable value of the town has increased very much?—Yes, on some properties—properties which have been valued a long time since.

2445. Do you think that the old property is not paying its fair share of rates according to its present letting value?—It certainly is not. I think the differential rate bears very heavily on the owners of property. Independent of that the Water Commissioners seem to have arranged things in such a way that the large properties will ultimately pay the entire of the water taxes; in fact I had it from their clerk yesterday that that was their aim. I can give you evidence that would convince you of it. (The witness here gave some details as to the different rates for water charged by the Water Commissioners, but we do not insert it as we considered it beyond the scope of our inquiry.) There is one thing in connexion with the sanitary matters to which I desire to call attention. The firm of which I am a member has a place where many of our young men lodge, and unfortunately a person who manufactures tobacco is next to us. He has turned an ordinary chimney of his premises into a flue which he uses in the manufacture of tobacco. I hold that where young men have to sleep the air ought to be kept as pure as possible, and when the chimney of a dwelling-house close beside them is used for the purpose I have named, the Council ought to interfere. I brought the subject under their notice, but they have done nothing in the matter. As I have said the ordinary flue of the house has been turned into a chimney for a furnace employed in the manufacture of tobacco. I think that is dangerous both to property and health, for there is a high flame and sparks coming out at the top of the chimney. I am astonished that the Council have not interfered in this instance, and put a stop to this dangerous nuisance. There are a number of things in connexion with our town matters that I think should be changed. I think it puts a great deal of labour unnecessarily upon our town surveyor to have the purchasing of materials of a great many things without advertising for them. Hundreds of pounds worth of materials of different classes are evidently bought in this way, for there is not an advertisement of any kind for them, and I think that is a system which is liable to lead to a great many abuses. I think it is open for people to contract for these materials. Take stone, for instance. I assert that our surveyor takes stone without regard to quality, and that is quite injurious to our streets. I think the Council should advertise for that material. They take these stones irregularly as they get them, and they have men to spread them, who sometimes are standing idle for hours, not having any to spread. I think this is a department in which there should be advertising, and thus a great deal of money would be saved for the town in the way of labour alone.

2446. Do you think the streets could be kept in better repair by contract?—Yes; or otherwise that they should advertise for all the materials.

Mr. Samuel Black re-examined.

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2447. What do you wish to state in answer to Mr. Robb's evidence on this point?—I wish to state that everything is taken by contract where it is possible. We have got some by contract frequently. The fact is, we took some stones from Mr. Robb himself, but they were too coarse for us.

Mr. Robb's examination resumed.

Mr. John Robb.

2448. The quality of the stone is very indifferent, one load being good and another bad, and these are emptied one beside the other. From what I have heard from others they have only one contractor, who seems to be a favourite with the Town Council, for making streets, and I have heard several contractors complain and say that he was evidently a favourite, and that there was no use in their attempting to obtain any work from the Council.

2449. What is his name?—Campbell. I think from the great number of materials ordered by the town surveyor I think they should be advertised for, and more narrowly looked after for the benefit of the town.

2450. Did you never see an advertisement for these contracts?—Never.

2451. Would it be possible to get good stones delivered in the town?—I do not see any difficulty in the way of arranging to get them from four or five individuals, so that they might calculate upon the men being employed. There is another matter I have to complain of. At one time we put in plans for a projecting window in a house in Castle-place, before the Town Council, and they were approved of. After we had gone to the expense of putting it up we were noticed to take it down. Afterwards the matter was fought out, and it was arranged ultimately that it should be allowed to remain; but to the present day I see a number of places equally as bad, nor do we hear of them being taken any notice of at all, and they remain undisturbed. I could mention as one instance of that, a house in Queen's-square which is worse than ours, and it never was deemed an obstruction.

2452. Upon what grounds were you noticed?—The Town Council, in their absolute power, judged it an obstruction.

2453. What was the obstruction?—We got notice about our premises on account of a small circular projection into the street. After we went to the expense of constructing it, they wanted us to take it down, and we refused because they had passed the plans, and we showed them the note we had from them to that effect. We, of course, refused, having gone to about £1,000 worth of expense in the matter, and had ordered our circular plate-glass. Well, they judged it an obstruction, and because they did so they thought they could make us do away with it. They proceeded to law, and it could not be taken from us. But there are, as I have said, many other obstructions with which they have not interfered.

Mr. S. Black re-examined.

Mr. S. Black.

2454. Mr. Robb forgets to state to you that when his plan was submitted with this projection it was disapproved; but it is quite true that a circular was sent to him from the town clerk's office, stating that the plan was approved instead of stating that it was disapproved. It came before the Council immediately afterwards, and the plan was disapproved, and the fact was published in the public prints, and Mr. Robb's attention called to it, but after that he went on with the building. He relied on the technicality that was afforded him by the error contained in the circular that was sent him. As far as the prosecution is concerned there was no truth in that.

Examination of Mr. Robb resumed.

Mr. John Robb.

2455. I want to show that there appears to be an *animus* as regards the Town Council, because there are other obstructions equally as great as ours, of which they do not take any notice.

2456. Do you think that course arises from a feeling of animosity?—I have long come to that conclusion, and so have other people as well. They proceeded against us about six lamps outside another building of ours, which they also deemed an obstruction. If every person was treated alike I should not object, but they are not.

Mr. Black re-examined.

Mr. S. Black.

2457. If they had consented to keep these lamps alight as long as the ordinary street lamps we would not have objected, but they wanted to put them out when the premises were closed for business, and then the lamps became an obstruction.

December 23, 1876.

Dec. 23, 1876.

(Before Messrs. Lawless, Q.C., and Exham, Q.C.)

Mr. Joseph Biggar, M.P., re-examined.

Mr. Joseph Biggar, M.P.

2458. Mr. Lawless.—Do you wish to give us further evidence?—I do, about what is called the "Timber Ring" of the Town Improvement Committee, that I wish to speak.

2459. Have you heard that expression before?—I was a member of the Improvement Committee for three years, during the chairmanship of Mr. Gaffikin, who was examined here last night, and Messrs. John Brown, Thomas Brown, Dixon, and Lawther were also members of the committee. I think Lawther and Dixon were only part of the time members of the Council, but the Browns were all the time. These four gentlemen are timber merchants and building speculators. It is the general opinion (I don't say the universal opinion) but it is a very general opinion that these gentlemen use their position as members of the Improvement Committee to benefit themselves. It is a very difficult matter to prove in any individual case whether or not they are fighting really for themselves, although not apparently doing so, because owing to their position as timber merchants they come very closely in contact with the builders and owners of houses which are being built, and they may be fighting for the business of friends, and in that way indirectly benefiting themselves, while the other members of the Improvement Committee would not know they were really doing so. In one or two cases that I can remember I have seen them act in a way which, I believe, was directly to benefit themselves.

2460. Will you mention these cases?—I will, before I am done. I may say that, so far as I can form an opinion, Mr. Montgomery was always disposed to do what was right. So far as I can form an opinion he reported fairly and correctly to the Improvement Committee, but I have repeatedly seen his recommendations over-ruled, and in such cases he would say, "Well, of course, gentlemen, I must do as I am instructed, but you will please to take a note of the fact that I have

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recommended differently." I have often seen Mr. Montgomery do this. There is one case in which Mr. Dixon bought a strip of ground from the Harbour Commissioners which lay in front of a row of houses which have been occupied for some years, the houses being the property of Mr. James Glenn. This ground could only be used to build houses of an inferior description on. There is a rule that no streets shall be formed of less than thirty feet wide for occupation by dwelling-houses.

2461. If they were limited to that rule, was there only room for houses of an inferior description?—Yes, that was the width from front to front. An application was made by Mr. Dempsey to build a public house of an extensive character at the end of this street, on the ground which Mr. Dixon had bought. His plan was so extensive that it would leave less than thirty feet of the street in front of these dwelling-houses. The application was objected to in the first instance when it came before the committee—Dempsey's plan I mean.

2462. Was it brought before them in the usual way?—Yes. It was brought by Mr. Montgomery before the committee. It was objected to in the first instance, but by perseverance the majority was got to report in favour of it.

2463. Did Mr. Montgomery when he brought that plan before the committee approve or disapprove of it?—I believe he disapproved of it, for the thing was objected to in the first instance. If he said "This report is all right" there would have been no discussion, but I remember there was a great deal of discussion over this business of Dempsey's. By perseverance the majority of the improvement committee was got to report in favour of the plan being carried; the result is, that the width of the street in front of the dwelling-houses is fixed at about twenty feet. The large building is built at one end of the street, which is there only twenty feet in width, and that fixes the line for the remainder of Mr. Dixon's houses uponthat strip of ground.

2464. What street is it?—New Andrew-street.

2465. Can you give the date of that?—I really cannot tell you. I left the Town Council about three years ago; it is about three years ago.

2466. Is the record of this in the minute book?—Yes.

2467. Then, in that case there has been a direct violation of a settled rule?—Exactly. I may say there are a number of rules. One is that the street should be thirty feet wide, and another that there should be no cellars deeper than the sewers of the premises. It is a very common thing in the committee for special applications to be made for leave to infringe some of these rules; but I believe the invariable practice of Mr. Montgomery has been to report against any infraction of the rules, and then the party who sent in the plan would come before the committee and make a fight, and get leave to do what Mr. Montgomery objected to.

2468. Can you give us an instance?—In Marcus Ward and Company's place beside the Blackstaff the cellar was made deeper than the Blackstaff which adjoins it, and there is no doubt that Mr. John Ward and Mr. Brett came before the improvement committee at least six times, and at last they got leave to make it. I am told that it requires to be pumped out by a steam engine to keep it from being flooded with water.

2469. Can you give us any further instances?—I remember a particular case of Mr. Thomas H. Brown about a sewer that was recommended to be made by Mr. Montgomery somewhere in the neighbourhood of the Cullintree-road.

2470. Was this plan passed by Mr. Montgomery?—No; he recommended that certain improvements should be made by the owners of the property, and the result of it was that Mr. Thomas H. Brown came before the improvement committee, of which he was then a member, and made a most determined objection to incurring the expense which he was asked to incur, and the result was that Mr. Montgomery's recommendation was not carried; so far as I remember the result was that no order was made, and the matter dropped.

2471. Was Mr. Brown then owner of the property?—Yes. I remember a case in which it was considered desirable to widen and straighten the footpaths in Donegall-pass.

2472. What was done about that?—Mr. John Brown, chairman of the improvement committee, had a piece of ground in front of some of his houses, which stood out on the footpath, and he seemed to make very much of a Jew's bargain with the committee—that is, he stood out against it. His was the only house that was beyond the line for houses, and he held out for better terms than the owners of the neighbouring ground were content to take.

2473. Was there any compulsory power to purchase the ground for improving the street?—No; they expired about the year 1850, but very often there is some compensation given for pieces of ground to improve the streets, and very properly. I remember a case; it did not come under my notice in my capacity of Town Councillor; but there is a piece of property owned by two members of the improvement committee, Mr. John Brown and Mr. Lawther, one of the tenants complained very much to me that these landlords could not be got to finish the streets although they had let the houses, and had bound themselves to the tenants to make the streets.

2474. What street is that?—It lies near Limestone-road, between it and the New Lodge-road.

2475. Are Messrs. Brown and Lawther in partnership?—They are in partnership, and joint confederates in these ground speculations.

2476. Were there tenants occupying houses in the street that was not completed?—Yes; it was not completed, it was simply marked off; that is what gave rise to the great deal of discussion that took place here, namely, the landlords' contracting to make the streets and not doing so. In this case they had plenty of money and should have done so. The poor man cannot go to law with the rich landlord, and I think the remedy for these complaints which are really very general, about the conduct of the Improvement Committee, would be that when the Town Council are fixing their committees there should not be more than two members of the timber trade put on the Improvement Committee. I think there should be two; for these gentlemen know a great deal about the value, &c., of property, and their opinion on many matters with which the Improvement Committee have to deal is worth much. It is desirable that on any committee like this where three members form a quorum, that there should not be more than two; for the interests of these gentlemen very often clash with the general interests of the public.

2477. Do you think that the experience of two members of the timber trade would be of public advantage on that committee?—I think there could be no objection to it.

2478. Mr. EXHAM.—The 76th section of the Act of 1865 provides for the width the streets should be?—Yes; and there are by-laws and rules which ought to be as binding as the Act of Parliament; to give you an example, the Town Council once resolved that the footways of the streets should be flagged instead of laid down with round paving-stones, and that is a law which of course (until it is rescinded) should be binding in morals and fair play on the Improvement Committee, but they do not carry it out, for they are canvassed by people who wish to get these things done in their own way. I will give you another instance as to the way in which the committee is influenced. When the Tramway Company got authority to lay down their tramway, they bound themselves to make the roadway of a certain quality, and Mr. Montgomery frequently reported against the way in which the work was done, and he was as constantly thwarted by members of the committee, whom I do not at present remember, but it was the case. He reported over and over again that the work was improperly done, but it was not stopped. I do not wish to say that all the members of the Corporation are not desirable ones, but I think the great fault is the want of a sound public opinion here. We have no representation of minorities. There is another small matter which was referred to

by the Chairman, that is, as to the Local Government Board approving of the salaries of the sanitary officers. Some gentleman made a remark about the salary of Dr. Browne, and Mr. Corbett said that it was confirmed by the Local Government Board, and he seemed to think that because that was so it must be all right. I think it would be judicious, and very likely it might be proposed that the powers of the Local Government Board should be extended, and I think that the Local Government Board is very good for some things.

2479. Mr. LAWLESS.—I think this is going beyond the scope of our inquiry.

2480. *Witness.*—I would not have referred to it but Mr. Corbett said, or seemed to think, that because the Local Government Board sanctioned Dr. Browne's salary it must be all right. I say the Local Government Board are not competent to decide whether Dr. Browne has a fair salary or not. I am not competent myself to decide upon his duties or salary. I think it is an inefficient tribunal for business of that sort. I think it would be very good for matters which have turned up in the course of this inquiry; where the owner of property in a street pays to have the street past his own houses made, and the sewers made, while the remaining part of the street is not sewered or paved. It would be a very good thing for the Local Government Board to see that the street was made.

2481. Mr. LAWLESS.—Is not that a matter which should be attended to by the Town Council?—Yes; but when they neglect it the Local Government Board would be a competent authority to see that it was done.

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Mr. ROBERT STEWART re-examined.

Mr. Robert Stewart.

2482. Mr. LAWLESS.—You went very fully into the several matters to which you referred when you were examined here last, and we must therefore request you will not go into any matter you mentioned before. What do you now wish to state?—Mr. Black gave evidence on the 22nd December regarding some evidence which I gave affecting a rate collector named Rankin, and inasmuch as Mr. Black's evidence is misleading and untrue, I think it right in the interests of public justice to refer to it. He said that in my evidence I charged Mr. Rankin with disqualifying a certain number of voters. I did not make any such statement in my evidence. Mr. Black said that Mr. Rankin is constantly in attendance on his duties, and I say, and am prepared to prove, that this is not true, and that members of the Town Council know about it. Mr. Rankin never called upon me in my house or elsewhere for rates. Mr. James Connor was the person who always called upon me and the other persons in Dock Ward for the rates, and I have ascertained that in the entire of Dock Ward Mr. Rankin does not collect the rate from a single person, excepting three establishments—namely, the Belfast Harbour Commissioners, the Northern Counties Railway Company, and the York-street Spinning Mill.

2483. Do you mean to say that his collecting the rates by deputy is known to certain members of the Corporation?—Certainly; George H. Carse, a town councillor, living in Dock Ward, pays his rates to James Connor; Daniel Dixon, Samuel Lowther, David Corbett, and William Harvey, all town councillors in the same ward, also pay their rates to him, and so does Dr. Alexander, the alderman of that ward. This fact is, I think, sufficient proof of my statement.

2484. Do you mean to say that these gentlemen were aware of the fact of Rankin acting by deputy?—Certainly, and they actually pay their rates to Connor as his deputy, and have done so for many years past. I do not know for how many years, but I can say for some years.

2485. Have you the receipts for the rates which you paid?—Yes.

2486. In whose handwriting are they?—In Rankin's.

2487. In his own handwriting?—Yes; my allegation is that he himself never calls for the rates. It is always the deputy. I merely wish to make this statement in correction of the evidence given by Mr. Black. I have made inquiries with regard to two other collectors employed by the Corporation, and I find that they both employ deputies.

2488. Name them?—Charles Noah Davis employs a deputy.

2489. Do you know this of your own knowledge?—I do. I do not know the name of the deputy whom he employs, but he is his brother-in-law, and there is George Miller, the collector for Cromac Ward, who had in his employment a deputy up to the first of the present year.

2490. Do you know that of your own knowledge?—I do.

2491. Do you know whether he has ceased to keep the deputy collector?—I do not know that he has ceased to do so yet.

2492. Do you know his name?—I do not know his name.

2493. How do you know that the rates are collected in those other wards by deputies?—I saw them collected by them.

2494. Mr. EXHAM.—Have you been in the houses and seen the people pay the rates to the deputy?—Yes; I saw the deputies giving receipts in the ratepayers' houses in those wards.

Mr. JAMES LARMOUR examined.

Mr. James Larmour.

2495. What complaint have you to make against the officials of the Corporation?—I wish to corroborate the statement already made by Mr. Dinnen and Mr. Gaffikin. Having seen in the local newspapers that Mr. Cobain, on the 23rd December last, said that the evidence regarding him and his interference in political matters was unfounded, in self-defence I think it my duty to come forward and corroborate the evidence given by Mr. Dinnen.

2496. Mr. EXHAM.—We want distinct evidence—evidence that you know of your knowledge—not what you know by hearsay?—The greater part of the evidence which I intend to give now was formerly given by me on oath before the Recorder in a case which I had against Mr. Cobain for wages due to me.

2497. Mr. LAWLESS.—Did you bring an action before the Recorder against Mr. Cobain?—I did.

2498. When was that, and what was it for?—It was in 1870. You will see it all in the newspaper. [Newspaper produced.]

2499. Were you ever employed by what is called the Conservative Registration Association in Belfast?—Yes, I was, from 1869 to 1874.

2500. In what capacity?—As political agent, parliamentary and municipal agent for St. Ann's ward.

2501. By whom were you employed?—By the Conservative Registration Association.

2502. Can you name any of the individuals acting in it?—I cannot in every case, for this reason—that there was a new association formed every year; consequently I cannot name them.

2503. Was Mr. Cobain a member of that association?—He was.

2504. Was he a member during the time that you were employed as agent?—Yes, from 1869 until the present time.

2505. Did that association act in relation to the municipal elections?—Yes, and the revision of the burgess and parliamentary voters lists.

2506. Were you ever present at any meetings

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Mr. James Larmour.

for the purpose of naming candidates for the Town Council?—I was repeatedly.

2507. Have you ever seen Mr. Cobain present at any of those meetings?—Yes, I have.

2508. Have you ever known him to nominate any person as a candidate?—I did.

2509. Can you remember the name of the candidate nominated by Mr. Cobain on the occasion to which you allude?—Yes, Mr. John Hamill, J.P.

2510. Were you ever employed by Mr. Cobain as a member of that association to do work connected with it?—Yes, I was employed by him to do special work in Cromac ward.

2511. What were you employed to do?—I was employed to make what is called an after-inspection, and to post up the books and prepare the list and conduct the burgess revision for Cromac ward, which I did.

2512. Were you specially employed by Mr. Cobain to do that work?—I was.

2513. When?—I do not remember the date, but it was in 1871.

2514. Were you to be paid for that?—Mr. Cobain said he would see me paid.

2515. At what rate were you to be paid?—There was no sum mentioned as to what I was to be paid, but it was to be afterwards ascertained what I should be paid.

2516. Out of what funds?—I do not know; out of the general subscription.

2517. Did you do that work yourself, or did you employ some person to assist you in it?—I did it, but I also employed a man to help me, and promised him 30*s.* for one week.

2518. What is the name of the man you employed?—James Clarke.

2519. Is he living still?—Yes. He is living at 75, Hopewell-street.

2520. Did you pay him that 30*s.* which you promised him?—I did not. I said when I was employing him I would pay him when I was paid.

2521. Were you paid?—I was not.

2522. Did you apply for payment?—I did.

2523. To whom did you apply?—I applied to Mr. Cobain, and I asked others to apply as well as myself.

2524. Did you apply in 1871, or any time after 1871?—Yes, I did.

2525. How many applications did you make to him?—A good many; but when I found it was useless I got a solicitor to apply for me.

2526. Did you bring an action against him?—Yes.

2527. For how much?—For £10; in the summer of 1874 at the quarter sessions.

2528. Before the Recorder?—Yes.

2529. What was the result of that action?—It was dismissed without prejudice on some technical point.

2530. Did Mr. Cobain defend that action?—Yes, he did.

2531. Did he deny your claim?—Yes.

2532. Were you examined in the case?—I was.

2533. Was Mr. Cobain examined?—He was.

2534. Did he deny your claim?—He admitted that I did the work, but he did not admit that he employed me to do so.

2535. Did he admit that you did it upon his employment—his retainer, as it were—or did he merely dispute the account?—He disputed that he ever personally promised to pay me.

2536. Had he promised to pay you?—If Mr. M'Erlean, who was my solicitor in the case, was here, he could tell you all about it.

2537. Your own recollection is as good as Mr. M'Erlean's?—He disputed paying it because he did not look on it as an employment in his own name.

2538. Were you the only agent employed upon that occasion?—I do not remember.

2539. Did you ever know of any other agents being employed by Mr. Cobain?—I did; Mr. Whiteman was one. He gave evidence in my case also.

2540. Do you know of anyone else being employed by Mr. Cobain?—Yes; Mr. Clarke and Mr. Connor.

2541. Was that Mr. Connor the deputy of Mr. Rankin, the rate collector?—Yes.

2542. Were these men employed by Mr. Cobain to render similar services to those which you were appointed to do?—I know that Mr. Clarke and Mr. Whiteman were, but Mr. Connor was not employed by Mr. Cobain, but he promised him a bonus in the same year of £20.

2543. Who promised the bonus?—Mr. Cobain.

2544. Who did he promise it to?—To Mr. Connor.

2545. A bonus for what?—The salary was too small, and he promised him that bonus for doing some work in Dock ward.

2546. Do you mean in addition to what he received as deputy for collecting Rankin's rates?—Yes, for acting as ward agent, the same as I was.

2547. Was it for being ward agent that Mr. Cobain promised him the bonus?—Yes; that was what the man swore to.

2548. Did he ever pay that to Connor, or ever procure it for him?—No; he utterly denied it.

2549. Were any witnesses examined in that action brought against Mr. Cobain by you?—There was Mr. Clarke, Connor, and Whiteman.

2550. Did their evidence sustain your case, or Mr. Cobain's case?—My case; that I did the work.

2551. What was the technical point on which your case was dismissed?—Simply that Mr. Cobain did not guarantee any payment. That it was simply in the name of the society he made the appointment, and that they and not Mr. Cobain personally were legally liable to pay me.

2552. Were you ever present at any of these ward meetings—what did you call them?—Some were meetings of the general committee, and others were ward meetings.

2553. Were candidates nominated at them?—Yes.

2554. Have you known Mr. Cobain to take an active part such as any other citizen would take in proposing or nominating or objecting to any candidate?—Yes; repeatedly. In all these cases he took a most prominent part.

2555. Have you known him to take an active part in the municipal elections here?—I have.

2556. In what way?—He canvassed; and got lists for that purpose, and afterwards came in and made reports to the committee as to the result, the same as any paid agent would do.

2557. Have there ever been any collections made for any of these purposes?—There was a collection made every year.

2558. Have you ever known Mr. Cobain to make a collection?—I have known him to go out for that purpose when any financial difficulty arose, and he always got money.

2559. Have you got a letter dated the 5th October, 1872, from Mr. Cobain?—I have (hands in letter).

2560. This is the letter:—

"Rugby-road, Belfast,
"5th October, 1874.

"SIR,—In reply to the communication with which you have favoured me respecting a claim for £10, which you affirm is due you for the help rendered to the inspector of Cromac ward in the year 1872, I have to inform you that I know nothing of the claim in question; you were never employed by me, nor was any other person for the purpose you mention. I interested myself in your appointment several times, and did all I could to have you again appointed for the present year, and while you were an inspector of the Conservative Society I did all in my power to have your services recognised in the most generous manner. I did this in a very large extent owing to the respect I entertained for your brother George. I suppose the recent offensive communications are my best thanks for the friendly interest previously manifested. If this money is really due you should at the time have preferred your claim in the proper quarter. You are perfectly aware I never had any connexion with the duty of employing and paying for political work, and I therefore decline utterly to take any responsibility in the matter.

"I am, sir, yours truly,
"E. W. DE COBAIN."

After that you brought the action?—Yes; it was in the year 1874.

2561. Are you able to state from your own knowledge that Mr. Cobain has taken an active part on more occasions than one in the election of members of the

Council?—Yes; in every year that I was ever employed as an agent.

2562. Was he during all that time cashier of the Corporation?—Yes; and he is still, and he was publicly regarded as a prominent man in politics.

2563. Mr. EXHAM.—Did you yourself ever see Mr. Cobain fill in objections to ratepayers?—I did in 1871, and I also assisted him. We had to do it in a hurry, because the face of some of them was spoiled by the old man in charge of Cromac Ward, and we had to fill them on the very last day that they could be posted.

2564. Have you ever known any person whom Mr. Cobain actually canvassed for his vote in any municipal election?—I do not recollect.

2565. Were you ever present when he did such a thing?—No, I never was.

2566. Can you state the name of any councillor for whom he ever canvassed?—I did not take notes on that point. I cannot swear to an individual, but I know he did it. I did not take notes of it.

2567. How long did the meetings generally last?—Sometimes they would last two or three hours; it was according to the importance of the business.

2568. How many people were generally present at them?—At the meeting of 1870 there was only four burgess electors of St. Ann's Ward present.

2569. Was that when Mr. Hamill was the candidate?—Yes.

2570. Mr. LAWLESS.—Can you give the names of those present?—Yes. Mr. Howey voted. There were two for and two against Mr. Hamill, and the chairman, Mr. Thomas M'Clinton, gave a casting vote in favour of Mr. Hamill.

2571. Who proposed and voted for the second man?—I know Mr. William Guy was present.

2572. Was Mr. Hamill put forward as a candidate?—He was.

2573. Was he elected?—He was on that day.

2574. Was there any book kept of the records of that society, whatever it was?—[No answer.]

2575. Did you ever see any entries made in a book? Did you see a book?—I did repeatedly. In a couple of years (1869 and 1871), the society became totally bankrupt, and the landlord of the offices which they occupied confiscated all the books, papers, and office furniture for payment of his rent.

2576. Have you seen Mr. Cobain present at more than one of those meetings?—Yes; at more than fifty meetings.

2577. Were they about municipal elections or parliamentary elections?—Municipal in particular.

2578. Did you hear discussions, or what was done at these meetings?—It was simply the workings of the association.

2579. What were the workings of the association? Were there lists of the voters and ratepayers there?—Yes, regularly.

2580. What was done?—Simply looking over the workings of the association.

2581. Were returns given in as to who promised to vote and who did not?—Yes; there were lists made out—street lists as it were—and these lists were given to agents, and reports were made by them almost every night at the ward meetings as to the chances of success of the candidates.

2582. Do you mean to say that you yourself saw Mr. Cobain present at these meetings when the reports were given in?—I do.

2583. Give us the names of some of the persons who you say were present as well as Mr. Cobain?—That I cannot give, for the reason that the canvassers for the wards were, with the exception of myself, generally volunteers.

2584. Did you hear Mr. Cobain give instructions to these persons?—Yes.

2585. What was the nature of the instructions?—To take their lists and canvass the streets according to the lists to see who would vote, and who would not vote for the selected candidate.

2586. Who opposed Mr. Hamill then?—I do not remember at present.

2587. In 1870 did you make out any canvassing lists for Saint Ann's Ward?—I did, street lists.

2588. Was it by Mr. Cobain's directions, or by the directions of anyone else?—By the whole committee of the ward.

2589. Who else was on the committee besides Mr. Cobain? Was Mr. Davis?—Mr. Davis was one, and my own brother was another.

2590. Who is Mr. Noah Davis?—One of the rate collectors.

2591. Charles Noah Davis?—Yes.

2592. Did you refuse to act for the candidate Mr. Hamill?—I did.

2593. Why?—I refused on principle, in accordance with the rules of the association. That was my principal point.

2594. What was the principle upon which you refused to act for Mr. Hamill?—Because of the fifth rule (I have the rules at home). The fifth rule said that there was to be no one returned for Parliament or the Town Council except he was a supporter of our Orange and Protestant principles.

2595. And that being the rule you refused to support Mr. John Hamill?—I did.

2596. Did Mr. Davis give you any canvassing lists upon that occasion?—No; but Mr. Davis made use of the lists I had then made out.

2597. In other words did you give your lists to Mr. Davis?—No; but he took them as a member of the society.

2598. And did he make use of them in the interests of Mr. Hamill?—Yes.

2599. Mr. EXHAM.—I see, if the report of this trial is correct, that his Worship the Recorder would not allow Mr. Cobain to be asked the question whether or not he himself had selected candidates for the Town Council. It was objected to by Mr. M'Lean that the question was irrelevant. The question was—"Do you swear, Mr Cobain, that you yourself have not selected candidates as members of the Town Council for political purposes," but on the trial the Recorder would not allow that question to be put to him.

2600. Mr. LAWLESS.—Have you known Mr. Davis to take an active part on behalf of the Conservative Society in the year 1873?—I did.

2601. What part did you know him to take?—I have known him to give a list of the names belonging to George's ward; that is, the names and addresses—some seventy, I should say, to the then solicitor of the society, Mr. Bates, to be claimed for.

2602. To be put on the burgess roll, is that what you mean by "to be claimed for"?—Yes.

2603. Have you known Mr. Davis of your own knowledge to interfere with the revision of the burgess lists?—Yes, repeatedly.

2604. Have you seen him do so?—I have repeatedly as a member of the Conservative Society.

2605. Have you known Mr. Cobain to attend to the revision of the burgess lists?—Yes; in any particular year to see that it was correctly done. I have seen him go over them in my own house.

2606. Is it not the duty of the officers of the Corporation to attend the revision of the burgess roll?—It is the duty of the collectors to attend the revision.

2607. And the town clerk?—Yes; and also the clerk of the union.

2608. Do you know what the duty of the collectors of the municipal rates at that revision is? Is not the duty of the collectors simply to state to the court of revision what persons' rates are paid, and what are not paid?—Yes; and also to answer whatever questions it may be thought proper to ask.

2609. Have you known any of these rate collectors, or any officer of the Corporation, take a part in the revision of the burgess roll beyond his regular duty?—I have, almost every year. I never remember it otherwise. Mr. Davis could let nothing pass without interfering in every disputed point in the burgess revision. At the very last burgess revision, when I myself was arguing a point, he interfered, and had to be reminded of his position by the town clerk.

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Mr. James Larmour.

2610. Was that to stop his interference?—It was.

2611. Mr. EXHAM.—Was he going beyond telling whether taxes were paid or not, or answering questions?—He was, and was merely interfering. It had nothing to say to the payment of taxes.

2612. I see by the report in this paper that you had an interview in this hall with Mr. Cobain—was that so?—No; it was not in this hall. It was in the car inspector's office in the old town hall in Police-square.

2613. Was it there that you say he directed this after inspection to be made?—It was.

2614. And you state that he told you to do it, and that he would see you paid?—Yes.

2615. And his evidence was, that if you did the work, you should be compensated for it?—Yes.

2616. Did Mr. Noah Davis ever give assistance at these meetings to your own knowledge?—Yes.

2617. What was the last time you knew Mr. Davis to take such a part?—The last time was in 1874.

2618. Mr. EXHAM.—Do you know anything of Sir John Savage's election?—I did, for I was his principal working agent.

2619. Did Mr. Cobain assist in his election?—He did, just the same as any of the rest of the Committee.

2620. Was he one of the Committee?—He was, undoubtedly; from 1869 up to the present he was a member of the Committee.

2621. Was Mr. Noah Davis on the Committee?—He was and is.

2622. Mr. LAWLESS.—Do you remember the occasion when Mr. Carlisle was a candidate?—I do.

2623. Mr. EXHAM.—When he was put out?—I remember all about it.

2624. Mr. LAWLESS.—Did Mr. Cobain take any part in that election?—I do not remember; I will not travel beyond what I know to be facts.

2625. Mr. EXHAM.—Do you know anything about Mr. Gaffikin's election?—I do not remember very much about it.

2626. Mr. LAWLESS.—Used Mr. Cobain to give in reports in writing?—He gave in verbal reports.

2627. Had he anything written down on paper?—Yes; he read the reports from his street lists and my street lists.

2628. What became of them afterwards?—Oh, they were generally burned; they were of no use to them afterwards. As Mr. Cobain read out the names of the list of voters they were checked off on the roll.

2629. Mr. EXHAM.—Do you mean to say that Mr. Cobain came in having a list with the voters' names on it and that he read out the names of the voters from it?—I do; he used to read out the names of those who promised and those who refused.

2630. Were the names then taken down in books kept for that purpose?—They were checked off on the list—on the rolls of voters.

2631. Who checked them off while he was reading?—The chairman, or secretary, or some member who was present, as the case might be.

2632. Can you say who it was checked them off?—I cannot say. I cannot mention the individual; different persons did it on different occasions.

2633. Mr. LAWLESS.—Was there a chairman elected every day?—No, every year, and in his absence some other person would act.

2634. Mr. EXHAM.—Was there a secretary?—There was.

2635. Can you not recollect his name?—I think it was Mr. Coates for the year 1870.

2636. Do you remember Mr. M'Clinton?—Yes; he was chairman for St. Anne's ward.

2637. For that year?—Yes.

2638. How often used the Committee of each ward to meet?—Generally once a month, and oftener before an election.

2639. Where were the meetings for St. Anne's ward held which Mr. Cobain used to attend?—I believe it was in the Victoria Hall, in Victoria-street.

2640. As you say you were there constantly, surely you must know?—I was, but they changed their office so often that I cannot now remember distinctly.

2641. Did any other officer interfere beside Mr. Noah Davis?—Never, directly to my knowledge or indirectly. I omitted to say that in 1871 Mr. Cobain and Mr. Davis compelled the agent for Cromac ward to send objections to Charles H. Ward, solicitor, and Thomas Ward, flax buyer.

2642. Who is the agent for Cromac ward?—A Mr. Henry. The list that I referred to as given by Mr. Davis is held in duplicate by Mr. Dinnen, and if he was here I could get the duplicate. Mr. Dinnen can corroborate that.

2643. You can get it from Mr. Dinnen?—Yes; I am prepared to verify the foregoing fact on oath.

Mr. Black.

Mr. BLACK re-examined.

2644. Mr. LAWLESS.—A communication has been made to us that on 26th December last there was a resolution passed by the Law Committee of the Corporation with reference to the attendance of the officers of the Corporation, and their giving evidence before this Commission—was there such a meeting?—There was.

2645. Have you got the minutes of it?—I have.

2646. Will you let me see them?—(Minutes produced.)

2647. This is the resolution passed by the Law Committee on the 26th December last, and I find that part of it was communicated to us, but only part of it:—

"MEETING of LAW COMMITTEE, 26th December, 1876.

"Present—Councillors R. Thompson (in the chair), Greenhill, Lowther, Haslett, Suffern, and E. H. Thompson. Moved by Mr. Haslett, seconded by Mr. Greenhill, and resolved—That the sitting of the Commissioners having been adjourned until a future day, without the evidence on behalf of the Corporation having been brought forward, and the parties against them being heard by the three Commissioners, this Corporation considers it most desirable that rebutting evidence should be heard by the three Commissioners, and urge upon Messrs. Corbett, Lawless, and Exham to give them the opportunity desired, and that a copy of this resolution be forwarded to them."

Well, that is a very proper resolution, but there follows (and I cannot speak of it in the same terms, as it does not seem to me a proper resolution to be passed by the Committee) another resolution:—

"Resolved—That the several officers of the Corporation, except the Town Clerk and the Borough Surveyor, be informed that the carriage of the evidence to be given at the inquiry is in the hands of the solicitor, and that they be requested not to interfere directly at the Commission except under his advice."

In that resolution the word "carriage," which is written over an erasure, shows that it was substituted for some other word, and I may say that that supposition is strengthened by the fact that the resolution, a copy of which was privately sent to us, has instead of "carriage" the word "course"?—The resolution was prepared by me, and the reason there was an erasure was because the one word was mistaken for the other, and copied wrongly into the book. Then, of course, it had to be erased and corrected. That resolution was drawn up by me.

2648. Have you got the draft of it?—No; I have not. I found that the word was written "course," and I had to correct it when I came to see the minutes.

2649. Mr. EXHAM.—Some one, at all events, must have taken a copy of that before the erasure was made?—Certainly. When it was read before the Committee I found that the word was miscopied.

2650. Mr. LAWLESS.—A copy of this was sent to us this morning in which the word is "course," and not "carriage"?—That was the original word.

2651. Mr. EXHAM.—Some one must have taken it from the original and sent it to us?—It was marked off and sent to the different members of the Corporation.

2652. Mr. LAWLESS.—I must say I consider it would have been better if that portion of the resolution had not been passed. It appears to me to show on the part of the Corporation a desire to keep back their evidence from us, or only to bring forward such portions of it as may suit themselves. It is impossible not to come to that conclusion?—On the first day that you sat here I said that my instructions were to lay before you every document and every evidence in our possession, and also to produce before you all the officers of the Corporation that you wished to examine. Such has been my practice throughout, and such shall be my practice as long as you continue to sit. On the last day you were here certain officers of the Corporation sent in communications wishing to deny certain charges which they thought implicated them, and by which I thought they were in no way implicated, and I thought that they (Mr. Cobain for instance), would come forward and force their evidence at a time when the Commissioners were not prepared to hear them. It was with the object of preventing that and with that object alone that the resolution was passed. It was drafted by myself and advised by myself to the committee.

2653. Taking your statement that it was done with the intention of facilitating matters here, I give you credit for it, but I think it would have been better that it should not have been done?—On the last day after half an hour was occupied in discussing the matter I had to get up and express my concurrence with the opinion expressed with reference to Mr. Cobain's coming forward then and giving evidence, and under the circumstances I thought it absolutely necessary that the committee should give instructions upon it.

2654. Mr. *Greenhill.*—I objected to that resolution being passed unless it was understood that full liberty should be given to all the officers who were charged to vindicate themselves from such charges.

2655. Mr. EXHAM.—The terms of the resolution are that they are not to come forward unless Mr. Black agrees with their doing so, but we have power to ask them to come forward and give evidence whether the Corporation like it or not.

2656. Mr. *Black.*—They all wish to come before you.

2657. Mr. *Greenhill.*—Mr. Black stated that he would give full liberty to them.

2658. Mr. LAWLESS.—I cannot understand why any of them should want liberty from Mr. Black or anyone else.

2659. Mr. *Greenhill.*—I was perfectly satisfied with what Mr. Black said after I objected.

2660. Mr. EXHAM.—Every one knew that we wished to give the fullest opportunity to the officers of the Corporation to come forward and vindicate themselves, and we will take care they shall do so if they please.

Mr. WILLIAM COSGROVE examined.

Mr. William Cosgrove.

2661. Mr. LAWLESS.—Are you a ratepayer in Belfast?—Yes; I am a ratepayer.

2662. Where do you live?—In Greenmount.

2663. What do you complain of?—Of the making of streets. I have laid out about fifty acres of ground myself for building, and have made some fourteen or fifteen streets. The first I had to do with were in the Shankill district.

2664. What year was that in?—It is at least fourteen or fifteen years ago. I then had the ground abutting on one street, about 800 feet in length. It was made and macadamized, and devoted to the public use, as streets were then laid out and accepted as streets (Crimea-street for instance). The Council occasionally cleaned, but never permanently took charge of them.

2665. Do you speak of this particular street?—I have only one complaint to make with regard to this street. Four years afterwards they ordered it to be paved, and sewered, and kerbed. My complaint is this—that when I took and built on it, and the houses were occupied, and having sufficient drainage, that the Council put me to the expense of about——. I cannot exactly say the amount, but the length of the street will testify to the amount it cost me.

2666. In what way were you overcharged?—The street was macadamized, and laid out, and appropriated to the use of the public, as streets were then. There were many streets at that time which were macadamized and laid out in the same way, and they put me to the expense of re-making my street, while they did not make others do the same to their streets.

2667. How long were the houses occupied at the time this was done?—Three or four years.

2668. Had any sewer been made through that street?—I already said that I had sewage.

2669. You say they then compelled you to re-make the street?—Yes.

2670. Were the footpaths made at the time?—No; the upper end of the street, for about forty feet, abutted on a portion of ground that the Council wanted to go through. I several times submitted plans to build—they never refused to allow me to build—but they would not approve of the plans, and I took that as a refusal. Latterly I went before them, and the surveyor and one of the committee went with me to the ground, and eventually we agreed that the Council should pave and sewer the portion of the street running across my ground there. Moscow-street was 900 feet long, and subsequently the Council cut off about 500 feet to close up the street at the end. Previously it was laid off as a street 900 feet long, but subsequently a portion was let to a foundry, and the Council closed it up, and only left me 400 feet.

2671. Mr. EXHAM.—Do you mean after that street was paved and occupied?—After it had been approved and laid out, they altered it. It was a loss to me though I do not complain of it.

2672. You said you had some complaint to make about the conduct of the officials of the Corporation?—I have nothing but what I put before you.

2673. Is Mr. Black your solicitor?—He is.

2674. Has he been your solicitor long?—Yes, for five or ten years.

Mr. COLLIGAN re-examined.

Mr. Colligan.

2675 Mr. LAWLESS.—Since we were here, did your solicitor make any application to the improvement committee or to any other branch of the Corporation for the inspection of any books kept by them?—No.

2676. Did you make it yourself directly?—I made an application here yesterday.

2677. To whom?—The assistant town clerk, who received me very courteously.

2678. What was your application?—To inspect the minutes of the Town Council meetings of the 1st May, 1874, and also of the 1st December, 1874.

2679. Of the improvement committee?—No; of the Town Council in committee on the 21st July, 1874. I wanted to know what was done on that day, and to see the minutes of the improvement committee on the 1st November, 1874.

2680. Did you apply yesterday for these?—Yes.

2681. Were you allowed to see them?—My request was acceded to with regard to the Town Council meetings; Mr. Collott (who is a most efficient officer), showed the minutes of the 21st July, 1874; but he said it was beyond his power to show me those of the 1st November, 1874. He said he could not allow those minutes to be seen, and what I want from you is an order to get me access to the latter minutes.

BELFAST.
Jan. 3, 1877.

Mr. Constantine O'Neil.

Mr. CONSTANTINE O'NEIL re-examined.

2682. CHAIRMAN.—Mr. O'Neil, what statement do you wish to make?—I wish to make a statement in relation to the weaving factory, which adjoins the Belfast District Lunatic Asylum, near the Falls-road.

2683. Who is the owner of the factory?—Mr. Lindsay. I inspected the place on the 1st of January, and I saw that at the side of the factory, between it and the asylum the nuisance of the workers comes out into the stream. The heated water from the same factory comes out a few yards below that; the nuisance and the hot water mix together, and then run down an open drain which is in a parallel line with the asylum wall, and separated from it by a distance of only four feet.

2684. Do the sewage and the water used there for condensing flow together into the open sewer?—Yes; They don't leave the factory in the same drain but unite shortly afterwards and flow down past the asylum.

2685. Where does it run to?—It discharges itself into the Blackstaff. On the 1st of January there was such a smell from it that when it came in contact with my palate and stomach it had such an effect that I was not quite well till after I had got a sleep.

2686. Mr. EXHAM.—How far does it run in that direction?—About 300 yards before it falls into the Blackstaff.

2687. How many people are working in that mill?—About 200.

2688. Do you complain that Mr. Lindsay, is allowed to have this drain containing sewage matter open when it should be in a covered channel?—My complaint is that it should be culverted so as not to be a public nuisance.

2689. Are there many people passing up that way?—No, except the workers. I have a house of mine close by and I was summoned for not having spouting on it, and there is a small yard which I got notice to have cleaned. I got the notice which was very proper from the sanitary officer, and what I complain of is this, that I am so visited by the law, and that the drain which is such a public nuisance is not taken any notice of by the Council. I complain that the law is put in force against me, and not against Mr. Lindsay.

2690. Mr. LAWLESS.—You don't complain that the law has been put in force against you?—I say that if it was put equally against all I would not complain.

2691. Mr. EXHAM.—Is Mr. Lindsay a member of the Town Council?—Yes; and he has been mayor.

2692. Was this place built since 1865?—Yes; and I say that I feel very much aggrieved that I should be so treated, and that a man who is a member of the Council and a great moral reformer should be allowed to have such a nuisance in sight of my house. I wish to let you know that your coming here is a God-send to many persons who are oppressed, and whose redress would be very small indeed if you were not here to listen to them. There is one other thing that I want to refer to. There was great talk in the Council about a change of the police in Belfast.

2693. Mr. EXHAM.—You need not say anything about that. I did not understand Mr. Black to make any complaint about the police. It is extraordinary how this matter is misunderstood. What he said was that the town should have a larger police force free. He showed that Belfast was not getting, under the Act of Parliament, its proper number free, and that if it did there would be a saving of £3,000 a year to the ratepayers. He said that the matter was brought under the notice of the Chief Secretary, and that it would be considered in July next when the number of the free police force to be stationed over Ireland will be allocated.

2694. *Witness.*—Dr. Alexander said that the Council should have control over the constabulary.

2695. Mr. LAWLESS.—His idea was that fewer of the constabulary with the assistance of the military would be sufficient.

2696. Mr. EXHAM.—Have you reported this complaint about the factory to the sanitary authorities?—I never did, and for this reason: some time since I made a report which was signed by two doctors and by clergymen of different religious persuasions about a nuisance in the same district, and we got no redress.

Mr. Robert Foster Dill, M.D.

Mr. ROBERT FOSTER DILL, M.D. (Borough Coroner), examined.

2697. CHAIRMAN.—On what point do you wish to give evidence?—Owing to the enormous amount of writing which the coroner has to do I think that there should be power given to appoint a deputy coroner.

2698. Mr. LAWLESS.—Are you appointed by the Corporation?—It is owing to that fact that I present myself.

2699. Are you paid by fees?—Yes; and I would like also that the Corporation should have powers to pay a fixed salary. I think it would be more satisfactory for all parties. A very considerable amount of talk has been indulged in by certain persons as to the holding of certain inquests, and if there was a fixed salary that talk would be done away with. Eighty-five might be about the average number of inquests held in the year, and then there are returns of about fifty that the coroner does not consider to hold inquests on. I think that there should be some remuneration for the work done in connexion with those cases on which I don't find it necessary to hold inquests. I would allow the deputy to be paid by the coroner in proportion to the amount of work that he did during the year.

2700. What is your fee?—I am paid £1 for each case.

2701. Supposing the inquest is adjourned from day to day?—I only get the one fee per case.

2702. CHAIRMAN.—I am afraid this matter hardly comes within our jurisdiction.

2703. Mr. EXHAM.—Have you formed an opinion as to how the Sanitary Act is carried out here?—I think that the officers themselves are only groping their way. The town is so extensive, and of such growth, that I believe there will be very great difficulty in overtaking that work, and while every one of the sanitary officers is disposed to do his duty, at present he is only getting into the knowledge of what he should do. The work under existing circumstances could not be done all at once. I believe you have not had evidence regarding the flooding which takes place in certain parts of the town, and which I believe could be prevented by stopping the flow of water in one direction, and enabling it to run down in its natural channel

2704. Do you know anything yourself of the mills using sewage matter for the boilers?—It is generally admitted to be a fact.

2705. In your opinion, as a medical man, is the using of that water detrimental to the health of the people working in those mills?—I think it is more injurious to the people outside the mills than those inside. I do not believe the injury overtakes the persons inside as it does those outside. The vapour and steam from those mills escapes back again into the streams, and then gets into the atmosphere.

2706. In your opinion, as a medical man, is the vapour arising from the stream generated in those concerns contaminated to a dangerous extent?—Yes, most dangerous.

2707. Do you think the sanitary authorities are carrying out the law at all if they allow that to go on? Have you known them to attack it in any way?—From a general knowledge of the meaning of the word nuisance, I should say not.

2708. Are you aware of any steps having been taken to prevent this dangerous nuisance?—I do not believe there have been any steps taken, and I believe the only steps that could be taken to remedy that would be to prevent the mills using the stuff they do, and to have a constant supply of water furnished by the Water Commissioners to the mills.

2709. Do you know do they heat the rooms in these mills with hot vapour or hot water pipes?—I am not so well acquainted with that matter as I am of the point I have spoken of. If the vapour comes from that same water, it must be equally detrimental inside and outside.

Mr. Robert F. Dill, M.D.

Mr. William O'Hara.

Mr. WILLIAM O'HARA re-examined.

2710. Mr. EXHAM.—Do you know whether the rooms in which the people work in the mills are heated by hot vapour?—I cannot tell from what source the water is taken, but the spinning of yarns cannot be carried on unless the rooms are constantly filled with vapours. In point of fact when the workers come out of these rooms their clothes are literally wringing.

2711. Are the rooms heated by hot water pipes?—No; a damp atmosphere is required for the purpose of spinning.

2712. Does that remark apply to the mills on the Falls-road and along the Pound Burn?—It applies to all spinning mills.

Mr. Luke Macassey.

Mr. LUKE MACASSEY examined.

2713. CHAIRMAN.—You are principal engineer to the Belfast Water Commissioners?—Yes.

2714. How long have you been in that capacity?—Since the year 1874.

2715. Did you attend the meeting of the ratepayers yesterday?—Yes; I was present at that meeting.

2716. Did they pass a resolution to this effect—"That we, the water-ratepayers of Belfast, in annual public meeting assembled, do hereby return our best thanks to the Belfast Water Commissioners for reducing the dwelling-house rate from 1*s.* 8*d.* to 8*d.*, and the fire rate from 5*d.* to 2*d.*, and we earnestly request the Water Commissioners to take all such proceedings before the Municipal Royal Commissioners and the Select Committee of the House of Commons as may be necessary to prevent the Town Council obtaining any of the powers now vested in the Water Commissioners." Was that passed in your presence?—Yes; I was present when that resolution was moved, seconded, and passed.

2717. Mr. LAWLESS.—What quantity of water can the Water Commissioners send into Belfast daily?—Well, at present we are sending in five million gallons per day. In the summer season we go down to four and a half millions, and last summer we went down as low as a two hours' supply. That was not altogether due to the shortness of water in the reservoirs but to the fact that we were carrying on some new works, and we required the water to be kept in the largest store reservoir at a low level for the convenience of the contractors.

2718. On an average summer are you reduced to a four and a half hours' supply a day?—Yes.

2719. Do you supply private consumers at a certain rate fixed at a certain assessment?—Yes.

2720. Do you also supply the owners of large establishments who take the water at a certain rate?—Yes.

2721. Are these rates contained in a book setting forth the tariff?—Yes.

2722. Has there been a question between your body and the Corporation as to the supply of water for watering the streets?—Yes. They require a summer supply only, and we agreed to give it at the rate of 16*d.* per 1,000 gallons from the fire-plugs, and 4*d.* per 1,000 from the south side works.

2723. Is the latter an inconvenient source of supply?—Yes; for a certain portion of the town.

2724. And expensive?—Yes; in cartage.

2725. Was there ever any arrangement between the Water Commissioners and the Corporation for supplying water for the streets all the year round?—I am not aware of any.

2726. How many reservoirs have you?—We have six, and we will have more. The storage of our present reservoirs is equivalent to 829,000,000 gallons, and our new storage will enable us to store over 1,274,000,000 gallons.

2727. When will you have that new supply?—We have some of it already, but after next summer we will have a constant supply of up to thirty gallons per head per day.

2728. Mr. EXHAM.—Independent of that, what can you give the mills?—That is the greatest supply we will have for all purposes. The present supply is from twenty-three to twenty-four gallons per head per day. This scale of measurement has been arrived at in Glasgow by the Water Committee there after careful experiment. They allow fifteen gallons per head per day for domestic uses only; that is considered ample. The next item is general allowance for the public, three gallons per head per day. The next item is for trades and special, seven gallons per head per day. That would make altogether a total of twenty-five gallons per head per day. Then the allowance for waste is five gallons per head per day, which makes a total of thirty gallons per head per day which we will be able to give when our works are completed.

2729. Mr. LAWLESS.—In cases of fire, how is the water supplied?—As stated already by the chairman of the works committee there are some 2,000 fire plugs in Belfast.

2730. By whom are they put in?—By the Water Commissioners at their sole expense. I think the exact number is 2,060. These plugs form part of the system, and are kept in repair by the Water Commissioners.

2731. Are they always kept supplied with water?—They are when we have water; but previously to this last summer there were occasions when the water was not on in certain districts.

2732. Are they supplied from mains or service pipes?—From mains. There are not fire plugs on the service pipes. The service pipes supply the water to the houses. There are two kinds of mains. There are some service mains which are not always kept full. As a general rule, they are in all the principal streets.

2733. What officer has control of them?—The Town Council can open them if they like, by the fire brigade officials.

2734. Have they a key for opening them?—Yes.

2735. Can they make them always available?—Yes; provided the water is let on.

2736. Supposing the water is not let on, and it becomes necessary to let it on in any of the service mains, whose duty is it to do that work? Can the men of the Town Council do it?—If any of their officials know where the valves are, they can do it.

2737. Is there any one whose duty it is to do that?—Yes; there is a man called M'Cudden in the employment of the Water Commissioners, and paid by the Town Council for doing this special work. He is always at their call, and he is a very efficient officer, and knows all the valves; and as soon as he is apprised of a fire by any of the officers, he turns on any necessary valves to supply water.

2738. Is he the man who is paid for doing it and who has the necessary keys?—Yes.

2739. Have any other officers of the Corporation the means of turning on the supply into the empty service main?—The fire brigade officers have the means of turning on the water. I don't know whether any other officers of the Corporation have besides the fire brigade officers.

2740. Have the fire brigade the means of turning on the water if the service main is empty, without applying to M'Cudden at all?—I believe they have; but I believe also that if they don't apply to him they won't understand how to turn on the water, and instead of turning it on they might turn it off, which was exactly what did take place on one occasion, and they did more harm than good.

BELFAST.
Jan. 3, 1877.

Mr. Luke Macassey.

2741. Are there not any men in the employment of the Water Commissioners for that special duty?—No one that I am aware of except M'Cudden. There is a great deal in the turning on of water and opening the proper valves, some of which are for the purpose of concentrating the pressure in a certain spot in case of fire. Of course all the turn-cocks are at the service of the fire brigade when they are wanted.

2742. Mr. EXHAM.—Have the Water Commissioners ever objected to allow the Town Council to train as many men as they like to become acquainted with the turning of the cocks?—By no means. The cocks are there for them to use as they please.

2743. If they train men and let them have keys, have you any objection?—Not at all. We would be glad to see it. If the fire brigade department were under the control of the Water Commissioners there would be always an ample water supply.

2744. Mr. LAWLESS.—Are you aware of complaints having been made of the supply in the case of fire not having been sufficient?—I am not aware. I have made inquiries since I went into the employment of the Water Commissioners, in connexion with every fire that has taken place, as to whether there was a sufficient supply or not, and I found that there was. I heard of one fire which occurred in the Messrs. Lindsay's, Donegall-place, where there was a little shortness of water; but some of the fire brigade people had cut off the water instead of putting it on. The public thought there was a shortness of supply, but the water was there, and was turned off.

2745. Mr. EXHAM.—Have all the service mains fire-plugs?—Yes; the plugs are either on the mains or on the service mains, with the exception of a few short service mains where a plug would not be necessary. We have a population of 200,000, and we have 2,060 fire-plugs, which you will find is an average equal to that of any other town, and in a few cases there are private fire-plugs in the premises of manufacturers. There are some thirty of these, and I think they should be more general. I believe all the large warehouses ought to be provided with fire-plugs. The Commissioners will supply water for them, at a charge of 10*s.* a year. The fire-plugs would then be in easy reach, and the water would be much more efficacious before the fire is allowed to spread, and would do more good in the first five minutes than Mr. Reilly and his forces could do in a whole night afterwards. Warehousemen should go in for these and have fire-plugs on their premises.

2746. What quality is the water? Have you had it analyzed?—Yes; by Dr. Hodges, and his analysis is very favourable. Sometimes in winter our water is muddy. Our conduit gets deranged under the river; but when the new works are completed we will draw our water from a new upper pond, so that the objection which is now made to it in winter will be removed.

2747. Are the Commissioners about to raise more money under their borrowing powers?—Under the Act of 1874, we have borrowing powers to the sum of £120,000. Our present works will take £70,000. We have power to increase our drainage area to the extent of 1,500 acres, and construct two new reservoirs. This would give us a supply of eight million gallons per day, and these powers are still in force.

2748. Will that new supply be introduced at one level or at different levels?—Well, the water from Woodburn will all come in at one level. That is our great source of supply. There is a portion of water we get at Ardoyne, and then there is a part of the supply we take from the Cave-hill. All along that district there will be a pressure main which will be always charged, and which will be a great accommodation to the ratepayers, and will be a great security against fire in the factories in that district and on the Crumlin-road.

2749. Will you be able to give the mill-owners a water supply for their boilers when your new works are completed?—We will, and I look forward to the mill-owners giving up the using of the dirty water they now use, and using our water.

2750. Do they use in these mills this horrible sewage stuff?—I would not go the length of stating that they use sewage. If you have a mill on the stream and that you use the water of course when it leaves your mill it is more impure than when you got it. Certain kinds of oil and lubricating stuff gets into the water, and when it comes to my mill I use it, and send it on down. By the time it passes through a dozen of mills, it is neither good-looking nor good-smelling.

2751. If it happens in its course to receive contributions from the public sewers and other sources, is it improved?—By no means.

2752. Do any of these mill-owners take water from your body for condensing purposes?—I don't know that they condense with our water, but they get it to dilute other water.

2753. Is that because it was too thick to use without being diluted?—Yes.

2754. If each mill in succession returns back its refuse into the source that supplies the mill lower down, what a nice position the last must be in?—It does not follow that it all goes back. A great deal of it will go into the public sewers. I can hardly believe that any mill-owner in Belfast would take water for condensing direct from the public sewers.

2755. We have it in evidence that some of the public sewers are discharged into the Pound Burn, and that it supplies some mills. Must not that be most injurious and dangerous?—I think it would be better for the private mill-owners to give up using this supply, and get our clean water. It must be bad for their boilers to use this supply.

2756. Mr. Kennedy says that it wears out the iron. Is that so?—Yes; it will corrode it.

2757. Mr. LAWLESS.—I think you mentioned that there is no contract between you and the Corporation for flushing the sewers?—Yes; I said so.

2758. It was said here by a member of your company, that the sewers were not made to be flushed?—Yes; the chairman of the works committee made a statement to that effect, as to the low level sewers.

2759. Do you wish to make any statement about that?—As to the flushing of the sewers, we send into the town two acres of water ten feet deep, in the day. That would be ninety per cent. going into the public sewers after being used by the consumers. With such a quantity of water going into the public sewers, if properly utilised the sewers ought to be sufficiently flushed. Any further supply which the Commissioners could give or will be able to give, if run through the sewers in the way the present supply is or the way they are constructed would not properly flush them. Our main conduit bringing our water into town from Woodburn, is a three foot six-inch chamber, capable of running eight million gallons per day. If that was distributed through all the sewers in Belfast, it would not have much effect in flushing them, unless properly applied for flushing purposes. As far as I know the Town Council have not constructed any apparatus or made any provision whatever for specially flushing the sewers. Some of them have very good fall, and of course, a small quantity of water coming down will keep them clear. The other sewers are so flat in the fall that they cannot be thoroughly flushed without providing a special apparatus as has been done in London. The mode in which that is done generally is this:—A temporary sluice is put in the mains, and the water is allowed to gather there for a time, then they let it rush away with great velocity, and it clears out the sewerage. I therefore state advisedly and professionally, that all the water they could get will never flush the sewers as at present constructed except some provision be made for that purpose. A number of the sewers have flat gratings, so flat that when the tide rises in the river, it sends back water over the whole district. They cannot help that. I don't blame the Town Council; but I object to the Water Commissioners being blamed for not flushing the sewers.

2760. According to your evidence there does not

exist the means of efficiently flushing the sewers?—It does not exist, for the simple reason that it has not been provided.

2761. Is there anything more?—I wish to say that the Water Commissioners in improving the supply have had great difficulties to contend with. The town has been growing enormously both in population and in streets and houses. The Commissioners have taken trouble individually and as a board, in trying to keep pace with the improvement of the town, and to keep up the water of the town; but although they have had a great many difficulties to contend with, there is no board at present so popular—from the fact that they are endeavouring, and I think efficiently, to keep pace with the increase of the town.

2762. Mr. EXHAM.—Is the supply that you offer at 4*d.* at a level to enable you to accommodate the mills?—Some of them might get supplied from it.

2763. Are not those the mills which get the worst of the water?—Yes; that which is got by the mills on the banks of the Blackstaff.

2764. Would not that be a better quality of water than they are getting?—Decidedly.

2765. Would there not be less nuisance to the mill-workers from using that water?—Decidedly.

2766. Would they have to pump it up?—Not all, for the mills on the low level we could do it by gravitation.

2767. What quantity could you give them?—I suppose from two to three hundred thousand gallons per day.

2768. Would it cost each mill £1,000 a year to get a supply of water for their mill purposes?—I could not say that on the moment, but I could easily give you evidence upon the point.

2769. However, you could give it to them?—Yes, we could give it to them. I may state that it was given in evidence before you that this water was valueless. We pay for that south side water £800 a year, and we sell some of it in the form of specials to builders and contractors who are putting up houses. In some few cases we use it for domestic supply, so that it is not entirely valueless, as has been said.

2770. Do you know where they got the water to water the streets last summer when you wrote to stop their supply?—I do not. I don't think the water was stopped.

2771. Mr. LAWLESS.—It was stated that the water was stopped because of an apprehension of scarcity?—Not so much on account of scarcity. We were constructing a large reservoir, and we were compelled to keep the water at a low level. We wanted to get an embankment made wherein to keep the water for the town, and there was a notice put into the newspaper asking the people to be as economical as possible. The following is the notice:—

"Wednesday, August 23rd, 1876.

"NOTICE.—In consequence of the present dry weather the Water Commissioners request the inhabitants of Belfast to economize the water for a few weeks, when they hope to have a supply of water from the new works available.

"R. HAMILTON, Assistant Secretary."

2772. Had that notice any effect?—I imagine it had. With the present works we can give them a plentiful supply.

2773. Mills and all?—Yes, mills and all.

JANUARY 4, 1877.

Mr. COLLIGAN re-examined.

2774. Mr. LAWLESS.—You have intimated to us that you wish to make some statement as to the non-performance of their duties by the Town Council, with reference to their allowing houses to be occupied without being properly finished. Is that so?—Yes.

2775. What is your complaint?—I allege that they have neglected, either through negligence or favouritism, to carry out the 57th section of the Act of 1850—the 13th and 14th Victoria, cap. 108.

Mr. LAWLESS reads section of the Act referred to.

2776. *Witness*—I will give you the numbers of eight houses situate in Spring-view-street—Nos. 43, 44, 45, 47, 49, 51, and 53; and my allegation with regard to these houses is—that the rooms on the ground floors are made with common earth, and have never been made of wood, flags, tiles, or asphalte, as required by the provisions of that Act.

2777. How long have they been built?—They were built in the beginning of 1869, and inhabited ever since.

2778. Have you seen the rooms that you refer to?—Several times; last time I saw them was on Friday last; I examined two of them. I went into them; three of them are now unoccupied, for no one could live in them at all. In one that I examined, an old woman showed me a place in the room beside her bed where she had a bit of carpet about two feet square, and she complained that the moisture came up through the earthen floor, and the damp that came up through it was very dangerous.

2779. Was that room used as a bed-room?—Yes.

2780. Did you see these rooms yourself?—Yes, I saw two of them in that condition on Friday last, and I am convinced the whole eight are just the same.

2781. Where are these houses situated?—Close beside the Falls-road, in a very thickly populated district, in Spring-view-street; there are about sixty houses there altogether.

2782. What is the rating of these houses?—About £4 or £4 5*s.*

2783. Mr. EXHAM.—Are they two-story houses?—Yes; there is a kitchen and a little room down-stairs, and two rooms up-stairs, and yards to these houses. I believe it is the law that the yards should be paved or tiled—but if not, I know it is the rule with the Town Council. These yards are not paved or tiled, they were just filled in with earth hurriedly when the houses were built; I was brought in to see them, and there are pools of water in them.

2784. What size are the yards of these houses?—The yards are large enough, they are the size required by the Act of Parliament—ten feet, I think; what I complain of is that they are not properly paved or tiled.

2785. Have they privies in the place?—Yes, they have; but they are in a very bad condition; in one that I examined, the manure place of the opposite privy was completely falling down.

2786. Do you know the owner of these houses?—The owner of these houses is a building society.

2787. Mr. LAWLESS.—What is the name of that society?—I had rather not give the name, as I have good reason for not doing so. I objected in my capacity as Town Councillor sometime ago with regard to not taking their securities, and I know the result of that; so that I would rather not mention names. I am perfectly sure however that they belong to a building society of which Mr. Browne is the agent.

2788. Who is Mr. Browne?—He is a land agent.

2789. Is he either of the "Messrs. Browne" whose names were mentioned here before?—No; he is not. The reason I am bringing this before you is because I consider that the way in which these houses have been got up by speculators, one of whom was before you yesterday, assisted by building societies, is a grievance which should be put a stop to, and dealt with as the law directs. But unfortunately there are a large number of cases which are not so dealt with. A speculator in building ground goes and gets a number of acres for that purpose, and he then builds a few houses.

2790. We know all that.

2791. *Witness.*—What I say is that it is a very unfortunate circumstance: they merely open out the streets, perhaps, either at the bottom or the beginning to form the sewer; and then they let them out in small lots, perhaps making £20 or £30 out of the transaction. These houses were built by a man who, I knew, did this.

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2792. Mr. LAWLESS.—It is exactly to meet such a state of things that the "Belfast Building Acts" were passed. They are sufficient to meet this if they are enforced, and if they are not the Council are responsible for it. I can fully appreciate your reasons for bringing these cases forward. Can you show us any further instances of what you complain?—What I complain of myself is that the Town Council don't compel parties who take the ground to form the streets before they let it out in these small lots. They let it in these cases to parties who have to go to building societies for accommodation—to parties who are going by these means to build small houses on speculation. They go to timber merchants who generally belong to the building societies (I have reason to believe that most timber merchants in town belong to these societies). They then get accommodation from them, and the timber merchants get their trade from these people. The result is that a man with a small capital has no chance against these people: their houses are ruined by this class of houses being put up in the streets, and the matter is generally winked at by the Town Council.

2793. Is it your complaint that in many of those cases the Town Council don't carry out the provisions of the Act?—Yes.

2794. Can you give us any further instances of what you complain?—I built some houses there myself, and after some time the other houses became tenanted by a worse class of people than it was intended they should be occupied by. The result is very bad for my houses and others of a similar class.

2795. Were your houses in every case built in accordance with the requirements of the Act?—Yes.

2796. Were the others not?—They were not.

2797. Mr. EXHAM.—Did you ever complain of these eight houses?—Yes, I did: I complained to Mr. Frazer who was the assistant in the surveyor's office.

2798. When—about how many years ago?—About four or five years ago I complained of it: I drew his attention to these houses and he said he would have the matter attended to, but he never did that. Perhaps it may be said that it was not part of his duty to do it; but I may tell you that he thought it his duty to come to me when I was building my houses, and make me go down to the town surveyor to show I had actually complied with the law in every respect before the plans for my houses were passed.

2799. Did you complain to him that he was not making the builders of the other houses comply with the law while he was making you do it?—Yes.

2800. It appears to be the opinion here from remarks I have heard made that complaints should be made to the Town Council or their officers that the law is not being enforced before they ought to take action. Is there anything in the Act of Parliament that you know of to show that they are not to stir or compel the law to be carried out until or unless some one makes a complaint to them?—There is nothing of that kind in any Act of Parliament, and that is my complaint against them. They act differently towards some from what they do towards others.

2801. Is not the object of these building clauses for the preservation of the health of the people by having proper houses for them?—Yes; most certainly.

2802. Mr. LAWLESS.—What is the second head of your complaint?—*Witness.*—The second head of my complaint is that the Town Council have been for some years back, and still are, creating a great and dangerous nuisance in a field lying between the Falls-road and Grosvenor-road. This field contains about three acres, and slopes down from Falls-road to the foot of it; and I suppose it is probably fifteen feet below the level of the streets at the low end, and it comes gradually up until it comes to Falls-road (as you heard from the town surveyor, the Falls-road lies on a ridge). The Town Council have been carting into that field the sweepings of the streets, with privy and yard manure, and emptying all together for some time back, and on Monday last I saw them doing so.

2803. How long have they being doing this?—I think it is five or six weeks since they commenced to do it, and they have probably seven or eight hundred loads of this stuff in it by this time.

2804. Is the slope at the lower part of the field towards the Grosvenor-road side?—Yes, and runs by the new street called "Brunswick-street."

2805. Is that street inhabited?—No; it is not.

2806. Are there many houses near it which are occupied?—Yes; and some good houses.

2807. Who is the owner of that field?—Mr. Dunville.

2808. Is it being filled up to make it fit for building ground?—Yes.

2809. Is not that laying the foundation of malaria for the houses?—It is. You will observe from Dr. Browne's evidence that there are 1,500 houses without privies, and of course the night-soil of these houses is thrown in the streets, and the matter is all brought to this place. During the time I have mentioned there have been 800 loads of this stuff put into it; and, worse than that, at the bottom of this street there is a sewer which takes away the surface-sewerage from this field, and the effect of emptying it there is to completely shut up the sewer, so that there is a large pool of water there now, which you could sail boats upon, and which is likely to remain there and become stagnant. I called upon the sub-sanitary officer on Monday morning, and mentioned this matter to him.

2810. Who is he?—I do not not know his name; but he is the sub-sanitary officer of the district. He told me he had reported it to Mr. Scott, and that he had also reported it as a nuisance, and that the Improvement Committee had it in their hands. I also spoke to Dr. M'Connell, the medical officer for the district, about it, and he said he had reported it as a dangerous nuisance. Notwithstanding it still continues to exist, and they are increasing it every day.

2811. Do you positively say that the sub-sanitary officer and Dr. M'Connell both told you they had reported it as a nuisance?—Yes; and the sub-sanitary officer said he had reported it some time since—probably some short time after they had commenced to use the place for emptying the stuff in. What I complain of with regard to this nuisance is, that though it was reported, nothing was done to stop it, and the place has been for some time nearly covered. With regard to the nuisance mentioned yesterday by Mr. O'Neill, an expense of £50 would cover that nuisance from the Blackstaff to Mr. Lynch's factory, and steps should be taken to abate it. I have also to mention that plans were put in for certain houses in March, 1873.

2812. By whom?—By a man named James Cooke; and with regard to this, I would ask the surveyor to bring up his note-book with the objections that were raised to the plans.

2813. Were the plans objected to?—They were.

2814. Mr. EXHAM.—Before you go further, I have here a report from Dr. M'Connell, dated 5th December, 1876, in which he says—"My attention having been drawn by the sub-sanitary officer to what I consider to be a dangerous nuisance in Dunville's fields, I beg to report the same, and I recommend that the field be fenced in to protect parties from passing through the nuisance to the risk of their lives." What has the improvement committee to say to that?—The improvement committee has to clean the streets of the town.

2815. Is it not the business of the sanitary authority? Are not Dr. Browne and the sanitary staff responsible if it is a nuisance?—The police authorities have summoned the Town Council with regard to the danger caused by this place.

2816. You say that the plans you mentioned a few minutes ago were rejected?—Yes; I saw in the improvement committee's report of May 2nd, 1873, that by the consent of the committee, and by the advice of the surveyor, the plans are approved or disapproved. Under the head of these plans I saw these houses were disapproved of.

2817. Mr. LAWLESS.—Does it give the reason for disapproving of them?—Yes.

2818. Were they disapproved of by the committee's adopting the surveyor's report?—Yes.

2819. Were these plans for building six houses afterwards adopted?—Yes.

2820. When?—Nineteen months afterwards. I see in the report of the improvement committee, that they were brought up in the same manner at the Town Council meeting on December 2nd, 1874; and that report commences by saying, "that by the advice of their surveyor they approved of these plans."

2821. How do you know that they were the same plans?—I called yesterday at the surveyor's office, and asked upon what grounds these plans, which in 1873 were disapproved of, were then passed; and I was told if the houses were built it would close up the thoroughfare.

2822. I find by the report that the plans were passed—"The plans of James Cooke, of Killen-street, for building six houses in Albert-street, were disapproved of because they would close the end of Milford-street."

Mr. *Montgomery.*—The plans were not passed by me, but they were passed by the improvement committee. They were passed by the committee without my sanction. The widening of the thoroughfare was not accomplished. I asked the agent the price for which they would sell the ground, and he said 3*s.* 6*d.* per foot per annum, and the committee declined to pay that price. We had absolutely no power under the Act to continue that street, and many such streets have been blocked up in spite of us.

2823. How was the space now left vacant acquired for the public?

2824. Mr. *Colligan.*—By the Town Council paying £35.

2825. Mr. *Montgomery.*—The chairman of the committee, one of the members, and some other gentlemen raised a subscription for that purpose.

2826. To whom did you apply concerning the price of that ground?—A Mr. M'Auliffe; he asked 3*s.* 6*d.* per foot per annum, but the committee would not give it. We found we had not means of purchasing the ground, and the matter remained in abeyance for some time until we persuaded the people by coaxing them, as in the case you heard of yesterday. The plans were sent in again, and we found we could not legally resist them.

2827. At the time these plans were brought in was the space private property?—Yes.

2828. Were the plans afterwards passed by the committee.—Yes. Attention was called to the fact that this space was about to be closed up, and a deputation waited on the improvement committee, and a very strong case was made that it should be left open. They endeavoured to have it opened, and the committee again renewed their offer that they would contribute if any arrangement could be made to keep the whole of the street open. The committee had no funds for buying ground of that sort, and in the exercise of their discretion they refused to give the money, but some of the members in my presence offered to subscribe, and the ratepayers contributed some.

2829. How much was given for that ground?—There was £70 offered for the whole of it.

2830. Was it given for the half of it, or was it for the entire?—It was afterwards given for the half.

2831. Were the plans passed before that £70 was agreed to be given?—They were, and I will tell you why——

2832. Was it after the plans were passed that the portion of the street was thrown down?—It was long after. If we don't make any decision on the plans they can carry them out in spite of us; if there's any departure from the plans, and we bring them before the magistrates we have nothing to rely on.

Mr. *Colligan.*—There is the Catholic house of worship in Milford-street, and it is the best building for a house of worship in Belfast.

2833. Mr. EXHAM.—Is this your complaint—that the Corporation being offered this piece of ground so as to continue Milford-street for £140, they would not give that sum, and that if they had given £140 they would be able to continue Milford-street through this place?—Yes; they got half of it for £70, and they could have got the other half for £70 more if they pleased.

2834. Mr. *Black.*—You may assume that we could have got it for £140.

2835. Mr. *Colligan.*—Under the 92nd and following sections of the Act of 1865, they would have power to refuse to pass these plans. (Reads section referred to.) The 98th section as amended by the 22nd section of the Act of 1868, gives power to impose penalties. In the first instance I say they should have given £140, and I also say that they had power to refuse to pass these plans.

2836. Mr. EXHAM.—What is the width of the place referred to?—The street is about twenty feet wide, and it spoils the appearance of the street. I say that under the 93rd section they had power to refuse to pass these plans. I wish to say also, that the Corporation have powers under their Acts to lay out in improvements of this description £1,500 a year. They can raise £1,500 a year for this purpose; and for £140 out of that £1,500, laying aside altogether the question of whether they had power to approve or disapprove of these plans, they could have bought this bit of ground. I say that they should have paid this £140, and have this ground kept opened. It is an important place in the town, and the money would have been well laid out. I will draw your attention to the fact that they are laying out hundreds of pounds in the present year for improvements not so great, and for the reason that they are in the aristocratic portion of the town occupied by a different class of people. In University-road they are laying out at the public expense a sum of £100 at the present time, in culverting over the water-courses and building a wall along the Water Commissioners' ground there. That has been done at the expense of the Corporation. They are also laying out a sum of £100 in Donegal-pass, by lowering a hill along which the Water Commissioners' water passed. They are now lowering that—certainly for the public accommodation, but it will also make property of considerably more value to the owners there.

2837. Mr. LAWLESS.—Are these improvements in University-road and Donegal-pass, really substantial improvements to the parts of the town for which they are made?—They are. I do not wish to object to these being made, because I wish to go in for all improvements; but I think they should be equally distributed over the town. In Rosemary-street they have spent money in purchasing property in order to set back the street and widen it. I say they have this £1,500 a year, and that they should equally distribute it over the whole town; for we pay our portion of the rates and ought to have our portion of benefits from the public funds. It is said by all the people in the neighbourhood, that it is because this place which I first referred to, is inhabited by a certain class of people, and because it would be a particular accommodation to the numbers of people who attend the services at the church there, having to go through that street, that they refused to spend the £140 upon it.

2838. What are the class of people to whom you allude?—I allude to the Catholics.

2839. Is the church to which you allude a Catholic church?—Yes; and it is the best religious building of any sort in town. I may just say with regard to the money, that the Corporation gave only a sum of £35; Mr. John Browne, the chairman of the improvement committee, has given £5; Mr. Bernard Hughes £5; Mr. M'Caulay £5; and there was a poor man present who gave his bill for £25 to make up the difference, and that bill has been renewed from time to time.

2840. Do you wish to give evidence about the cemetery?—I wish to call your attention to rules 4 and 7 of the Lord Lieutenant and Privy Council's Order. (See Appendix No. 11, p 212, for rules.)

2841. Mr. EXHAM.—Do you say that the Corporation have violated these rules?—Yes, I do. I say that they have violated numbers 4 and 7 of these rules by burying five corpses in one grave, which they continued for five years.

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Mr. Colligan.

2842. Do you mean five corpses not members of the same family?—Yes.

2843. By the rules the grave is not to be opened within fourteen years?—Yes; but I say they continued to open them from 1869 to 1874.

2844. Mr. LAWLESS.—When was the cemetery opened?—In the year 1869. It is a wider and larger question than you seem to imagine. It was proposed to take in ten or eleven acres of additional ground, which would cost some £10,000 or £12,000 to the ratepayers; and I heard if the grounds already possessed by them were properly allocated, there would be cemetery ground for fifty years to come. Another great hardship is, that if the money is to be spent there is a class of ratepayers that would have to contribute their portion although they would get no benefit from it.

Mr. THOMAS S. DIXON examined.

Mr. Thomas S. Dixon.

2845. Are you a ratepayer in Belfast?—Yes. I am a timber merchant and general merchant. Mr. Biggar complained that in consequence of my brother being a member of the Council and a member of the Improvement Committee, we were enabled to have plans passed which would not otherwise have been passed; that statement I give a direct contradiction to.

2846. Have you been a member of the Town Council?—No, I have not been.

2847. Mr. LAWLESS.—Do you know the plans to which he referred?—Yes; the property in Whitla-street for which I prepared the plans.

2848. When?—I could not give you the exact date. It was brought before the improvement committee in the absence of my brother.

2849. Was your brother then a member of the improvement committee?—He was.

2850. I thought these plans were not put before the improvement committee, but referred to the surveyor?—I brought them before the improvement committee directly.

2851. Were these plans disapproved of?—Yes.

2852. By the surveyor?—Yes; and also by the improvement committee.

2853. Did you bring them personally before the committee?—Yes.

2854. Was your brother sitting on the committee at the time?—No, he was not.

2855. Will you state the grounds upon which these plans were disapproved of by the surveyor and the committee?—I asked them for an explanation of the reason why they refused to sanction the plans, and they said that they did not object to the plans, but that before passing them they would have to dedicate ten feet of ground for the purpose of widening New Andrew-street. I told the committee that they had no approach to New Andrew-street, and that we did not desire any entrance to it, and that we did not see that we should give our plot of ground and get no profit from it. The answer was that the owner of the houses in New Andrew-street had only left twenty feet for the street, and had built his houses contrary to the recommendation of the town surveyor and the town improvement committee, and that in order to make amends for his misdeeds we were asked to give this piece of ground, and to get no remuneration. (Witness produces plans referred to.) The plans for these buildings were not passed until they made leases of that ground for ever.

Dr. JAMES MOORE examined.

Dr. James Moore.

2856. Mr. EXHAM.—We have already heard about the Royal Hospital building, and it is not necessary to put anything more in the note?—Very well. I am about thirty years surgeon to the Hospital, and have been deputed to come here and speak to you about the smoke nuisance.

2857. In what street is the hospital?—In Frederick-street.

2858. Will you describe what the nuisance is to which you refer?—The hospital building is like a three-quarter square, and at the end of York-street there is a funnel which pours out smoke in dense volumes. It belongs to a stone manufacturer. The smoke comes up from his place into the area in front of the hospital, and floats about in such a way that we can't keep the windows open on account of it; there is also a bread-consumers' bakery nearly opposite which pours out smoke, and it comes into the space in front of the hospital. The place I refer to is on the opposite side. It pours into the front when the windows are open, and the health of the patients is very much impaired thereby. We would like very much to be able to give them fresh air, but unfortunately we can't do that on account of the smoke nuisance.

2859. How long is the first one in existence?—Well, I should say some few years.

2860. How long is the second?—There were a number of old houses made into a bakery; we do not feel it so much in the daytime, but there is more smoke coming from it at night.

2861. Are the funnels that you speak of old chimneys?—Yes; they pour out such an amount of smoke, that standing in the hospital in the Charter wing, and looking over towards the other wing, you could not see the windows in it owing to the density of the smoke.

2862. Has this only occurred since the bakery was established?—Yes.

2863. Mr. LAWLESS.—Is the other nuisance to which you referred as bad?—Nearly so. It is a stone-cutter's work-place; it is worked by machinery. There is an industrial school beside us, and the children there have suffered very much on account of the smoke. When persons are brought to the hospital suffering from consumption we are not inclined to take them in because of the smoke, and that you will see is a very great hardship indeed.

2864. Why do not the hospital authorities indict these people?—I have spoken from time to time at public meetings about this. The remedy is to make the proprietors of these places throw their smoke higher, so as to carry it away clear of the hospital. We think the Town Council should have the nuisance put a stop to. They are the sanitary authority.

Mr. Morton.

Mr. MORTON recalled.

2865. Mr. LAWLESS.—You mentioned to us that you wish to add some evidence. Is that so?—Yes. I have visited the houses which I first referred to, and with reference to which Mr. John Browne gave some evidence, and I find that in Duncombe-street there are nine houses occupied; in Lagan-view-street, fifteen houses; in Pancras-street, eleven houses, and in the lower part of Memel-street, twelve houses. Memel-street is in a shocking condition. I went this morning and inspected the place. I do not know much about the flooring of the houses.

Mr. Bernard Hughes.

Mr. BERNARD HUGHES examined.

2866. Mr. LAWLESS.—Are you a member of the improvement committee?—I am.

2867. For how long?—Four or five years. I was in the Council in 1855, and remained in it for three years—till 1858. I then resigned. I became a member of the Council again about five years ago—in 1871,

and have been in the improvement committee ever since.

2868. Are you aware that plans for building are brought before the improvement committee?—They first receive the sanction or disapproval of the town surveyor, and then they are brought before the improvement committee.

2869. Is it the usual course for the improvement committee to act upon the recommendation of the surveyor?—No, it is not; but I was very seldom present on the passing of plans. Other gentlemen generally did not come to the meeting for an hour after me, and for perhaps an hour there would be only three or four present. We used to get through the minutes, and I generally retired between one and two o'clock, and the plans for building were generally passed afterwards.

2870. Did the person who proposed the plans attend before the committee?—He and his architect generally did.

2871. Did they apply to have the plans passed, and bring forward objections to the decision of the surveyor if it was against the plans?—Yes; I think that was the course usually adopted. I did not know anything about Milford-street until two or three places were built up. I went to make inquiries about it, and saw Mr. Croft, the architect, with whom I was acquainted, and I said, "This is a very bad job," and he said that since he had got his plans passed he would make us pay for the ground.

2872. Used parties, whose plans were rejected, give notice of their intention to attend before the improvement committee?—It was always understood they would attend.

2873. Are the plans usually brought up after some of the members of the improvement committee have left?—Yes, after the majority have left. I was very seldom there at the passing of plans.

2874. Mr. EXHAM.—Who were the members of the improvement committee who used to sit?—Generally at one o'clock ten or twelve members came in, when the real business commenced. Some came in later. Previous to this the minutes were read, and the accounts examined and passed.

2875. The gentleman to whom you spoke said that now he had got his plans passed he would make you pay for the ground?—Yes.

2876. Were you aware at that time that those plans had been disapproved of before?—No. When I heard what he said I came back to Mr. Montgomery and spoke to him about it, and he said, "Mr. Hughes, I tried to prevent them from passing it two or three times." He did prevent them from passing them for some time, but they were afterwards passed.

2877. Were they passed in spite of him?—Well, I do not know if they passed in spite of him.

2878. Mr. LAWLESS.—Was Mr. Montgomery always obliged to attend when plans that had been rejected were brought up again?—He generally attends, but when he does not he has another young man who attends for him.

2879. Mr. EXHAM.—On that occasion did he give you to understand that he did not wish those plans to be passed, and that notwithstanding his wish the plans were passed?—Yes; but he did not say who passed them, and therefore I do not know who did. They would be initialed by the chairman if they were passed.

2880. Mr. LAWLESS.—Have you, as a matter of fact, known plans to be passed in opposition to the wish of Mr. Montgomery?—Not of my own knowledge, except in the case of the tramways. He objected to them and would not pass them, and still they were passed. With regard to that street, I may say that Mr. Harvey was the man who got them passed. I brought five or six of the gentlemen on cars to the place and showed it to them, and they said it was very bad, and that they would try to get it remedied, and the consequence was, we found the man had bought the ground, and that he had a right to build when the plans were passed. Mr. Harvey said on the following day, when I was bringing the matter forward again, that they had no interest in it, and that it was the people up there who had an interest in it that got them passed. That is the reason why I say he got the plans passed. Those gentlemen whom I brought to look at the place—Mr. John Browne and others and myself—subscribed to prevent the other half of the street from being closed up.

2881. Mr. EXHAM.—Was there only part of the work done then?—Yes.

2882. If they thought it was such a very bad thing why did they not induce the Town Council to give £140 and prevent the place being closed up?—It could have been originally prevented by paying £140 or £150: in fact I think it could have been got for £120. I told Mr. Cook that I would guarantee to give my cheque for the money if he would take down the bricks and not give such annoyance. I also said "you will find some horse and cart will run away and knock it down," but he said he had begun it now and would go on. I afterwards sent my son and went myself to say that I would guarantee the expense.

2883. As a member of the improvement committee I ask you do you think, having regard to the fact that it was to be used as a public entrance to Milford-street, it was worth while for the town to pay £140 for the people of that district?—I do. There has been £400 or £500 laid out in other parts of the town on improvements not so useful as this would have been in my opinion. There was £300 or £400 laid out in Rosemary-street.

2884. Was it ever suggested that this particular portion of ground should be bought?—Yes, and the Council afterwards gave £35 towards buying part of it and we raised £40.

2885. Admitting there was £35 given for part was there any proposal to sell the whole of it for £140?—The owner of it told me that he went to the Council and offered it to them for £140 before he let it to Cook.

2886. Mr. LAWLESS.—Was the £35 given in pursuance of a resolution of the Council?—I do not know.

2887. Mr. EXHAM.—Would the people have subscribed £70 if the Corporation gave £70?—Yes, and the Rev. James Young, would have given something. Mr. Peter Quinn was made take down two houses that he had built. He was ordered to do so by the chairman. He brought forward plans.

2888. Where were those houses?—In Short-strand, Ballymacarrett.

2889. Were the plans approved of?—Yes; on the conditions that he built them according to the plans. He built two houses and they summoned him for not building them in accordance with the plans.

2890. Mr. *Montgomery*.—These houses were built without any plans being passed and the magistrates convicted him, and they were ordered to be pulled down. I wish to say in the presence of Mr. Browne, that he was there and had the plans, and they withdrew the complaint on condition that he would go to take down the two houses, and build them in accordance with the plans passed.

2891. To Mr. *Hughes*.—With regard to the laying down of the tramways, was Mr. Montgomery's opinion overruled by the improvement committee?—Always.

2892. In what way?—He said the work was not done well.

2893. Did he, therefore, refuse to pass them?—That was it. The Government engineer came down here, and Mr. Montgomery would not pass the work, and then afterwards the Council or the town improvement committee let it pass over.

2894. Mr. LAWLESS.—This report of the town improvement committee carries out at all events what you say, Mr. Hughes, about this opening. If keeping the half of it open would effect a desirable improvement to the thoroughfare it would be much more so by having the whole of it open?—Five times the money would not buy it up in a dozen of years.

2895. During the time you have been on the im-

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Mr. Bernard Hughes.

provement committee were there many members of it interested in the building trade directly or indirectly?—Yes, six or seven of them, but I do not believe any of them would be influenced by that in an improper way, and I believe they were of more use on the committee owing to their professional knowledge—provided there was no underhand work. They were generally in the timber trade, and Mr. Harvey was a builder, and that led me to think he was interested in getting those plans passed for this man Croft.

Mr. Robert Carlisle.

Mr. ROBERT CARLISLE re-examined.

2896. *Witness.*—I wish to add a little to the evidence which I gave when I was before examined.

2897. CHAIRMAN.—On what point?—On two or three points. The Blackstaff is one.

2898. I think we have had quite enough evidence with regard to the Blackstaff?—Well, this is not exactly on the point of the Blackstaff being a nuisance; that is, I think, admitted; but it is with regard to the reason that has prevented the Town Council from abating the nuisance.

2899. Well, if there is anything to show that the Corporation have not done their duty, that we will hear?—That is the point I want to give evidence on. When I was a Town Councillor the question was always discussed at the Council, of making catchment basins or dams for the purpose of abating the floods. The Blackstaff is a nuisance in two ways, by the flooding and by the millowners using the sewerage water. The Blackstaff is quite pure until the point where the Pound Burn falls into it. A section of the Corporation was always for making catchment dams at the expense of the ratepayers, to procure pure water for the millowners instead of the sewerage water they are now using. I was always against that; and my proposition was that by the powers they had of making a district sewerage, they should take the sewage out of the Pound Burn, and then to compel the millowners if they polluted the water to send it back by filtration in a pure state. And I believe if it had not been for the way in which the millowners had been favoured, that it would have been remedied in that way long since.

2900. Is it then your opinion that the influence of the millowners prevented the Council from taking that course which you say would have been the proper one?—Yes; and I think it would be very unfair to make the town pay for good water for the millowners instead of that they are now using.

2901. How many of the millowners were members of the Corporation?—A great many. If I had the list of the names I could point them out at once; but I believe that the millowners outside the Corporation wield greater influence in these matters than those who were inside the Council.

2902. When were you a member of the Corporation?—From 1870 to 1873.

2903. Can you tell me the names of any millowners who at that time influenced the Corporation?—Well, I consider there was a general influence.

2904. Can you name any?—Yes; I consider that Mr. Duffin influenced them considerably, also Mr. Ewart, and Mr. Mullan.

2905. Mr. LAWLESS.—Do you mean that you knew it?—Well, I knew it in this way, that the improvement committee, which I know to be the purest committee in the Corporation, contrary to the evidence given here, did their best to break up the sewerage committee, and we brought up resolution after resolution for that purpose, but there was always a beat up of members to defeat us. That committee was the cause of the delay in making the improvements in the Blackstaff and Pound Burn, and we did our best to break it up, so that the improvement committee could deal with the nuisance.

2906. CHAIRMAN.—Who were the members of the sewerage committee then?—Well, I think Dr. Browne and the borough surveyor were the principal hands, although it required three to make a quorum. I was put on the sewerage committee, but I objected to remain on when I found I could not do any good.

2907. Did not the town surveyor attend in his capacity as surveyor, and not as a member of committee?—Yes.

2908. Was Dr. Browne then a member of the Council?—Yes. Had it not been for that sewerage committee and the obstruction given by it to the improvement committee, I have no doubt but the proper remedy would have been applied long since.

2909. Mr. LAWLESS.—Was there any application ever made to put your powers under the 1865 Act in force?—There was not. The powers would be insufficient, and the best way was simply to take the Corporation sewers out of the Blackstaff, and then compel others to do the same.

2910. According to Mr. Gaffikin the Blackstaff has been relieved by some drains?—I think that was not by Mr. Montgomery's plans; I think that was done by Mr. Harvey, myself, and some other members.

2911. CHAIRMAN.—Well, the material fact will be, if you can prove to us that some scheme was moved in committee, and that it was resisted by the millowners who were members of the Corporation. I have turned over the minutes here now, to see if any such proposal was brought forward by any one and I cannot see that there was?—It was brought forward in an indirect way. A report was made on the subject, but we found that we could do nothing, and the members who were most anxious to have the Pound Burn purified found that they could do nothing except by breaking up the sewerage committee.

2912. Mr. LAWLESS.—Was that before 1873?—It was.

2913. Was the constitution of the sewerage committee altered then?—It was; and a different set of men were put on it.

2914. CHAIRMAN.—What I want to know is, if there was any proposition made in committee or elsewhere to prevent the mill-owners polluting the river and which the mill-owners defeated?—There was nothing direct ever brought forward of that kind; but we tried to break up the sewerage committee, because we believed it was obstructing the improvement committee. The result of that was, that a compromise was made.

2915. Mr. LAWLESS.—What was the compromise you refer to?—It was by putting a great number of the members of the improvement committee on the sewerage committee.

2916. The CHAIRMAN read the names of the members of the sewerage committee, and the witness stated that two of them, Messrs. Mullan and Duffin, were millowners.

2917. But the object of your coming forward to give evidence is to show that the schemes which you referred to were prevented by the millowners from being carried into execution?—Yes.

2918. But you should be able to give us some dates?—The minutes will show a resolution by which we made an effort to break up that sewerage committee.

2919. Mr. LAWLESS.—Was the motion to break up or to dissolve the committee?—It was to abolish it, and transfer its functions to the improvement committee.

2920. Do you say that the influence of the millowners was brought to bear to defeat that motion?—No doubt of it.

2921. CHAIRMAN.—But you ground it on this, that the sewerage committee had influence brought to bear on them by the millowners to defeat any proposition to abate this nuisance?—We were most anxious to get sewers made in certain places, and it was more to get outlets for the sewers that the improvement committee wanted this for the purpose of passing streets, and it was very awkward for the improvement committee to be passing plans and not knowing where the sewers

would run. For instance, in the case of the Antrim-road district sewer, the improvement committee was passing plans, and there was no way laid out by the sewerage committee for the falls in those plans. A large scheme was prepared by the borough surveyor, and that scheme was brought before the Corporation, and I, myself, upset that scheme effectually, and in such a way that on the day on which it was brought forward they could get no seconder for it, and it broke up the whole scheme. We were met by the objection from the surveyor and others that there was no other outlet but to bring it through Donegall-street and Waring-street.

2922. Well, we don't want the details of the scheme.

2923. The minute book showing members of sewerage committee in 1870 was produced, and Mr. Carlisle said the only mill-owners on it were Alderman Lindsay and Sir John Savage, and Councillor E. H. Thompson, interested in that branch of business. In 1871 Alderman Carlisle, mill-owner, and E. H. Thompson, were on the sewerage committee.

2924. Now, do you mean that Alderman Carlisle and Sir John Savage, for the interests of their business, obstructed motions which would have the effect of purifying the Blackstaff?—Yes; and Mr. Ewart also.

2925. Mr. Ewart was not a member of the committee?—Well, in council he was obstructing.

2926. But you said the sewerage committee obstructed?—Yes, by doing nothing.

2927. Is Sir John Savage's mill on the Blackstaff?—Yes, it is.

2928. Tell me any other mills on the Blackstaff in which members of that committee had an interest?—Sir John Savage's, the Brookfield Spinning Company, and the dye works of Alderman Carlisle, of which Mr. Mullan is a director.

2929. Who moved this resolution to abolish the sewerage committee?—I believe it was Mr. Gaffikin, and it was seconded by myself.

2930. On what grounds?—Simply that they were not doing their duty, and were obstructing the improvement committee in not giving proper outlets for the sewerage.

2931. Mr. EXHAM.—Do Sir John Savage's and Mr. Carlisle's mills discharge their sewerage into the Blackstaff?—Yes, they do by the Pound Burn. The fact of it is that above where the Pound Burn falls into the Blackstaff the river is pure, and it is the Pound Burn creates the whole nuisance.

2932. CHAIRMAN.—Can you point out any movement with the exception of this of merging the sewerage committee with the improvement committee which you say would have prevented or was brought forward to prevent the flooding or pollution of the Blackstaff or Pound Burn, and which was rejected by the influence of the mill-owners?—No; because we could scarcely bring forward a resolution of that sort. I believe there were two resolutions brought forward on two occasions in Council.

2933. Was there none in committee?—After the overflow was taken from the Blackstaft there was very little flooding there.

2934. Was there any resolution proposed which was rejected by the sewerage committee, and which would prevent the flooding or improve the Blackstaff?—No.

2935. Then what do you come forward to prove?—That the sewerage committee for 1870 and 1871, and a great part of 1872, did nothing with reference to the district sewers of the town, and that was the time that the improvement committee were making exertions to do so. After the additional members were put on the sewerage committee they took an active part in making other sewerage districts—it takes a long time to make a sewerage district—and before we got the length of the Falls district I left the Council and I don't know what has been done since.

2936. But what you say is, that owing to the influence of the mill-owners these efforts were obstructed, and I want you to point that out?—Well, the sewerage committee did nothing for those two years.

2937. I want you to prove that anything was rejected?—It would be very difficult to prove it, as I was not a member of the sewerage committee.

2938. Mr. LAWLESS.—In order to show that you should be able to prove that some scheme was proposed and rejected?—The only thing was a recommendation that was conveyed to the sewerage committee, and it would not be allowed to be put on the minutes.

2939. CHAIRMAN.—But you cannot show that any sewerage scheme was rejected?—No.

2940. Then you are only wasting our time?—I know that all the time I was in the Council the improvement committee did their utmost, and they were upset entirely by the sewerage committee.

2941. But you have not given us one instance of it. We have referred to the minutes and we have not found anything to bear that out. What did you come to prove?—What I came to prove is this: that the Town Council could, if that committee had done their duty, have abated the nuisance in connexion with the Pound Burn and the Blackstaff, and my impression is this, that that was owing to the influence of the mill-owners.

2942. But impression is a very different thing?—Well, as a general rule mill-owners have influence. Well now evidence was given by Mr. Murphy here. He stated that the price of water was such that mill-owners were compelled to use sewage water. Now the only mill that uses the Water Commissioners' water for condensing and boiler purposes is one in King-street, a flour mill belonging to Mr. Neill. He gets water from the Water Commissioners, supplied by meter, and the whole account last year was something under £20, both for cooling and for boiler purposes. Mr. Hind, a mill-owner, also has taken water for boiler purposes, not for condensing, and it cost a small amount indeed. Mr. Neill's is a very large concern, so that the price of the water cannot be the reason that the mill-owners use in their boilers the sewage matter that they do. Another point I want to draw your attention to is the way in which the Gas Act is being carried out. My impression is that it is being carried out in the same way as the Harbour Commissioners carried out their works for a certain time—that is, they have a large number of works that are short-lived. Their pipes will only last twenty-five years. That is about the average length of time that they will last in the gasworks.

2943. Were you a member of the gas committee?—No; the Corporation hadn't the gasworks then. You will find by the report of last year the small amount for pipes. The amount that the pipes would cost would be £150,000, and the outside time that they will last will be thirty years. The Corporation should set aside a sinking fund as a renewal fund that would renew them in thirty years. The Harbour Commissioners did the same, and at the end of thirty years they had to double their rates for the purpose of renewing their works, and the same thing will occur with the gas if they don't take precautions, and have a fund for renewal. They are now putting down mains, and they are not charging enough to revenue, but far too much to capital. The result will be that they must strike a large rate in some time, or raise the price of gas to meet the expenditure. I wish also to refer to the political influence which some officers of the Corporation exercise. I know this of my own knowledge. It is seven years ago since Alderman Mullan was re-elected alderman. At that time I attended a meeting in the Victoria-hall for the purpose of taking part in the election. It was a conservative meeting, and was called by advertisement. I was there as a member of the party. I saw a considerable number of the officers of the Corporation there, and Mr. Cobain in particular. The object of the meeting was to select an alderman to the Town Council for St. Anne's Ward. Mr. Mullan was the alderman going out. Before that he had sworn himself to be a whig, and I thought it was very strange,

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Mr. Robert Carlisle.

and I said so much on the subject that Mr. James Alexander Henderson was nominated, but, strange to say, although it was a very considerable meeting of ratepayers, some parties took it upon themselves to change the nomination from Mr. Henderson to Mr. Mullan. At that meeting Mr. Cobain was present, taking an active part, and what I want to draw your attention to is, that the gas was turned off to give me a beating. It was done by some of those in the place, and Mr. Cobain was taking an active part in the meeting.

2944. Mr. LAWLESS.—Do you mean to say that Mr. Cobain was taking an active part in canvassing or nominating candidates there?—I saw him speaking to a great many of the people who were taking an active part in the meeting.

2945. CHAIRMAN.—Did he speak?—Not publicly; but he took an active part. He was at the meeting, and spoke to parties who spoke publicly. Well, in reference to the opposition of Sir John Savage to me in 1872. At that time I knew very well that I could be returned had it not been for the influence that Mr. Cobain used for Sir John Savage amongst some of my own friends on the Shankill-road. There is no doubt but I was defeated that year by that influence.

2946. What proof have you of that?—Well, some of the parties who asked me to stand against Sir John Savage, because he did not do his duty in reference to the riots, actually voted against me afterwards.

2947. Did any of those parties say that it was the influence of Mr. Cobain changed them?—No, they did not say that directly, but they said as much.

2948. Well, what proof have you that Mr. Cobain used that influence?—Well, I don't wish to bring the parties forward. I would rather let it go for what it is worth.

2949. Then the charge falls to the ground?—Well, in a meeting in Dock Ward, when Dr. Alexander was changed from being a councillor to an alderman, Mr. Cobain was there, and taking an active part. I saw him canvassing for Dr. Alexander, and I heard him distinctly saying that Dr. Alexander should be the alderman for Dock Ward.

2950. Did you hear him influence persons to vote on behalf of him?—I heard him influence them before the election by stating that he was the proper man to make alderman.

2951. To whom did he say that?—Oh, I could not say.

2952. Mr. LAWLESS.—Were they voters?—Yes, I presume so.

2953. CHAIRMAN.—Could you not name one person to whom he said that?—I could not. I want to mention also in reference to that, that in 1872 all the officers' salaries were revised. They were revised, and a few of us considered that the proposed increases were too high. It was then considered better to have an amicable arrangement, and that we should reduce the whole of the increases by one-half. We all agreed to that. However, to our surprise, when the salaries came up, and it was moved that the report should be adopted with the compromise, Dr. Alexander proposed, and I do not know who seconded, that Mr. Cobain should get the full amount of increase given at first. I voted against that, and I said I could not see how we should pick out one and not give the full amount to another. That was in 1872. I went immediately after that to the *News-Letter* office, as I had business with Mr. Lilburn, the editor, and he told me that in consequence of my opposition to Mr. Cobain he would write against me until he would put me out.

2954. Well, what have we to say to this?—Well, Mr. Henderson, the proprietor of the *News-Letter*, and Mr. Cobain are brother orangemen. The editor told me that he would write against me until he would put me out of every board in the town. I told him that I only did what was my duty, and I believed Mr. Cobain was fairly paid at the time. That is the only instance I will mention.

2955. We know nothing about the *Belfast News-Letter*, and Mr. Lilburn has no connexion with the Corporation, so what can we have to do with that?—Well, it shows this, that influence was brought to bear on the *News-Letter*. I can go no further than the facts.

2956. Mr. LAWLESS.—Were you written against in the *News-Letter*?—Yes, I was, and they refused to publish a reply from me although they published a correspondence on the other side, and in some of the reports of my speeches afterwards they made me speak nonsense, and made it ridiculous, carrying out the object in view.

2957. CHAIRMAN.—Oh, well no matter about that, we cannot take any notice of it.

2958. *Witness.*—Well, before I go I want to say this, that I believe the gentlemen in connexion with the improvement committee have done their duty to the best of their ability, and I believe that this talk of a "timber ring" is incorrect. So far as I could see, for the three years I was on that committee, there was no undue influence brought to bear. I had no connexion with any of the timber merchants, and I believe that they did their duty to the best of their ability, and that they have done so without favour.

2959. Mr. LAWLESS.—Is all that Mr. Biggar said incorrect then?—I do not know, but so far as I saw I could find no fault with the members of the timber trade on the committee, although sometimes they were in opposition to my views.

2960. CHAIRMAN.—Did you see any favour shown to any builders on that committee?—Quite the reverse. Now, with reference to Mr. Browne's buildings on the Donegall-pass, I know that, so far as I could see, Mr. Browne was perfectly right, for he was giving a strip of ground to the Corporation, and he only asked what other people were getting—that the footways should be kerbed and that flagging should be put along the footpath; and the sub-committee recommended that he should get the same as other people, and then it was done at once. The only other case I can instance is one in Donegall-place. The borough surveyor had served a notice in connexion with a board where there was an outshot, and the gentleman had a signboard on it. The house belonged to Mr. William Ewart, a member of the Corporation, and the borough surveyor ordered the board to be taken down. It came before the improvement committee, and they examined into the whole matter, and they gave directions contrary to the borough surveyor. No doubt there was influence brought to bear on the borough surveyor to have the board removed, but the improvement committee ordered that nothing should be done to it, as it had been there for twenty years or more, and instead of being a nuisance, as alleged, it was the means of preventing a nuisance at that place.

2961. The borough surveyor had influence brought to bear on him, you say, to remove it?—Well, the tenant of the house wanted a window put up where the board was, and that tenant was a tenant of Mr. Ewart's. I believe that improper influence was brought to bear on the borough surveyor to get the board removed.

2962. Mr. *Montgomery* (borough surveyor).—That is perfectly untrue; I deny that.

2963. Mr. *Carlisle.*—Mr. Montgomery denies that. Well, first I say that Mr. Montgomery served a notice, and that summonses were issued, or about to be issued, when the gentleman whose signboard it was came before the improvement committee, and when they heard how it was they stopped the prosecution, and would not allow Mr. Ewart any favouritism more than any other; so that I always found the improvement committee showing favour to no party.

2964. CHAIRMAN.—I want to know when questions arose in which any of these builders, being members of the improvement committee, were themselves concerned, as with reference to apportioning expenses to be charged to themselves, whether they took part in the proceedings in the committee?—They never interfered, and, as a general rule, whatever Mr. Montgomery recommended or disapproved of, was accordingly

adopted or rejected, and, as a rule, builders never interfered with reference to their own plans.

2965. When such questions were brought forward before the committee, did those members who were interested in the matter retire or act?—As a general rule builders' questions were decided in the same way as others.

2966. Do you ever recollect an instance in which it was sought to throw expenses on a builder who was a member of the committee, in which he remained to vote, and influenced the others to vote against it?—No, never.

2967. CHAIRMAN (for Mr. *Colligan*).—Can you say why it was that Mr. Cosgrove, who complained that he had only one house in a street was compelled to pave it, while Mr. T. H. Browne, a member of the improvement committee, has streets open for three years and has not paved them yet?—Well, materials in many cases could not be got, or men could not be got to pave the streets all at once; and what was generally done was to take up those streets that were worst. One thing stopped the improvement committee, and that was that a street could not be made until there was an outlet for the sewerage. In many cases the improvement committee were sorry that they could not make streets on account of there not being an outlet for the sewerage.

2968. Mr. EXHAM.—Are you more or less connected with the building trade?—No; my business is in connexion with earthworks, and for the last year only.

2969. Do you know that certain streets belonging to certain parties were paved by the Corporation years since, and the owners had writs issued against them for the cost, while adjoining streets belonging to other parties had nothing done to them up to the present?—Well, it was impossible to pave all the streets at once.

2970. Surely it was not impossible to put an obstruction at the end of them until the Act of Parliament was complied with?—Well, there was not enough houses for all the people. I think there were recommendations put on the books to pick up the worst streets first.

Mr. JOHN REA examined.

2971. CHAIRMAN.—Are you a solicitor and ratepayer of this town?—I am a solicitor resident here and practising in this town, and throughout Ulster. I have been a member of the Corporation twice for a period altogether of three years. I was also a member of the Water Commissioners Board for six or seven years, and a Poor Law Guardian for one or two years.

2972. Well what are the particular points with reference to which you wish to give evidence?—I wish to say first, with regard to the burying ground question that I entirely agree with the Town Council in reference to their proceedings relative to Dr. Dorrian's demand to have an influence over the public cemetery which would not be allowed by any Corporation, and had not been asked by any Presbyterian or Protestant priest. I believe a large body of the Roman Catholics approve of the action of the Town Council in preventing Dr. Dorrian from having that which a compliance with his demands would give him, viz. a virtual ownership of the graves. With regard to the Blackstaff nuisance, I want to say in fair play to the Corporation, that I believe the Corporation are substantially right with regard to the Blackstaff nuisance. [Mr. Rea then entered into a lengthened narrative of the history of Belfast municipal affairs for the past twenty years, which the Commissioners held to be irrelevant to the present inquiry. In 1862 the Corporation, he added, voted a salary of £1,000 to the then mayor, Mr. John Lytle, for the purpose of paying the costs of litigation with Mr. Rea. No salary had up to that been paid by the Corporation to the mayor. That was a misapplication of the ratepayers' money. For six years each mayor was paid £1,000.]

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Mr. MONTGOMERY re-examined.

2973. CHAIRMAN.—As questions affecting your department have been raised I think it will save time if I allow you to answer them in the order in which you have, I believe, taken notes of them?—By your directions, as I was not allowed to reply at the time I have taken notes of them. First, with regard to Mr. Scott's, the water commissioner, evidence about the flushing of the sewers. Mr. Scott and Mr. Carlisle both said that these sewers in Belfast could not be flushed, and quoted the borough surveyor as their authority. It would be convenient now to say that their engineer, Mr. Macassey, stated that they can be flushed, but that the Council had not constructed any apparatus suitable for flushing them. Now I say that a great many of them can be flushed, or I would rather use the word "scoured." I never said that the sewers of Belfast did not require water, on the contrary I put in my printed report on the drainage, dated November 22nd, 1866, in which, on pages 28 and 29, you will find I said, "In addition, a standing supply of water should be afforded for the cleansing of the sewers, and this is indispensable for their proper working;" and on the next page—"It would be impracticable to attempt large floods in any case; moreover, in dry seasons when water would be most wanted it could not be obtained under the present wasteful system;" and at the bottom of that paragraph—"watering the streets could be effected by this plan." Therefore Mr. Scott made a mistake. He alleged Mr. Carlisle informed him that I said water was not wanted for the cleansing of the sewers. It is simply untrue. I say that Mr. Scott informed this tribunal that his authority was Mr. Carlisle, and that he had told him this idle story. It is utterly untrue. Many of the drains can be scoured, but some of them must have their deposit removed by workmen. That is the statement I originally made—that in some sewers in Belfast which admit the tide what is called flushing would increase the evil instead of removing it. In England we found that fully proved some fifteen or sixteen years ago.

2974. Is it a fact that the majority of the sewers in Belfast lie below the level of the river?—That is not true. Water flowing through all the sewers in the town would be useless although it might in some of them remove the deposit.

2975. Mr. LAWLESS.—Is it true as stated that there is no apparatus for flushing?—The new sewers are so constructed as to be self-cleansing. It would be an admission that they were wrongly constructed to say that they wanted flushing. It was said that the sewers in the low levels and some of those in the higher districts generally have ten inches of stagnant water lying in them, and that statement I wish to correct, and also that many of them were lower than their outlet, and that for example the sewer in Little York-street was in a high district, and that the water lies within eighteen inches of the level of the fireplaces in the houses. Each and all of these statements I contradict. In the first place all the sewers have a fall towards the tideway (these sewers alluded to), and where the tide falls below the bottom of the sewer these sewers were designed to be empty. This does not occur on every day, for on many days the tide does not leave the sewer at all.

2976. In spring tides?—On a great many days. For some days sometimes it will not leave the sewer.

2977. Are these sewers at low water free from sea water?—Yes; they are then clear from sea water.

2978. Is that only at low water of spring tides?—

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That is a matter of levels. These sewers have valves which provide for keeping the tide out, and while those valves are closed the back water accumulates, and, therefore, there is back water in them. These sewers, unless they are cleansed by manual labour or mechanical contrivances, will have a deposit. All that is fully stated in my report. Unless the valve is opened to give egress to a dirty sewer there must be stagnant water in it.

2979. How recently have those sewers been constructed?—They were constructed before I came to Belfast in 1861.

2980. Are they the oldest sewers here?—Yes; in dry weather, when there is a bad smell from some of these sewers, washing them with clean water would abate it. I do not lay much stress upon flushing these sewers, for I do not think it would be a very successful operation.

2981. Mr. EXHAM.—If you say they are full during a great number of springs must they not be so during the neaps also. The spring tides run out more than the neaps?—Yes; but they are never blocked up; they are empty to within about two feet. One-half of them are empty. You will find the facts carefully stated in the report. All cities built on estuaries are the same. The sewer in Little York-street has no valve on it at all, and it flows the whole way to the tideway. Unless it is cleansed water might gather in it. There is no valve, and in dry weather nothing to prevent an accumulation of deposit in it. If it is scoured with water it would be to a large extent relieved from the deposit that Mr. Scott complains of.

2982. I understand his complaint to be that there is a sewer under his premises, and that the water comes up to within eighteen inches of the fire-place?—Mr. Scott's house sewers are made with so little fall that they contain the deposit, and I believe that is the reason why it goes so near his fire. I could make that all right for a few pounds, but it is the duty of the ratepayers to do it.

2983. He says the water is within eighteen inches of his kitchen fire, and, therefore, the sewer must be within eighteen inches of the kitchen fire. Is that so?—At the time of high water the sea comes up this sewer, which is in fact an open channel, in which there is no valve, and it comes not only to within eighteen inches of the ground, but it sometimes arises to the level of the street. I want to show you the rashness of the statements made. It was said that this was one of the highest districts of the town, and to that I give a direct contradiction, and under no system that I know of can you prevent the tide from rising. If you carry out a large scheme of drainage, and employ plenty of pumping power, we can abate that, but they must not cry out about these works unless they give us the money.

2984. Is the curing of this defect in the sewers part of the large scheme?—Yes; and it cannot be remedied by any small work in any particular locality. What I would ask water for is for cleansing the streets. There are multitudes of old, dirty, ill-built courts and lanes in Belfast, and if they were washed with a hose and jet as you know is done in some large towns, it would be a very great matter. It would be extremely valuable indeed. I would make them a present of the flushing if these streets were washed from the fire-plugs with a hose and jet, for it would not only cleanse the surface in dry weather, but it would also cleanse the gullies and sewers that I have recommended to be scoured. We do not want it in wet weather for we have plenty of water for those purposes then.

2985. Mr. LAWLESS.—Do you think the town wants that?—I am only giving you my own opinion—there are a great many things in Belfast that we have not got, but want.

2986. CHAIRMAN.—Will the Water Commissioners, by their new reservoir be able to increase the supply to the town very largely?—Of course they will.

2987. Do you not expect this deficiency of water to be remedied when the new reservoirs are completed?—I have no doubt they will. I am not complaining even of the deficiency, but I think the price that is charged of 1*s.* 4*d.* per thousand gallons in the dry season when we want it is practically a prohibition.

2988. Will they be able to supply you from the fire-plugs when they get the increased supply?—Yes; I am sure they will. With regard to Mr. Carlisle's evidence—it is, so far as I am concerned in my department a repetition of the statements that were made by Mr. Scott.

2989. Is it a fact that the Corporation use the water of the Pound Burn for watering the streets?—The superintendent of the scavenging department will be here after me to give you full particulars as to that. With respect to the report of the sub-committee before referred to by Mr. Dinnen, the facts are, Mr. Carlisle very improperly, during my absence in England, came into my office and got hold of some plans I was working at——

2990. Was he then a member of the Town Council?—Yes; and on the sub-committee, but he was utterly incompetent to judge of such plans. He got those plans from my assistant. They had the lines of existing sewers marked on them, and certain other works of indication. He noticed that the Pound Burn came between the ends of sewers, and it was very obvious to any person not educated in this particular business that if you drew a line from sewer to sewer it would be a very handy way of connecting them. He produced such plans that it really took all my official gravity to enable me to discuss. However I sat down to answer all his recommendations as gently as I could, for I never forgot that he was a member of the council. When I came home I had to answer this extraordinary report, and I did so, but I am afraid that Mr. Carlisle showed some animus against me for doing my duty. He seemed to have a notion that he could make water run up a hill. He had some influence with certain persons, and he took a great deal of trouble from time to time making this foolish proposition. When he would not take my advice I said "perhaps you will take Mr. Rawlinson's (the inspector and engineer of the Local Government Board in England), which confirms mine." The Central Railway Company wanted to interfere with the sewage of the town, and they proposed the same sort of sewer-pipes under their railway tunnels. I was to be the judge under the Act of Parliament, and I condemned their plans, and got the matter referred to Mr. Rawlinson as the highest authority on the subject. We were taken to London, and Mr. Rawlinson decided that I was right, but even that would not be taken as enough by Mr. Carlisle, and the report was sent before the committee, and my report had to go to contradict it. That is the whole of this subject.

2991. Mr. EXHAM.—One portion of the complaint was that when he and two others were appointed to consider the matter the report which they made was refused to be entered on the minutes?—I have nothing to do with that. I forget all the little details of the matter. With regard to the Fairy Well stream—this miniature Pound Burn—it is an old water-course, and the people who have property on its banks have a right to the use of its water, and we cannot take it from them without paying them compensation, and that answer applies to all of these cases. I need not repeat that Mr. Harrison (now Judge Harrison) was brought here specially to go over these rivers. We went into this matter and we were advised that we could not prevent the mill-owners from abusing these streams.

2992. Do you say, as a matter of fact, that you were advised you had no right to prevent the mill-owners from polluting the streams. I can understand that they have a right to use the water and send it back again as they get it, but not that they have any right to pollute it. Mr. May's opinion was, that the Town Council were the first offenders themselves, and that, therefore, they could not prosecute others; that opinion I can well understand?—Well, I admit that, but Mr. Harrison himself came over the river, and his

attention was chiefly directed to the submerged weirs or contrivances for raising the rivers, and causing a nuisance in them. The question of taking and returning the water to the stream after use was not the main question at that time. The other was the important question.

2993. CHAIRMAN.—Was a written opinion given by Mr. Harrison?—I have no doubt that some written opinion was given.

2994. Are you speaking from or referring to a conversation that you had with Mr. Harrison when you were inspecting this river together, or from your having read his written opinion?—I should say from both.

2995. If there is a written opinion we must have it produced?—I am sure there was.

2996. Mr. EXHAM.—Do you say that the present Judge Harrison advised that the Corporation had no power or right to stop the pollution of the rivers by the mill-owners?—I do not mean that.

2997. But Mr. Carlisle's complaint is, that they were knowingly allowed to pollute the water, and that in addition, the Corporation themselves polluted it?—I admit that. You will find it in my printed report. Fortunately I have everything down. As to the Fairy Well, it is quite true that they do use it, and it is a miniature Pound Burn. The sewers also are discharged into it, and have been before I became surveyor, but it is now altogether covered over.

2998. One complaint was that when the Council were constructing sewers (main sewers), they allowed this polluted water-course to run on in its existing channel to supply some of the manufactories?—Of course we did. If we had stopped any of that water we would have been threatened with an action.

2999. CHAIRMAN.—Did you threaten to stop it?—Yes, I did, and had a warning notice from the York-street Spinning Mill, and Mr. Reid, the managing director of the company set a watch on us day to day to prevent our interfering with it, and yet this water is not so clean as we would like it. After the Fairy Well stream was last used we diverted it into the public sewers, and a great blessing it is to the public sewers which it passes through, because it scours them. Another complaint was, that after it was diverted into the public sewers the two passed on to Mr. Crawford's works, and that we put on a six-inch pipe and certain contrivances for giving him the best of it. This water-course, which has been diverted into the main sewer, was used by manufactories. I was very anxious—the district was rapidly increasing, and the sewer was becoming more and more polluted and unfit for manufacturing purposes, and many new streets were being drained into it on the Shankill-road, so I advised the Council to prevent it from coming down Townsend-street and going into the Pound Burn, which was subject to floods at that time. It is not subject to them now. I advised them to divert it from the Pound Burn, and to take it down North-street, to the tide. That is one cause that I say has greatly abated the nuisance in the Pound Burn, and one of the causes which has greatly diminished the flooding. Of course it was necessary to give a supply to those people who have a legal right to it, and they got it. I plead guilty to that charge, but I would do it again.

3000. Do I understand you to say that a part of the water is sent down a glazed pipe to the foundry in Townsend-street and down to Smithfield mill, and that another portion of it is diverted from the Pound Burn? The complaint is that the Council send down sewage matter into that river, and down to those factories, where it is used, and returned again in a much more polluted state, from being heated, and that they actually supply other places by this glazed pipe with sewage water. Is that the fact?—What I said was, that while we conducted this water down North-street, and so into the tide, we were obliged to leave the manufactories who were using this water what they needed. This pipe was so contrived as to give them the best of the water from the Fairy Well stream, which had become polluted.

3001. Mr. EXHAM.—Was there a new sewer made on the bed of the Fairy Well stream?—No. The complaint is, that whereas they had a right to have it come down its original channel, and no one had a right to divert it, that it was turned by the Corporation themselves into the sewer higher up, and that these persons then said, "You are taking it away from the usual bed now, and you have a right to give us water."

3002. CHAIRMAN.—Do you give them as pure water now as they formerly had from the Fairy Well?—I think purer. I would rather say less polluted.

3003. Mr. LAWLESS.—When was that done?—About four years ago. I say the water is the same.

3004. CHAIRMAN.—They say that the Corporation, through their officials, give water more polluted to the mill-owners than they previously had?—I do not think it is more offensive.

3005. Mr. LAWLESS.—Could it be worse?—It could be worse. It will be getting worse every day. With regard to Alderman Carlisle's cooler. He charged Alderman Carlisle that in one of his manufactories he had a cooler, and that the sewage of the houses which are built around it was discharged into it, and that the plans for those houses were passed by the borough surveyor. To that I give the flattest contradiction. It is totally devoid of any particle of truth. The plans were passed, but when they came into me I called attention to that cooler.

3006. CHAIRMAN.—Then do you say that in point of fact, the cooler existed when the houses were built?—Yes. The houses drained into the adjoining street sewers. I had the place inspected the other day, and the manager of the factory will be here to prove that the houses do not send the drainage into that cooler. I spoke to Alderman Carlisle on the subject, and he denies it. As a matter of fact they have a pump and they use that pump-water, and do not use this filthy stream. He says that at present they are using the pump. The manager is here and you can examine him. Those houses are all drained into the street sewers. Our men saw them. If any person had surreptitiously put a four-inch pipe into the reservoir, and Mr. Carlisle had informed me I should have sent a man to examine it.

3007. We understood Mr. Carlisle to say that the house drains communicated with the reservoirs which led into the cooler. Is that so?—I say not—at least not to my knowledge.

3008. Have you ever sanctioned any plans which drained those houses into the reservoir?—Certainly not. It would be a monstrous thing to do so.

3009. Mr. EXHAM.—It is alleged that there is foul matter in it plain to be seen by anyone. Mr. Carlisle has even asked us to go and judge of it for ourselves. Surely if you go up yourself you can see it, and tell us whether or not his charge is true?—I do not deny that if the whole of these coolers are not frequently cleansed, they will give off an offensive smell.

3010. CHAIRMAN.—Did you sanction the construction of those drains that are complained of in Haldane-street and Shaftesbury-place?—I not only did not sanction them, but if I found such a state of things existing as was complained of I would order the parties to be prosecuted.

3011. Do you believe that the sewage matter finds its way from Haldane-street and Shaftesbury-place and the surrounding streets into this reservoir on Alderman Carlisle's premises, after passing through the cesspool into which they drain in the first instance?—I have no knowledge of it, and I do not believe it.

3012. Mr. LAWLESS.—Do you know anything to the contrary?—I do not. I sent a man up to examine into this matter, and he reported to me that there are no houses drained into the cooler.

3013. CHAIRMAN.—It is alleged that these houses are drained into the cesspool in their reres, from which cesspool there is communication into the cooler?—If that is so it is very improper, but I have no knowledge of it being the case.

3014. Mr. *Carlisle*.—I assert that the drains from

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these houses run into this cesspool which discharges itself into the cooler.

3015. Mr. *Montgomery.*—I know nothing of that. I know of nothing but the Fairy Well stream, and I do not believe what Mr. Carlisle states to be a fact. Mr. Donnelly, the inspector of sewers and foreman of works, on the day after the statement was made, went to the place and examined it and inspected it, and if you wish you can examine him upon the question.

Mr. James Donnelly.

Mr. JAMES DONNELLY examined.

3016. CHAIRMAN.—Are you the foreman of works under the borough surveyor?—Yes.

3017. Did you inspect this place referred to?—I did.

3018. Did you find any drains from houses running into this reservoir which has been referred to, and which contains sewage matter?—No; I examined it carefully and found none.

3019. Can you undertake to say that there is none?—I can.

3020. Mr. EXHAM.—Is there a tank or reservoir in Alderman Carlisle's yard?—Not that I am aware of.

3021. Did you hear Mr. Carlisle say that there was a tank into which the liquid filth from Haldane-street and Shaftesbury-place discharged itself?—I am not aware; there may be a tank in the yard.

3022. Is there any communication between the cooler and the tank in the yard?—None. I examined it carefully, and it was very low at the time.

3023. How can you be sure of that if you do not know whether or not there is a tank in the yard?—Well I don't believe there is.

3024. Was the cooler empty?—No.

3025. Were you the overseer who saw the sewers made?—I was.

3026. Did you hear any complaints made in reference to Landscape-terrace?—I did.

3027. Mr. *Montgomery.*—But that is a mile away from this place.

3028. CHAIRMAN (to Mr. *Carlisle*).—Did you give any notice of this matter to Mr. Montgomery at the time?

3029. Mr. *Carlisle.*—I brought the complaints of the neighbourhood before the Corporation about this particular spot because the complaints were terrible about it.

3030. Was that after you had made these examinations?—After I examined it I made complaints about it two or three times, and it was well known to the members of the Corporation as well as to Mr. Montgomery that the drains ran into that place.

3031. Mr. *Montgomery.*—I never heard of this complaint before from any source until I heard Mr. Carlisle make the statement here, and I do not believe the statement was ever made at any meeting of the committee.

3032. Mr. *Carlisle.*—I remember distinctly bringing up before the sanitary committee the complaint with reference to Haldane-street and Shaftesbury-place.

3033. CHAIRMAN (to Mr. *Donnelly*).—Could you, as a practical man, have suffered a pipe to cross the street from those houses and discharge itself into this reservoir?—I certainly would not do that at all.

3034. It must be within your recollection whether or not such a thing did occur?

3035. Mr. *Montgomery.*—I do not believe this complaint was ever made at any committee meeting.

3036. CHAIRMAN (to Mr. *Carlisle*).—How long is it since you ascertained the fact about this reservoir?

3037. Mr. *Carlisle.*—At the time this sewer was made.

3038. How long is that ago?—Six or seven years ago.

3039. Did you make any report of that to the Town Council?—I did not report it in writing. I simply brought before the committee the complaints of people that I heard.

3040. Were you a member of the Town Council at the time you made these complaints?—I was.

3041. How long ago is it since you ascertained that the pipe which drains Landscape-terrace was continued into this reservoir?—Six or seven years ago.

3042. Did you make any report of that fact to anybody?—I repeatedly brought the matter before the Corporation.

3043. Did you bring the matter as to this pipe being continued from Landscape-terrace houses into the reservoir instead of being carried into the main sewer before the Corporation—did you report that?—I reported generally that the sewage was being piped into that reservoir, and was poisoning the neighbourhood all round.

3044. Was it while you were a member of the Town Council you did this?—Yes, while I was a member of the Council.

3045. Then in point of fact this sewer has been made a long time?—It has.

3046. Mr. *Montgomery.*—The street in which this sewer is will be completed one of these days, and then any sewer in the street will be connected with the main sewer.

3047. Mr. LAWLESS (to Mr. *Carlisle*).—Was it to the improvement committee you made the complaint of this state of things?—I have no doubt it was to the sanitary and improvement committees. I remember distinctly bringing it before the sanitary committee on one occasion.

3048. CHAIRMAN.—Was Alderman Carlisle a member of the committee at that time?—He was a member of the Council. I understood that the chairman was manager of this factory, and that he is here to contradict this statement.

Mr. Montgomery.

Mr. MONTGOMERY'S examination continued.

3049. Mr. *Montgomery.*—Herdman's dam is lower down on the same stream. I can vouch for it myself as a very impure stream. It creates a bad smell in the neighbourhood.

3050. Mr. LAWLESS.—Is it remediable by any means in your power—by anything you or the Corporation can do to prevent it?—Yes; but then comes the leading question—it should be closed up at once. I got some pipes put in to prevent the flooding in Smithfield, and it ceased to be continuous. The flooding has ceased more or less but the nuisance remains.

3051. Suppose you adopt some engineering means to prevent the flooding, would the use of them prejudice Mr. Herdman's water rights?—Decidedly.

3052. CHAIRMAN.—Is there any other point upon your notes upon which you wish to give evidence?—Yes. You have taken evidence with regard to the streets being too narrow, and there have been different opinions expressed upon the subject. These streets have been laid out under my supervision, and I do not consider that thirty feet is too narrow. I differ in opinion from those who say it is; for workmen's houses two stories high, I consider thirty feet is quite sufficient, and I have had some experience of such matters.

3053. Mr. *Carlisle.*—I never said that they were too narrow, but I said the town was built too closely together, and that there should be more open spaces.

3054. Mr. *Montgomery.*—It was stated here that the houses were built back to back but that is utterly untrue; there are no back-to-back houses in Belfast. I agree with Mr. Carlisle that there should be more space between the houses. My object was that there should be a passage which would allow the people to wheel away the human excrement. When I was appointed the law did not require any plans of buildings to be submitted to the surveyor, but after a good deal of agitation I got the Council to apply for powers compelling the parties to produce plans and they got them. I strongly advocated that back passages should be provided, and that we should have power to insist upon it, because then the contents of privies and ashpits were being carried through the rooms in the houses

where families lived and ate their food. I thought that a most hideous condition of things. Very great opposition was given to me about that amongst other things, and I was not able to carry it out. In point of fact that is the great blot upon the present system of workmen's houses. Mr. Carlisle is of opinion that the back passages are a nuisance.

3055. He said that at one time it was tried to get passages between the houses and it was found to be a great nuisance?—I assure you that in Bradford, Liverpool, and Manchester, these passages are not found to be a nuisance; they are kept very clean.

3056. However that is a matter of opinion, you need not trouble yourself to answer that any further?—I wish to add that if you can assist in getting the making of such passages compulsory you will render a great service to the town. In Hopewell-street there is a block of houses that form a hollow square, without yards, and I am informed that Mr. Carlisle is the owner of them. The houses surround the square and there are some common privies for the use of all the houses. I think that that arrangement for the working classes is a very bad one.

3057. Were those houses to which you refer built in your time?—I believe they were, but I may tell you that some time after the passing of the Act of 1866, things were done that we do not do now. Previously I was single handed in grappling with these matters, but we have got proper machinery since then, and things are properly carried out now. If the change is made that things were done improperly at that time I plead guilty to it. Everything had to be created, and we are now working in something like the way we ought to do.

3058. Was the block of houses in Hopewell-street, built shortly after the passing of the Act of 1866?—We have tried to trace them but cannot. I think Mr. Carlisle began to build them without any plans, and I objected to them at the time.

3059. Would you allow houses to be built now in that way?—No; nor would I then, but the houses were commenced and I did not prosecute him for them: however the fault is not mine. That disposes of the matters relating to the defects in buildings. Here is a document (handing in same) which will explain the complaints about Hopewell-street; we are required by the Act of Parliament to see that there is a yard to every house, but before we got the new powers we had no power to insist upon plans. With the staff I had I could not watch the building operations properly.

3060. Is there any passage through which the refuse of those houses can be taken away except through the houses themselves?

3061. Mr. *Carlisle.*—Yes; there is a gate-way.

3062. Mr. EXHAM.—Had you not power under the 124th section of the Act of 1845 to deal with the matter?

3063. Mr. *Montgomery.*—At the end of six months after the committal of this offence against the law there is no power to take proceedings. With regard to Dr. O'Malley's complaint about the asylum at Ballynafeigh. I may say that it is another instance of building houses without lodging plans. Some seven or eight years ago it was quite a common thing but it is never done now.

3064. CHAIRMAN.—If it is necessary for the owners of houses to make a larger tank so as to prevent the overflowing of the sewage into the road, it is incumbent on the Corporation to compel them to do so?—I have advised such steps to be taken in this case.

3065. How long ago?—About three weeks ago.

3066. Mr. EXHAM.—How long has the nuisance existed?—The first complaint to me was from my deputy. There are some seventy or eighty people there who are engaged in washing clothes, and the liquid from it is allowed to run on the highway. Of course they could be prosecuted for this. I thought the nuisance should be taken across the public highway, by a six-inch pipe, but since that time other complaints have come in about the drainage.

3067. Mr. LAWLESS.—In that district?—In that which has been sewered by cess-pools, and I believe some of the inhabitants are anxious to have it made into a drainage district, and are willing to undergo the heavy charge therefor. I have got orders to prepare a scheme for the district of Ballynafeigh, and to report whether or not I think it advisable just now to make it into a drainage district.

3068. When did you get those instructions?—Since you heard the complaint.

3069. Previously was it your advice to take it by means of a pipe to the other side of the road?—Yes.

3070. CHAIRMAN.—Would you advise the Corporation to go to the expense of making it a drainage district?—Yes; if we had the majority of the people willing to go to the expense. With regard to Mr. Stewart's complaints as to the pavement. A great many of the old streets are paved. It is rough paving but that is all that is wrong with it—it is wholesome, good paving but rough. I wish we had money to put down flagging instead. There was a complaint about Victoria-street and Anne-street being flooded, but the whole of that place has been thoroughly drained and paved, except the footways, and I have over and over again called attention to the fact that those footways ought to be flagged at the cost of the owners of property, and for this reason; the Town Council sold the adjacent lands by public sale to certain persons who were about to build, and the consideration was partly in work, and partly in money. They paid so much money, and they were to flag the footways. They have partially done so, and I advised the Corporation before you came here, to take proceedings, and compel them to carry out their contract. The improvement committee on two occasions passed peremptory resolutions, calling upon the owners to do this work. I think after this, that Mr. Black will not be to blame if he issues writs against them. The real complaint is that the improvement committee are too lenient.

3071. Mr. LAWLESS.—Who are the owners?—There is a whole lot of them—six or seven.

3072. CHAIRMAN.—Are any of them members of the Town Council?—I think not. The members of the Council have done theirs. Sir John Savage is the only one who is a member of the Council along that line, and he did his part many years ago.

3073. Mr. EXHAM.—If he did it many years ago why were the others not made do theirs?—Here is one reason that was given. One gentleman (a Mr. Clarke) came to the committee and said, "I have an architect engaged and I am preparing to build a pile of warehouses on my ground. I will lodge with you a sum of money to do the imperative part of the work—the kerbing and channel, and I'll do the rest as soon as the warehouses are completed." The committee thought that was a reasonable proposal and agreed to it; but he undertook to go on with his building much sooner than he has done, for he has not begun yet. He paid to the cashier the money for the portion of the work that had to be done then. With reference to the great complaints about this building and its drainage, I have to say that the drainage of the courts was not executed under my direction, nor was it for some time found to be defective. The architect who was paid for this work must not have attended to the drainage as well as he ought to have done. I have had to look after that as well as I could.

3074. Have you done anything to remedy the cause of complaint?—Yes, everything I could do.

3075. Have you tried to prevent the flooding of the basement?—I have puddled a large portion under the floors, and since that has been done I have not heard of any flooding. With regard to the Albert Memorial, £15 15*s.*, the charge of Mr. Lynn, the sculptor, was complained of. This Albert Memorial and statue were erected by the Corporation. The sculptor, Mr. Lynn, furnished the statue of the Prince that stands in front, and owing to some bit of carelessness the hole of a Lewis bolt used for raising the statue got filled with water. This water probably

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froze and expanded and burst the head of the statue, and it became dangerous to passers-by. Up to this time I had nothing to do with the matter. My attention was called to it—the passers-by thought if it fell it would kill some one, and at a meeting of the committee I advised them to take steps either to take down the statue or to make it safe, for the next frost would probably split it altogether. There was a long discussion about what was to be done, and I advised that as the statue had cost a sum of £600 and was public property the best plan would be to consult Mr. Lynn about the right way to cure the evil. He examined it, and advised a certain course of procedure. When the work was finished he sent in an account for £15 15*s*. The committee thought it was rather high, but he declined to make any reduction as he considered that for an artist of his standing it was a very moderate charge. It is alleged that the money of the ratepayers is wasted for the cleansing of Blackstaff, but, if my opinion is worth anything, the cleansing has been of immense advantage to the town. I said already that the town was repeatedly flooded in the neighbourhood of Durham-street, and Mr. Connor and others allowed us to carry out some work by which the flooding has been greatly abated. No money has been wasted on that cleansing. I was offered another assistant over and above what I had. When Mr. John Little was mayor he proposed that as the work was so very greatly increased and so large I might have a third assistant——

3076. What was your reply to that?—It was left over for consideration—to take my advice, and I said I could do if I only got temporary assistance. That has saved a couple of hundred pounds since. The extra expense in my department has been very slight.

3077. What would have been the least you could have got a competent man for in your judgment?—Three guineas a week; and I have done without him.

3078. Was that the reason why you required temporary profesional assistance which cost £200 or £300 within the last ten years?—I do not think it cost £100. With regard to Mr. Dempsey's complaint. The cost of the staff in my office is greatly less than in any town in the three kingdoms, where similar works are carried on. In Newcastle the salary of the surveyor is £1,000 a year; in Birmingham it is £1,000 a year, and the staffs are in proportion very much larger. In Liverpool the assistant has £600 a year. I never in my life, directly nor indirectly, solicited an increase of salary. It is charged that the rates are wasted paying my salary and that of my staff, but in no town in England are the officers paid so low. I never complained of my salary or asked for an increase. For fear you might not understand what I mean by saying that the Town Council is too lenient, I may tell you that this Mr. Dempsey violated the building regulations, and the improvement committee, contrary to my advice, agreed, if he would give a written guarantee that he would make the alterations within the year, they would not take immediate proceedings, on condition that he complied with the surveyor's wishes. That year has not yet quite expired, but it will in a month or so. I mention that to show you that they are not one-sided in being lenient.

3079. Do you attend every committee meeting?—Every meeting, unless I am absent in England.

3080. Have you ever seen any instance of favouritism shown to any of the members of that committee with regard to the streets in which works were being carried on?—I have not, and I have been thinking over it carefully. I do not recollect any case where a member of the Council got concessions or favours shown to him that were not on other occasions given to the very bitterest of their opponents. I think that several times a sort of fear of being supposed to go against opponents has made them unwilling to put their powers in force to the extent they might otherwise have done. I do not think that party or religion has anything to do with their actions in the Town Council.

3081. Has the fact of their being on the Town Council?—I think it is the very reverse, and with regard to the carrying out of the Acts of Parliament, I think they are carried out more stringently in Belfast than in Bradford or Blackburne, or any of the other rising towns, and in point of fact, the number of streets paved in Belfast within the last ten years, is greater than what has been done in any other town. There has been a greater proportion of new streets paved at the cost of owners of property than in any other town that I know of.

3082. What do you think is a reasonable time to give persons to carry out the Act of Parliament with regard to paving or laying out new streets, suppose the words of the Act of Parliament were that the man should do the work "within a reasonable time"?—I think it would vary in nearly every case that arose. I think that in every case when a well-founded complaint reaches us a compulsory order is issued. I hardly know of a case where a complaint was made to the committee in which an order was not issued.

3083. Does the Act of Parliament say that a complaint must be made? It says a certain thing must be done, and until that is done the houses must not be inhabited. It is in evidence before us that at all events, several houses have been inhabited for years in streets in which the requirements of the Act of Parliament have not been complied with?—That is so; that is admitted.

3084. I want to know how long do you say this is to go on? It has gone on for over three years in several instances—is it to go on for thirty years? The legislature thought it was right that people should not be allowed to inhabit houses until there was a proper way provided for their getting into them. I want to know what in your view is to be the limit within which you think you ought to enforce the law?—I have given you my view. I think in some cases one year would be ample, but I think that in some cases it might require much more.

3085. Under the Act of Parliament you are directed to shut up the street and not allow it to be opened, nor a single house in it to be inhabited until it is flagged to your satisfaction, or the footways made, and the road macadamized. Is it of your own free will that you do not enforce the law, or do you refrain from doing so by the orders of the improvement committee?—I never got any such instructions from the committee. That section of the Act was put in by Mr. Bruce contrary to my advice. I do not know of any other town where such an Act is carried out.

3086. Do you act on your own responsibility?—Yes. I got one or two sections of that Act repealed, and may be I will get this one also.

3087. Do you know that Mr. O'Neill said he was noticed years ago to lay out and repair footways of his own, and that the Corporation did it when he refused and brought an action against him by Mr. Bruce, their then solicitor, and he had to pay £58, while other persons similarly circumstanced had not any action taken against them. He further told us that there were streets in some places three or four years inhabited without roads or footways, and that you did not compel the owners of them to comply with the law, and he named Mr. Brown as the person who was responsible for not carrying out the law in some of them?—I heard him say so.

3088. CHAIRMAN.—We want to know was any favour shown to Mr. Brown about that?

3089. Mr. EXHAM.—Mr. Brown said he was not now interested in the houses?—When I came to Belfast Peel-street and Mary-street (the streets complained of) were then old streets. I have always advised that old streets should be properly completed and adopted as highways. We are not compelled to adopt them, but I have always advised that the older streets should be taken the first, unless there is some good reason for pursuing a different course with regard to them. The streets that the Messrs. Brown are interested in are quite new—it was a green field quite

recently. I think however the time has arrived when an order should be made for those streets, although they are very partially built on yet. We like to allow the people time to get rents. The Messrs. Brown had completed one of those streets, M'Donald-street, which is the leading street to the old streets. Peel-street and Mary-street were in an unwholesome state, stagnant water was lying in them, and they had never been completed and adopted. The usual course in all these cases is to issue an order, and if the party is aggrieved he has the right to appeal. If he can show that they were properly completed that ousts the jurisdiction of the Corporation completely. The officer who first served the notice about Mary-street is standing here, and he says that when he served it on Mr. O'Neill he said he was very glad that Mary-street was about to be paved.

3090. CHAIRMAN.—His complaint is, that he was called upon to do what others were not called upon to do at all?—I am not here to defend the Messrs. Brown, but surely the question of time is something. Some few months ago I presented to the improvement committee a list of ninety-two streets which had been ordered to be paved and settled, and the surveys and estimates prepared by me and my staff. I advised that before any new orders were issued these streets should be taken up and done, and, regardless of the complaints of the owners or people interested in them, that writs should be issued and the money expended should be got in. Our solicitor spent every week since in my office with myself and my deputy arranging about taking legal proceedings against these men, and a great many of them have been put in motion, but the owners of property came every day to the committee asking time, and saying that it would ruin them if these orders were enforced, and pressure was brought to bear on the committee to grant a delay. Mr. Hillen was given three or four months since this complaint was made to you. He is a Catholic gentleman.

3091. Mr. LAWLESS.—What sort of pressure is brought to bear on the committee?—Entreaty. The usual course is this: the sites of houses in this town are not the property of capitalists. A class of middlemen come in and rent a piece of ground, and undergo a heavy rent. They are not able to get their houses up as quickly as they would like. They are still under rent, and suppose a writ is issued against these unfortunate men their property would be confiscated.

3092. Suppose the creditor of one of these middlemen was a member of the Town Council, would he go to that man to use his influence?—I should say he would.

3093. Suppose a member of the council was a middleman?—I should say from what I have seen that that member of the council would be more narrowly watched than any of the others.

3094. CHAIRMAN.—Do the members who are described as the "timber ring" generally take part in the deliberations of the committee, or vote when these questions are brought before the committee?—I think there is generally a feeling that a man should not sit upon his own case. I have known the Messrs. Dixon to retire so as not to influence the other members of the committee, or vote when their brothers' interests were involved. I opposed a large scheme of Councillor Dixon's for building on reclaimed lands on the county Down side, as I thought the houses should be raised higher above the tide.

3095. In Ballymacarrett?—Yes. We had several interviews and arguments about it, and I succeeded in getting him to raise his houses higher than any of those that had been previously built in the neighbourhood, and at a very heavy cost. From that day to this I never found out that Mr. Dixon's countenance was set against me. That is not a single case. It is alleged by Mr. Bigger and others that the surveyor is coerced.

3096. He said it was generally known that these gentlemen used their position as members of the improvement committee to benefit themselves; that so far as he knew Mr. Montgomery was always supposed to do what was right. Is it the case that your recommendations were often overruled by the improvement committee after you reported that such and such steps should be taken, and that the members mentioned by Mr. Bigger were on that committee, Messrs. Brown, and Lowther, and Dixon, and that owing, directly or indirectly, to their influence your recommendations were rejected?—Well, then, I give it a flat contradiction. I heard Mr. Bigger's remarks about the "timber ring," and I contradict them.

3097. Mr. LAWLESS.—Have your recommendations ever been over ruled?—Certainly; but the recommendations of every town surveyor in the Three Kingdoms have been over ruled.

3098. Have they on those occasions been over ruled by these gentlemen named by Mr. Bigger?—I have not the recollection of a single case. I do not believe that such a thing ever occurred. There is no town surveyor infallible, and my recommendations did not always meet with the approval of the Town Council. They did not think my recommendations must be always right and all others wrong. I think I have been better supported in Belfast than any other town I have been in. I know nothing of these charges of corruption, and I do not believe one of them.

3099. There was one case mentioned in which Mr. Dixon was concerned. He bought ground for building a row of houses, and an application was made by Mr. Dempsey to make a public-house at one end. It was brought before the committee and rejected in the first instance, but by perseverance it was afterwards got passed. Do you remember that case?—I do.

3100. Will you tell us exactly what the circumstances were?—If you understand my last answer I wish by it to convey that the committee were acting in the conscientious discharge of their duty.

3101. Yes; I quite understand that is your belief?—It is.

3102. To the best of your belief has any improper influence been exercised on the committee?—Yes. Many years ago (ten or twelve years), when our powers were exceedingly limited, a Mr. Alexander built a row of houses on his own ground without first laying out the street.

3103. Was that before the passing of the Act of 1865?—Long. He submitted a plan at my request. On that plan were two streets that I agreed to and approved of, and disapproved of the row of houses unless the street was laid out. This was a place fronting the ground of the Harbour Commissioners; the ground lay between Alexander's houses and Whitla-street. Notwithstanding my disapproval and the committee's disapproval, this row of houses was built during the time of the Chancery suit. I reported the matter at the time, and we were advised that it could be cured when the opposite row of houses was built. The Harbour Commissioners in due time sold their strip of building ground, which was bought by the Messrs. Dixon. They brought in a plan to me of a large pile of warehouses, which I disapproved of, and the committee backed me in that, and there was some disagreement between us which I may remark the Messrs. Dixon never remembered against me. They contended, as I think you heard from Mr. Dixon that this ground touched on Whitla-street and to one of the rows of houses, and Mr. Glenn thought he should not be compelled to give ten feet of his ground towards a street that was of no use to him. The dispute was solved in this way. After he sold the ground to Mr. Dempsey, plans of houses were passed in Mr. Dempsey's favour (plans produced). A sort of compromise was come to—that he should build within thirty feet of Mr. Glenn's houses. He was to surrender ten feet in addition to the twenty. He said, "I'll enclose that ground. You may have the right to restrict me in the building, but the ground is mine, and I'll hold it till you pay me." We can buy that ten feet at any time to widen the street.

BELFAST.
Jan. 5, 1877.

Mr. James Alexander Henderson, J.P.

Mr. JAMES ALEXANDER HENDERSON, J.P., examined.

3104. CHAIRMAN.—You are a Town Councillor?—Yes.

3105. And have been for some years?—Yes; I was two years Mayor.

3106. And I believe you are proprietor of the *News-Letter*?—Yes.

3107. Mr. Carlisle, who was giving evidence here yesterday, mentioned that shortly after the vote about Cobain's salary was come to he had business in the *News-Letter* office, and that Mr. Lilburn told him that, in consequence of his having voted against the increase of Cobain's salary, he would write against him. I asked what had Mr. Lilburn to do with the Corporation, and it was suggested that you were proprietor of the *News-Letter*. I want to know is that the case?—I need hardly say there is not a word of truth in it. I would be exceedingly sorry to direct the editor of the *News-Letter* to do so. It is perfectly untrue. I have this morning had a conversation with the editor of the *News-Letter*, and he told me he never had a conversation with Mr. Carlisle that could possibly bear the slightest tinge of truth in reference to that statement, and I know he is a gentleman who is far above anything of the kind.

3108. In any way, directly or indirectly, have you caused Mr. Carlisle to be written down?—Certainly not.

3109. Or were any steps taken by you, or anyone in your employment, to prevent Mr. Carlisle being returned?—That is a different thing. As burgesses we canvassed strongly against him, as he attempted to put out Sir John Savage at the time; and I think it was most improper to attempt to put a person out who had been mayor from serving on the Corporation. I personally canvassed against him in favour of Sir John Savage.

3110. There has been something said of an inner circle of the Corporation, and although the gentleman who has mentioned it declined to give names, Mr. Rea, who was addressing us last night, said he would give the names, and he mentioned your name as one of the four. I want to know if in any way you have ever instructed Mr. Cobain, or given him any authority on behalf of the Corporation, to exercise any influence at the time of the elections?—Certainly not, in any way whatever.

3111. Have you been cognisant of the fact that he has been so acting?—Certainly not. I believe there has been great exaggeration about that.

3112. Do you remember a proposal being made—I think by Mr. Dinnen—that no officer should be allowed to take part in the elections except by voting?—Yes, I remember the resolution. It was proposed to gag the officials of the Corporation, and we allowed them to use their free rights as citizens; but I believe the officials of this Corporation are as free from anything political as any Corporation can be. In fact we rather congratulate ourselves that neither politics nor anything of the kind is introduced into the Corporation.

3113. Have you or any members of the Corporation, to your own knowledge, ever desired Mr. Cobain or any other officers of the Corporation to use their position as officers in influencing the elections?—Certainly not. If it has been done, it has been done contrary to my knowledge and to my wishes.

3114. Mr. EXHAM.—Were you present at the Council on the 1st February last year, when Mr. Gaffikin opposed the increase to Mr. Cobain's salary on the ground that he had to his own knowledge actively interfered to put him out of the Council?—I really do not remember, but Mr. Gaffikin had a feeling——

3115. Mr. Gaffikin has stated to us that he knew the facts he stated of his own knowledge?—I recollect well Sir John Savage's statement.

3116. His statement was that Mr. Cobain had said to some friends of his that Sir John Savage was most ungrateful in opposing the increase of his salary, as he had been instrumental in securing his return?—Sir John Savage seemed to be annoyed at any member of the Corporation saying his influence had got him into the Corporation.

3117. Was anything done by the members of the Council to have an investigation of the charge then made by Mr. Gaffikin and Sir John Savage as to the conduct, not of a member, but of a servant of the Corporation?—I don't remember. We did not think it necessary to go into that matter. Mr. Gaffikin's charge was not made at that time.

3118. You are in error—it was on the same day?—Sir John Savage was very warm, but we did not think——

3119. CHAIRMAN.—Were you present when he was warm about it?—Yes; I think it was at the meeting of the Council.

3120. Were any steps taken by members of the Council then present to investigate the truth of the allegation which Sir John Savage made?—No steps were taken, as we did not consider it necessary.

3121. Mr. EXHAM.—I suppose, Mr. Henderson, you would do Sir John Savage the justice that he would not make that charge unless he believed it to be true?—I am positive he would not. He was a little annoyed that anyone would take it upon him to say such a thing.

3122. When a member of the Council who had been mayor made that statement, did not it occur to you that it would be well to ask Mr. Cobain to give an answer to it, or to have an investigation about it?—I don't know.

3123. CHAIRMAN.—In your opinion was Mr. Cobain's salary increased on political grounds?—Certainly not.

3124. Did you vote for it on these grounds?—I voted for it because I felt that his salary, when he commenced, was low, and that he was a very excellent officer. It was solely on the ground of his services in the particular position he occupied, but certainly not at all in connexion with any political duty or what he may have done in a political point of view.

3125. Mr. LAWLESS.—Was there any increase of duty imposed on Mr. Cobain?—There was. The amount of money coming into his hands was considerably increased; and when his salary was compared with those of other officers it was found to be very much lower.

3126. Do you mean with the officers of other Corporations or your officers?—Particularly with the gas office.

3127. CHAIRMAN.—Do you consider he is overpaid for the duties he is fulfilling, compared with the other officers?—Certainly not. I consider him a very efficient and respectable officer. We never had the slightest reason to complain of Mr. Cobain.

3128. I understand you to say that it was solely on the ground of his services and the proper fulfilment of his duties as cashier you voted for his increase of salary?—Solely; and I believe it was solely on that account the majority of the Corporation increased his salary.

3129. Mr. LAWLESS.—You voted against the resolution that the officers of the Corporation should not be permitted to interfere in political affairs, but not to take away their rights as voters?—There were different views in the Corporation on that subject. It was thought that if we put the resolution on that ground it would be a sort of admission there had been such conduct on the part of our officials, whereas we denied there was anything of the kind.

3130. Was it not openly asserted at the time that there was something of the kind?—It might by those who brought forward the resolution. I believe it was greatly got up by exaggerated statements outside the Council, and by some of the newspapers.

3131. CHAIRMAN.—Was it not stated by Mr. Dinnen at that meeting as the ground of his motion that the officers did interfere?—Mr. Dinnen has very particular views; he may have said such things, but I can't tax my memory.

3132. Mr. LAWLESS.—I don't suppose the resolution was brought forward without the statement being made,

and I suppose the gentlemen who voted for it believed it to be true?—I suppose so.

3133. Mr. EXHAM.—Supposing it is a fact that Mr. Cobain did, at a certain ward-meeting, propose a certain gentleman as Town Councillor against another person who was a Town Councillor, do you think that would be a right interference on his part as an officer of the Corporation?—I think it would be very unwise if he did so. It would have been much better if he had not, and much better if the officers kept out of these things.

3134. Mr. LAWLESS.—Did you ever hear, except on that occasion, of Mr. Cobain interfering in municipal elections?—It was repeatedly stated over and over again.

3135. CHAIRMAN.—Did you ever take the trouble to investigate the truth of it?—I have been very observant of his conduct, and specially during the two years I was in the position of mayor, and I could see nothing of it whatever. I always found him most attentive to his duties.

3136. Did you ever see anything to justify the imputation that he was interfering at the time of the elections?—Certainly not.

3137. Mr. EXHAM.—Supposing it was proved or stated to you that Mr. Cobain prepared ward lists and canvassed and returned lists, what would you say to that?—If such a thing had been stated to me I would have found it my duty to have spoken to Mr. Cobain.

3138. CHAIRMAN.—Do you not think the resolution proposed by Mr. Dinnen was a proper one?—I think it was a very improper resolution, as we did not believe there was any truth in it.

3139. Do you think it a proper thing that officials in the Corporation should or should not take part in elections?—Certainly; I think it is very improper, except to record their votes.

3140. Mr. *Rea.*—Mr. Henderson has contradicted my evidence about the inner circle, and several ratepayers have been allowed to suggest questions for cross-examination, and I desire to make a suggestion to the Commissioners. I wish leave now to suggest, with regard to the contradiction given to my most positive testimony, that Mr. Henderson be asked when I stood for Dock Ward in 1875, against Alderman Carlisle, whether he did not, about two o'clock, go down to the ward with Mr. Noah Davis to take steps to keep me out.

Mr. *Henderson.*—I don't remember anything about it, and I don't believe it was the case.

3141. CHAIRMAN.—Do you remember going down?—I was not at the tally booth.

3142. Mr. *Rea.*—I did not see him in the tally booth, for I was there and saw him speaking to Noah Davis across the street.

3143. Mr. *Henderson.*—I would not speak to him about the matter, for if I saw Mr. Davis there at that time I would tell him to go about his business.

3144. Mr. LAWLESS.—Did you take any part at that time against Mr. Rea?—I had a conversation with several gentlemen of the ward. I could name some of them, and I did take part against him.

3145. Mr. *Rea.*—I want Mr. Henderson asked whether or not he ever furnished accounts to the Corporation in the name of Mr. Spiller for work done for the Corporation, he being a member of the Corporation at the time, and getting the money for the accounts, Mr. Spiller being the manager and head clerk in the *News-Letter* office.

3146. CHAIRMAN.—Have you ever done so?—Certainly not. I never have done any printing for the Corporation since I have been a member of it.

3147. Mr. *Rea.*—Does he believe Mr. Spiller did it, and if so doesn't the money Mr. Spiller gets go into his pockets?—I don't believe Mr. Spiller did anything of the kind, and I hope the money he gets comes into my pockets.

3148. CHAIRMAN.—Did you vote for any of those £1,000 payments to the Mayors?—I think I was in the Corporation at the time.

3149. Were they unanimous votes?—I think they were until some persons objected to them, and then they gave way. I think it is most unreasonable the Mayor does not get a salary, because there are so many expenses connected with his being Mayor.

3150. Do you know on what ground the first was voted? Was it to recoup Mr. Lytle for the costs he had incurred in proceeding against Mr. Rea?—It could not be, because he handed it over to the Albert memorial.

3151. Mr. *Rea.*—Can Mr. Henderson recollect being at any political meetings where Mr. De Cobain was present?—I may have been, but I don't remember.

3152. CHAIRMAN.—Well I think we require nothing further with you, Mr. Henderson.

3153. Mr. *Henderson.*—Well as you have allowed a great many matters to be introduced here will you allow me to introduce what I consider to be a great abuse, and that is this—that at our municipal contests one person can come forward to contest five different wards although he can only sit for one if elected, and that all the expenses of these elections comes out of the rates.

3154. CHAIRMAN.—Well these are matters we cannot go into.

3155. Mr. LAWLESS.—There is only one question I want to ask you. As a matter of fact did any articles appear in the *News-Letter* against Mr. Carlisle?—Well I think that articles did appear against him when he endeavoured to put out Sir John Savage at the time he was Mayor, but I am perfectly certain that Mr. Lilburn never did any such thing as Mr. Carlisle stated. Mr. Lilburn has positively told me so this morning.

3156. Mr. *Robert Carlisle.*—I am positively certain that Mr. Lilburn did.

3157. Mr. *Henderson.*—Well I gave him no authority to do so.

Mr. MONTGOMERY, Borough Surveyor, was then re-examined.

Mr. Montgomery.

3158. *Witness.*—I want to explain about Mr. Kennedy's evidence as to the money that should have been expended in Ballymacarrett. His statement is that under the Act of 1868 the Council were bound to spend £6,000 in certain works at Ballymacarrett. Mr. Kennedy must have been misinformed. There have actually been expended on the works contemplated in the section, £6,700. Then it was said that a fair share of that was not spent in the townland of Ballynafeigh. As a matter of fact there were only some £200 or £300 spent in that townland, and I never heard that complaint made till I heard it before you. Ballynafeigh is a rural district. In laying out the £6,700 we took the leading roads nearest to Belfast, and a good deal more would have been laid out, but as you heard owners of property on the Newtownards-road would not facilitate us. I had authority to spend £700 more on that road, and could not get the ground.

3159. Mr. EXHAM.—What was done to Ballynafeigh?—There were new footways, flagging, and channels made. About the outfall of the sewage the reason that is on your books is not correct. Mr. Kennedy said the Harbour Commissioners objected to the drainage of that district of Belfast generally, because it would be a nuisance. That is not the reason. The reason given was that the Chairman and some members of the board wished the sewage discharged upon the slob lands. My scheme proposes to discharge it into the tideway. That was the issue.

3160. CHAIRMAN.—Has it been in consequence of the absence of main sewerage, and pending a scheme being carried out that the delay has been caused in making the private sewers in the streets mentioned by Mr. Morton?—That was one of the chief reasons. At the moment the complaint was made about Memel-street, Laganview-street, and the other

BELFAST. *Jan.* 5, 1877. Mr. Montgomery.

streets mentioned by Mr. Morton the committee had on their minutes the directions to the surveyor to have orders prepared for their completion, and those orders had been prepared before you heard the complaint. With regard to the nuisance complained of at Farthingale-street the solicitor had got instructions to compel the owners of property in that street to carry out the compulsory order of the Council that was issued some years ago, and I think they will put more pressure on now.

3161. Mr. *William O'Hare.*—What I complained of was that, with the cognizance of the Town Council the pipes were laid down there recently at Fairy Well, and were discharging the sewage into the stream. There is a bad smell arising out of the sewage there in consequence of the pond.

3162. Mr. *Montgomery.*—And this order will remedy that. The Fairy Well stream has been polluted for twenty years.

3163. Mr. EXHAM.—But Mr. O'Hare says that there is a large new drainage pipe put down there, and that all the sewage is allowed to collect there, and that is done by the Corporation.

3164. Mr. *O'Hare.*—I say that the Council are privy to it.

3165. Mr. *Montgomery.*—There is no other way to drain it now, but when we will be able to cover over the Fairy Well stream this will be removed.

3166. Mr. EXHAM.—Have you sanctioned the drainage into the stream?—Yes.

3167. Then that is putting new sewage into the stream, and what right have the Corporation to do that?—I am endeavouring to have the scheme carried out that will remove this. There is at present no drainage near this that would drain the district.

3168. If there are 100 houses in the street is the sewage from them to be added to the stream, and the mills to be obliged to use it?—I think that is generally understood as the custom in Belfast.

3169. CHAIRMAN.—What we want to know is, if you are taking any steps to prevent it?—No steps, except a proper drainage for the whole town.

3170. Mr. EXHAM.—Are you not sanctioning the pollution of the streams by others by polluting them yourselves?—That was always the system here, and I might leave Belfast if I did not continue things as I got them. The same thing prevails in Bradford and other places.

3171. All I can say is, that I have been asked by several persons if it is the fact that the mill-owners are allowed to use polluted streams in their mills in Belfast, and that in addition the Corporation themselves pollute them?—It is the general complaint in all the manufacturing towns that it is done. I think it an improper thing for the sake of the public health, and that the people who are complaining should agree to carry out proper drainage works; but what I say is, that it is exceedingly unfair to be bringing charges of this sort against the Corporation of Belfast, as it is a matter of notoriety that it is done in every town in the three kingdoms.

3172. CHAIRMAN.—Could it not be remedied by constructing a main sewer?—Not a main sewer, but a system of main drainage for the whole town. With reference to the complaints about University-street, the moment the Council got leave to go through private property I and my men went up and commenced at these works which we are accused of neglecting. We had no power to order the streets to be made through private property, but the very moment we got possession of the ground we commenced the work, and we are going on. The next charge is that of Mr. Robb, who complained that a favourite was employed as a contractor for the paving of the streets, and that no other man had a chance. Well that contractor got it on the lowest tender by public competition, and he was a Roman Catholic. Mr. Biggar says that Mr. Ward's cellar was below the river. Well I objected to the plans and the committee objected, and Ward Brothers gave an undertaking that the cellar should be used only for slates or something like that; and they gave a guarantee to indemnify the committee for anything that would happen.

3173. Mr. EXHAM. — But Mr. Biggar's complaint was, that the plans were passed in spite of you, and there is nothing in the Act that objectionable works are to be allowed on a guarantee being given to the committee?—Well, I do not think there is anything wrong in it. I must say that I approved of what took place in this case.

3174. Did you not object to it at first?—Yes, *pro forma*, and I say that fearing an improper use might be made of this basement story, the Messrs. Ward, a very eminent firm in this town, came and said that they would undertake to drain this place, and I think the committee did wisely in acceding to their request.

3175. If a poor man, who cannot give a guarantee, applied for the same privilege, would the committee refuse him?—No. Mr. Dempsey got leave to make a similar store for casks in a house he built near the borough boundary, on the Shore-road, in the premises in which I had to prosecute him for having a dangerous flue. As to another complaint. There was a projected street, Moscow-street, intended to go forward into some grass land. Messrs. Grant Brothers wished to put up a manufactory on the site that was intended to be devoted to one of those private streets. The matter was discussed, and as there were so many streets parallel, permission was given to the Messrs. Grant to build on this land, and Mr. Cosgrove said he did not object to it, but he wanted that rule to be applied indiscriminately to all the streets, and in the street he wanted it, it would have been a great public inconvenience, and, moreover, owners of property having land fronting that street objected. Mr. George Clarke waited on the committee and warned them that he did not permit the street to be closed, so they refused Mr. Cosgrove permission to put a house on the site of the street. He complained that Crimea-street had been macadamized. It was improperly made, and the works were ordered in the usual way. Mr. O'Neill gave evidence yesterday that there was a nuisance at the Messrs. Lindsay's factory, near the asylum. All I can say is, that there was a nuisance there several years ago. This factory was built without any approval or sanction of mine. There were several very injurious clauses in the Act of 1865, and one of them was that anyone building a house fifty yards from a street need not submit the plans to me. I got that clause removed. The Messrs. Lindsay discharged their refuse water into an open drain that flows towards the river Blackstaff, and that has been a very usual thing; but if anyone has any complaint of a nuisance, it should be sent to the sanitary inspector. This is rather a private place, but it would be his duty to examine it and report upon it.

3176. Mr. EXHAM.—I read a letter in the papers today from the Messrs. Lindsay, and it does not meet Mr. O'Neill's charge at all.

3177. Mr. *Constantine O'Neill.*—There is a great nuisance there where the drain and the stream meet a little below the mill, and I repeat what I said before that when I visited it there were two dead cats lying there. It was most offensive.

3178. CHAIRMAN.—How did you become aware of it?—It was brought to my attention and I went there to examine it on the 1st of January. It is close to the walls of the asylum where there are 160 patients.

3179. Mr. EXHAM.—Did you not say also that from 300 to 400 persons are constantly working in the factory?—Yes, there are. What I complain of is that I am visited by the law very sharply and that Mr. Lindsay gets off scot-free.

3180. Mr. *Montgomery.*—Before the Act of 1866 a great many irregularities occurred, but now that does not occur. There is a proper inspection now and such a thing cannot occur in future, and I never was aware of this nuisance until I heard it in this room.

3181. CHAIRMAN (by Mr. *Colligan*).—Had you a proper staff in your office to see after works in connexion with your department when these buildings were

erected?—There was immense additional work thrown upon us then, and I plead guilty to omission in this respect, and I am sorry for it; but I think when the whole town is raked up for complaints the result is very slight.

3182. Mr. *Colligan.*—I venture to say I can hunt up 200 cases.

3183. Mr. *Montgomery.*—Mr. Alderman Hughes made a mistake about the houses he referred to. He said that Mr. Peter Quinn erected two houses on a site which had been passed by the Town Council for a street. Those houses were built without any plans being approved of and legal proceedings were taken against him, and the magistrates after hearing the case deferred their decision until he came before the committee. He did do so, and he is taking the houses down now. The last matter I have to mention is a charge that Mr. Robert Carlisle made against me. He said he believed improper influence had been brought to bear on me to get a board removed in Donegall-place. I asked him to give me the date of that, but he did not, and I cannot recollect anything about it. But Alderman Ewart is a man that is incapable of trying to influence me, and Mr. Carlisle's statement is an atrocious slander on him and me. I don't know anything about the board.

3184. Mr. *Carlisle.*—I stated facts, and I would like to know what did influence Mr. Montgomery to serve the notice. The orders are on the improvement committee's minute-book not to proceed further with the case. Mr. Craig, who was Mr. Ewart's tenant, wanted to put a window where the board was, and after it had been pulled down several times by Craig and put up again by Mr. Carswell, who owned it, Mr. Montgomery served the notice. The gentleman then came before the committee, and they went into the whole matter, and decided that they would not interfere between Mr. Ewart's tenants and Mr. Staunton's.

3185. Mr. *Montgomery.*—There never has been any undue influence brought to bear on me, and I'll stake my character against Mr. Carlisle's.

3186. CHAIRMAN.—You need not mind that, but you say that you were never unduly influenced by Mr. Ewart?—Never.

3187. Will you endeavour to find from your records what the circumstances were?—I will.

3188. Mr. Carlisle said that some schemes for the purifying of the Blackstaff were opposed by the influence of the mill-owners, and I want to know whether that is so or not?—I know nothing of this alleged secret work; I don't believe it, but I have heard it stated repeatedly. Mr. Charles Duffin was always in opposition to the Council. If any schemes were rejected I believe it was by my advice, and through my influence. I believe they have confidence in my judgment at all times.

3189. Mr. EXHAM.—We have got a letter within the last two hours from Jaffe, Brothers. This is what they write:—

"GENTLEMEN,—Observing from the reports in the newspapers that you are receiving evidence on the sanitary condition of the town, we beg to state as large ratepayers that there is no sewer in Linenhall-street, in which we hold several warehouses, and that we have been frequently troubled with offensive smells in consequence."

What do you say to that?—There are sewers in Linenhall-street, but they are not efficient sewers. A compulsory order was prepared for this very piece of street, Linenhall-street, and there was a dispute as to whether this street could be sewered in any degree at the expense of the owners of property. Our solicitor held that it could, but Mr. Carroll and some others objected, and contrivances were adopted for assisting the sewers. A large sewer was not made in the street.

3190. CHAIRMAN.—Why?—In consequence of this dispute. I admit the facts as alleged in that letter, and I think there should be a sewer there, and in every street in Belfast too, but it would take some time to do it.

3191. Why don't you proceed to make it when you admit it is wanting. Has there been any complaint before about this?—Well, I have not had a complaint about Linenhall-street, and I am intimate with the Messrs. Jaffe.

3192. Into what do all these sewers drain?—Into the main sewers of the town; sewers that were made thirty years ago. There is no flooding there that I ever heard of. The temporary works that were made there were a great improvement.

3193. Mr. EXHAM.—We were told yesterday that in a field belonging to Mr. Dunville, in which there is a decline of some fifteen feet, the Corporation are carting stuff off the streets, and that that contains not only sweepings off the streets but most offensive nuisance matter. That appears to have been reported to the medical sanitary officer, who reported it to the sanitary board, and they referred it to improvement committee. Do you know why this is done by the Corporation?—The only complaint that reached me, and the only one the improvement committee would take cognizance of, was as regards the fencing of the place if it is dangerous. I was asked to consider if we could compel the owner of Dunville's field to fence it all round, and we have not had an opportunity of seeing to it since. It is not in my department, except as regards the fencing.

Mr. JAMES M'KITTRICK examined.

Mr. James M'Kittrick.

3194. Mr. EXHAM.—You are the street inspector of this borough?—I am.

3195. Dr. M'Connell made the following report—"My attention having been called by the sub-sanitary officer, William Duff, to what I consider a dangerous nuisance existing in a plot of ground, known as Dunville's field, on the Falls-road, I beg to report that I have examined same, and I recommend the field to be fenced to prevent parties from going there to the danger of life." Mr. Colligan says that he saw the Corporation carts drawing stuff off the streets and most offensive nuisance stuff besides and putting it into this place. Is that so?—Yes; the stuff of the streets is going into it since the beginning of winter, but there is no offensive matter put into it.

3196. CHAIRMAN.—Why is not this matter brought to the proper depot?—Well we have no place to bring it, and we put it into every hollow that we can get. But this is only the scrapings off the streets.

3197. Mr. EXHAM.—But surely there must be droppings of a large number of animals in it?—Yes; but I don't think that is a nuisance.

3198. Mr. *Colligan.*—Dr. M'Connell distinctly told me that he saw yard stuff emptied in this place, and I saw myself rotten chaff, which was taken from dunghills, emptied in it.

3199. CHAIRMAN.—Is that so?—Yes; but it is not put there by us, and it was a place used for nuisances long before we put anything in it.

3200. Mr. *Colligan.*—There never was any nuisance there before. Formerly it was used by cricketers.

3201. CHAIRMAN.—What do you say to that?—Well, I have to say, that before we put anything there we took dead animals out of it many times. I was requested by the sub-engineer of the borough to put the stuff there, and as a matter of economy it is at least a value of £2 a day to us to put it there.

3202. From whom did you get permission to put it there?—From Mr. Wakeford, and he got it from the trustees who have the ownership of the field.

3203. Mr. EXHAM.—Are you aware that all open places of that kind should be paled in?—I am not.

3204. Mr. *Robert Carlisle.*—When I was a member of the Council there was a general rule on the books of the improvement committee that all open places of this kind should be paled in, and I believe it was carried through the Council.

BELFAST. *Jan. 5, 1877.*

Mr. E. S. W. De Cobain.

Mr. E. S. W. De Cobain examined.

3205. *Witness.*—The first statement I wish to reply to is a statement made by Mr. Dinnen as to the salary I received from the Corporation. He said that my commencing salary as cashier was £70 per annum, and that statement was not correct. I was appointed at that salary as assistant to Mr. Plato Oulton, who was both cashier, sub-treasurer, and accountant, and upon his resignation the offices of cashier and accountant were divided, and I was appointed cashier, my salary being increased.

3206. Mr. LAWLESS.—What was your first salary?—I think it was £100 a year. Subsequently the Act of 1865 came into force, and under the provisions of that Act the collections of county cess within the borough were abolished, and a general purposes rate was imposed, which very largely increased the revenues of the Corporation, and correspondingly increased my duties and responsibilities, and in recognition of this my salary was increased further, as also were the salaries of the other officials. That was somewhere about the termination of the year 1866 or the beginning of 1867. My salary was at this time increased to £120 and afterwards to £150. The Corporation subsequently acquired the cemetery and public parks, while the town itself kept rapidly extending; and from time to time, the Corporation, in acknowledgment of these facts, increased the remuneration of their various officers, mine among the rest; but not at a greater ratio than that of the other officers of the Corporation.

3207. CHAIRMAN.—What were the several increases you got?—I was raised first to £100, and then successively to £120, £150, £175, £220, and ultimately to £300.

3208. Was the third rise in consequence of the cemetery and public parks being acquired?—Yes, and the rapid extension of the town. These increases were given in consequence of the labour in my department being more than that in any other, and my remuneration, as compared with the rest of the official staff, was beyond all comparison, the lowest paid to any officer in the service of the Town Council.

3209. Did you apply for the increase, or was it volunteered?—In one or two instances it was given without application, and upon one occasion, on the revision of the salaries, it was given without application. Mr. Dinnen stated my salary was equal to, if not double of that of any official holding a similar position in Belfast or Ulster. The published accounts of this Corporation for 1855 will show that the gentleman who was then known as sub-treasurer to the borough, and whose duties were analogous to mine, was paid a salary of £350 a year, though the corporate revenues at that period were not one-third what they are now, and all the other officials' salaries were paid at a very much lower scale than they are at present. The sub-treasurer then was the present town clerk, and he received £350 a year. Besides, the cashier of the gas works receives £500 per annum, while I, as chief cashier of the borough, receive only £300 a year. The Harbour Commissioners, another of our local boards, pay their chief cashier £450 per annum, though the revenues and disbursements of that body are not much more than one half of those of the Council. In Cork the officer who discharges the duties of the office I fill receives £520 per annum.

3210. Mr. EXHAM.—Who is he?—The treasurer.

3211. His duties are not analogous to yours at all. He keeps the whole of the accounts and books of the borough and receives the rents there?—Well, the treasurer of the Dublin Corporation receives £1,050 a year.

3212. CHAIRMAN.—I don't think your duties and his are at all analogous. The comparison may be a fairer one with the chief cashier of the Harbour Commissioners or with the cashier of the gas trust?—Well, in the English Corporations the cashier is called the sub-treasurer, and in all towns of the same magnitude as Belfast, the salary is, at least so far as I know, double what I receive. I regret very much to have to enter into this question, but I think it necessary in order to disprove the assertions that the Corporation paid me in acknowledgment of political services, and I want to show that in the responsibility and labour of my office there is sufficient warrant for the increased salary. In my capacity as public officer I have never interfered directly or indirectly with political affairs—that I undertake to affirm if necessary on oath.

3213. Is it true that you ever said to any person that you had been instrumental in returning Sir John Savage to the Council?—If you permit me to follow that in order I will come to that.

3214. Mr. EXHAM.—What do you mean by that last sentence that as a public officer you never interfered?—I mean as an officer of the borough in Council times I have never directly or indirectly, or in any shape or form, interfered with political affairs, but as a citizen and ratepayer I have exercised the rights and privileges conferred upon me by the law of the country.

3215. CHAIRMAN.—You say you have not considered it inconsistent with your position as cashier for the borough to take part in election of members of the Corporation in your private capacity. You draw a distinction between your public capacity and your private capacity. I want to know if you do not consider your rights as a citizen are qualified by your position as cashier of the borough in regard to elections for members of the Corporation?—Certainly not.

3216. Have you, in your private capacity, taken an active part in municipal elections?—No.

3217. Have you in Parliamentary elections?—Well, I have exercised my influence for several Parliamentary candidates, and occasionally for municipal candidates.

3218. Have you taken an active part in ward meetings?—Well, not an active part. I have been on the committee.

3219. Mr. EXHAM.—Have you proposed candidates?—Never. I have never received any instructions from the Council, or any section or member of the Council, in reference to political matters, nor do they, so far as I know, interfere with or touch political affairs. If you wish me to explain, if there is any difficulty with regard to that, I don't mean to ignore the fact that at ward meetings I may have come into contact with gentlemen in this Corporation who happened to be in the room, but I mean to say that no section of the Corporation have endeavoured to influence me in public affairs as a public officer. I know nothing of, nor did I ever hear of, an inner circle which managed the affairs of the Corporation, and I consider that statement a deliberate and malicious slander. The statement that I or any official ever nominated any alderman or councillor is also devoid of truth.

3220. Do you recollect the occasion on which Mr. John Hamill was proposed?—I will come to that directly. It is also utterly false that I ever stated that I returned Sir John Savage as Alderman, or to any office whatever. That statement is simply a fabrication from beginning to end. I never had a conversation with Sir John Savage, or any other person, in relation to the subject to which Mr. Dinnen referred. I never stated to Sir John Savage that I either returned him or caused him to be returned, nor did I ever use language which was capable of such interpretation. I have no doubt that Sir John Savage, when he made the statement, believed it to be true, but if he had conferred with me before he made the statement, I would have given him a most emphatic denial, but not being afforded the opportunity I could not do so.

3221. CHAIRMAN.—Did you afterwards correct it?—Well, I wished to have an opportunity for repudiating it; but, acting on the advice of others, and having regard to the fact that I was an officer of the public, I refrained from doing so, though my own inclination was for doing so. Mr. Gaffikin's evidence

that I have contributed to put him out of the Council is incorrect.

3222. Did you take no part against Mr. Gaffikin, at the election?—I did not.

3223. Mr. EXHAM here read the evidence of Mr. Gaffikin, as to Mr. Cobain's having actively interfered against him of his own knowledge, and having attended ward meetings relative to municipal elections. What reply do you give to that?—I can inform the meeting that the secretary of the Conservative society is here, and has the minutes of these ward meetings, and that will afford evidence that I was not at, and took no part in them.

3224. CHAIRMAN.—Mr. Gaffikin was asked how he knew that, and he stated that he saw you present at those meetings?—Well I have attended meetings of the Conservative party, and I have already told you that I have exercised my voting power. I have exercised my political influence as a citizen.

3225. In respect to the election of members of the Town Council?—In relation to all public officers for all public offices. I would decline to receive any appointment that would deny me that. Mr. Gaffikin, was not put out of the Council. He was not nominated, and he refused to allow himself to be nominated. I was not present at any meeting to nominate candidates, and did not use any influence against him. I may say now that for the last three years, I have not been present at any ward meeting for the nomination of candidates. I don't at all mean to imply by that that I don't consider myself perfectly entitled to do so.

3226. Have you indirectly used your influence to promote the election of one candidate as against another?—Oh, I never considered when candidates solicited the suffrages of a public constituency that as a citizen I was bound to keep silent and express no opinion as to the merits of the candidates. I would consider that a state of political bondage which in a free country could not exist.

3227. Do you mean to say that you record your vote but have not taken any further part in municipal elections?—No, I have not; not by canvassing, otherwise than by expressing to friends my opinions of the parties who were nominated.

3228. Then you have tried to influence other persons as to their votes?—No; if you mean by influence a systematic attempt to influence votes, I say no; but as to a general expression of the merits of the candidates I have done so. I have never considered myself politically dead.

3229. Previously to the last three years had you taken a more active part?—Yes.

3230. Had you canvassed?—Oh yes; I have canvassed in relation to candidates for all public offices. I was going on to say that Mr. Gaffikin stated that I canvassed against him, and my reply to that is this, that if a gentleman retires and does not seek re-election, there can be no canvassing against him. It is reported, and I believe correctly, that one of the principal reasons that he did not wish to be nominated was that he refused to pay the printing and postage of his circulars for his former election.

3231. Mr. LAWLESS.—I confess I don't consider that material.

3232. Mr. EXHAM.—Do you think it right or proper to make that statement against Mr. Gaffikin?—I am stating a fact that is ostensibly the ground on which he was not nominated for the office.

3233. CHAIRMAN.—I think you had better not go into that?—Well if a town councillor is so unwise or indiscreet——

3234. Go on with your statement and do not make such remarks?—If you permit me I will. Another reason that contributed to Mr. Gaffikin's not seeking re-election was because he contested St. George's ward for a vacant aldermanship against a gentleman in town who was the senior councillor for the ward.

3235. What occasion have you for going into this?—Excuse me, I am now endeavouring to defend myself against a very gross, improper, and impudent attack against my character, and if I am not permitted to pursue the course of evidence that I consider necessary, I'll decline to go further.

3236. I simply give you my opinion that it is a most unwise course for you to take?—Well I consider that I am on my defence now. I would also say that besides this Mr. Gaffikin's opposition to the granting of a site for Dr. Cooke's statue had so embittered public feeling against him, that in retiring from the Council he made a virtue of necessity. Mr. Gaffikin's statement that he voted for Mr. Dinnen's motion to restrict corporate officers from interfering with elections is also incorrect, and instead of voting for Mr. Dinnen's motion he voted against it. Mr. Gaffikin also frequently stated to me that he considered I was quite unpaid, considering the importance and responsibilities of the duties I had to discharge. Subsequently to that he retired from the Council.

3237. Mr. LAWLESS.—What was the amount of your salary at the time he said that?—Well, I could not say. Mr. Gaffikin made that statement more than once.

3238. CHAIRMAN.—When your salary was at £220 there was a question whether it should be £250 or £300. Had you any conversation with him at that time with respect to your salary?—Well, I have stated that I cannot identify the time at which this took place, but I have a clear recollection that more than once Mr. Gaffikin made that statement. With regard to James Larmour's evidence, I will state in how far it is true, and in what respects that witness must have knowingly perverted the facts. I was, as Mr. Larmour stated, a member of the Conservative party, which party employed him. I never personally employed him for work of any kind politically or otherwise in any capacity, and the Chairman of Quarter Sessions held so, and he dismissed his case against me. This man made it a rule to disturb gentlemen in their office, and he came to me notwithstanding that I told him not to do so in office hours. Mr. M'Henry, who accompanied him at the time he alleges he held that interview with me in the car inspector's office, though summoned as Larmour's witness, proved I did not employ him, and he can state that I reproved him for coming to my office on such business. Larmour stated I nominated the late Mr. John Hamill. I never did so, and not being a member of St. Anne's ward committee, could not do so. The nominations for each ward are made by burgesses within the ward.

3239. Mr. EXHAM.—Mr. Larmour did not say that you nominated him?—Oh, yes, he said so. He said I nominated the late Mr. Hamill.

3240. No; but he said that at a meeting of the ward committee you proposed that he should be adopted as the candidate?—I did not nominate him, or propose that he should be nominated—I never did so. That also disposes of the statement he made, that I acted on Sir John Savage's committee. I never was present at a meeting of that gentleman's committee in my life. I was not canvassing for his return, nor did I actively interfere in that contest. He stated that I employed other persons for political work. That statement is grossly untrue. All these persons were employed by Mr. Coates, the secretary of the Conservative society. That I signed notices of parliamentary objections to voters is an unqualified falsehood. If I had done so I would be obliged to go into the Revision Court to prove that, and anyone who is conversant with revision law would know that. He stated that I made returns of street canvassers to the chairman of the meeting. That statement is deliberately false. I challenge him to bring up any such chairman of meeting. In relation to the question put before the Recorder, as to whether I had ever selected or nominated any candidate for the Town Council I declined to answer, and the court ruled I should not answer that question, not that I was afraid to answer it, but I considered it impertinent. But I now most emphatically state I never did so. This man brought his action against me knowing I was a public officer, and

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hoping to intimidate me on that account into the payment of the money. At the time he sued me Mr. William John Johnston, the hon. treasurer to the conservative society held a receipt in full for all moneys due Larmour by the conservative society. I was simply a member of committee of that society. I never collected money for the conservative party. He said I signed objections against Messrs. C. H. Ward and Thomas Ward. That statement was false. I heard it stated such notices were served, and when I heard it, I expressed, as a member of the conservative party my condemnation of it to the secretary of the society.

3241. CHAIRMAN.—Did you take any part in that?—I never heard of it until they were signed. Mr. Robert Carlisle stated I was present at a meeting where Alderman Mullan was nominated for St. Anne's Ward, where he suggested the name of James Alexander Henderson as candidate. I never was present at such meeting, nor did I ever hear of the turning out of the gas, or the threatened beating of Mr. Carlisle until I read it in this morning's paper.

3242. Mr. *Carlisle.*—I know you were.

Mr. *Cobain*—I claim your protection against the gross impertinence of anyone to contradict my evidence, and I am prepared now to give this evidence on oath.

3243. Mr. *Carlisle.*—Mr. John Stephenson was in the chair at the meeting.

3244. Mr. *Cobain.*—Mr. Carlisle also said that he would be returned for St. Anne's Ward but for the influence I used in favour of Sir John Savage. I have previously stated that I did not interfere in this election, and I never spoke to an individual on the Shankill-road for or against either of the candidates. I was present at a meeting where Alderman Dr. Alexander was nominated, but I am prepared to prove in the most solemn manner that Mr. Carlisle was not at that meeting, and that he never saw me speak to any one in relation to Dr. Alexander's nomination—in fact no speaking was necessary, there was perfect unanimity on the subject. I may further say that it has been a matter of bewilderment to myself the supposed omnipotence and political influence that has been attributed to me. I never understood myself to exercise such marvellous power in reference to political influence as it appears I possess until I have read the evidence given here; and my own impression is this, that these statements arise from the wildest illusions on the part of the persons who make them.

3245. CHAIRMAN.—Have you finished your statement?—Well, I have no further information to put before you.

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Dr. BROWNE recalled.

Dr. Browne.

3246. CHAIRMAN.—You want to explain something with regard to the way in which the death-rate is taken?—Yes. Mr. Kennedy was in error when he said the death-rate was taken on the union at large. It is only taken on the nine districts. The difference of population between the borough proper and the country portions of two of the districts is about 8,000—that is the only difference. The ninth and tenth districts are not all within the borough. In England they allow for the increase of the population from the time the census was taken to the time the public report is made. For last year I took the difference between 182,000 by census of 1871, and the corrected population (205,000) giving a death-rate of 26·1, and in this year we find by the registrar-general's returns that the death-rate is 24·17, which on the corrected population would be 21·35. This you will admit is rather low. It will likely be less than that when we allow for the increase of the population during the last twelve months, which I have not yet done.

3247. What do you say as to the complaint made of the water discharged from a factory belonging to the Messrs. Lindsay, which it was said causes a nuisance outside the lunatic asylum walls?—My attention was never drawn to that, nor was my advice asked about it, and you are aware that it is my duty when a case is reported to examine it, and give my advice about it. It is not my duty to go and inspect all nuisances.

3248. Can you say whether it is a nuisance or not?—I cannot, as the whole of that part was flooded. There was an allegation made which was not correct, namely, that it was no use applying to our office. So far as I am aware no application is ever overlooked. Mr. Scott immediately acknowledges receipt of complaint, and gives notice to the parties against whom the complaint is made, and such matters are always attended to at once.

3249. Have you ever visited that factory of Messrs. Lindsay?—No.

3250. What do you say as to the removal of a quantity of street refuse to Dunville's field?—That was reported to the sanitary committee. Dr. M'Connell was requested to report, and he said it was a nuisance dangerous to the parties crossing the field, and that it ought to be cleansed.

3251. Was his report brought before you?—Yes. I asked the superintendent what was the nature of the stuff they were putting into it, and he said it was simply the scrapings of macadamized roads. Belfast has not a good foundation. In the low-lying districts of Belfast the alluvial deposit is very much like what the road scrapings are.

3252. Ought it not to be covered with concrete?—I do not know much about the use of concrete.

3253. Is it not a very bad sort of foundation?—There is no doubt about that. Nearly all Belfast has bad foundations.

3254. Mr. EXHAM.—Supposing it is dangerous to the life of people passing, should not the improvement committee fence it in?—I thought it was fenced in.

3255. Mr. LAWLESS.—Are you aware of a nuisance being caused at the Belfast Royal Hospital by smoke?—Yes. We immediately served notice on the parties, and had it abated, and they promised not to reproduce the nuisance. I am not aware that it has been reproduced since then.

3256. The doctor complained of the nuisance caused by a bakery opposite the hospital, which still exists, and is injurious to the health of the people in the hospital?—They have been noticed to raise their chimneys, which are too low. We have had no complaint, I think, since the month of June. The smoke from it can only affect the hospital when the wind is due west.

3257. Mr. EXHAM.—The doctor said they had actually been obliged to refuse to take a certain class of patients into the hospital on this account, and that they cannot open the windows because of the smoke?—I am not aware of that, but the matter has a very simple remedy. The parties must be indicted and made raise their chimneys. There is another point to which I wish to refer—the charge made that I was incompetent—from physical causes, I think it was said, and that I resigned my office in the Belfast hospital from ill-health. I did not resign from ill-health, and I am not aware that I am advanced so far in years as to render me physically incompetent.

3258. CHAIRMAN.—There is also another matter. It was stated by Mr. Carlisle the other day that when you were a member of the improvement committee he took some action with regard to the sewage, and it was mentioned that you and the borough surveyor frequently transacted business by yourselves?—If you find that on the minutes I'll say it is right.

3259. I want to know if you ever did transact business unless there was a quorum present, and did you ever know the committee fail to meet?—We may have had no meeting in consequence of members not attending, but I think we had generally four

members. I never transacted any business without a quorum.

3260. You generally found there were four or five present?—Yes.

3261. Mr. EXHAM.—Suppose it is a fact that a pipe—a six or nine inch pipe—has been taken from the public sewer and put into the old course of this Fairywell stream to supply a mill below, do you think it would be an arrangement prejudicial to the health of the people?—It depends upon how the water is used.

3262. Mr. Kennedy stated it is boiled up, and that it is used for mills and boilers?—I think any mill-owner would be very foolish to use bad water when he could get clean water. It depends upon whether or not it was sent through the mills, but they must have pure water for spinning purposes.

3263. The complaint is that when four or five mills have used the water it has been taken by a pipe to the public sewer and sent down to another mill, where it is used again?—I should say it is very wrong to do such a thing, and if it is brought under our notice, and the law permits us, we will prevent it.

Dr. M'CONNELL examined.

3264. Mr. EXHAM.—Are you a sanitary officer here?—Yes; for the district in which Dunville's field is.

3265. Was your attention called to it by the sub-sanitary officer?—Yes.

3266. Did you examine it?—Yes.

3267. Was it a nuisance at the time you examined it?—It was.

3268. Do you mean merely a nuisance dangerous to people who might walk across the place or a nuisance from the smell?—I mean dangerous to the people who were attempting to go across it. That was my idea at the time I made my report, which I forwarded, calling the attention of the sanitary authority to what was going on. In the summer time I would undoubtedly have reported it as a nuisance dangerous to health.

3269. CHAIRMAN.—At every time of the year was it dangerous in the other way?—Yes; and it was a place that people frequently crossed.

3270. Mr. EXHAM.—Did you see any yard manure put into that place?—I saw something that I thought was yard manure but could not be sure. Unless I went knee-deep into it—I could not examine it minutely. The sweepings of the streets were certainly put there, and it ought to be remembered that there are a good many small houses in the neighbourhood which have not got proper accommodation.

3271. Did you state that in the report?—I did.

3272. Mr. Colligan told us the reports mentioned about the street sweepings?—That was what I intended to convey. That was my idea.

3273. Mr. Colligan also said you told him that you saw yard manure thrown into it?—Yes; my original intention was to call attention to the spot.

3274. Mr. *Colligan.*—I say that if any three gentlemen in the room visit the place, and afterwards state that there is no yard manure there I will undertake to pay £50 to the Royal Hospital before six o'clock this evening.

Mr. MONTGOMERY re-examined.

3275. CHAIRMAN.—You wish to make a further statement?—Yes; with regard to the statement made by Mr. Carlisle that there was some improper influence brought to bear upon me by Mr. Ewart with regard to a shop in Donegall-place—about getting a board removed. That statement is altogether false. I hold in my hand a plan which was submitted by Mr. Adam Craig in August, 1870, of alterations to a shop front in Donegall-place. The plan is indorsed and signed "David Taylor, chairman, 17th August, 1870; approved." It was approved by the improvement committee when I was absent on leave, and Mr. Bresland, my assistant, attended the committee, and the plan was approved of by Mr. Bresland, my deputy, during my absence.

3276. Was Mr. Craig the owner of the property where the board referred to was?—Yes; he submitted that plan as the owner of the property. The plan says, "The part coloured red to be devoted to the public." Now, I have ascertained on refreshing my memory by looking over the books, that the improvement committee having had their attention called to a board that ran from one point to another, shutting out from public use what was given to the public by this plan, passed this resolution.—"Resolved, that Mr. Robert Carsewell be required, within seven days, to remove a certain obstruction recently erected by him, from the public footway in Donegall-place." The obstruction cut off, from public use, a portion of the footway which is the part coloured red in the plan submitted by Mr. Craig and passed by the committee.

3277. Is Mr. Carsewell Mr. Craig's tenant?—He is in possession of the shop adjoining that one. It was represented to the committee that the board which formed the obstruction was being renewed or re-painted—so far as I recollect I heard that it was being renewed or re-painted, and the committee thought proper to remind Mr. Carsewell that this place was their property, and that two years having elapsed the compact ought to be carried out. Mr. Ewart is here himself to deny that we had any correspondence about it.

3278. Had you any communication with Alderman Ewart on the subject?—Never. I think it is plain now there is not a shadow of foundation for the charge. This is really a personal matter. Mr. Carlisle has given me a great deal of annoyance, and I now charge him with malice in the matter.

3279. Was this plan lodged by Mr. Craig in your absence as owner of the property?—Yes.

3280. I asked you to ascertain if it was true that the sewage instead of being carried into the main sewer is carried across to supply water to Alderman Carlisle's reservoir?—I have examined into that since last night. It is from that drain—a very old drain, two feet square, which arose from the spring—a tributary of the Fairywell stream as I thought it was previously crossed by the line of our sewer. That drain was opened and examined and it was seen that it was water, and that it went into the then Fairywell stream which was used by mill-owners, so it was restored and treated as a branch of the Fairywell stream which has also become polluted more or less by the house drainage from Landscape-terrace. There is an order made for making new drains in Landscape-terrace, for taking the sewage out of that and discharging it into the main-sewer, and bringing it into the main sewer.

3281. Mr. EXHAM.—Why was it not done long ago, and why has this been allowed to go into Alderman Carlisle's mill?

Mr. *Bresland.*—These works were done seven or eight years since. At the time that water was going down the square culvert it was nearly pure. It is really a branch of the Fairywell stream, although it has become polluted by houses being recently built.

3282. CHAIRMAN.—At the time you restored it to connexion with the reservoir was the water in a pure state?—Yes.

3283. Did the sewage from Landscape-terrace go into it?—No.

3284. Mr. EXHAM.—Did Mr. Montgomery approve of the plan of the sewage going into that stream, which you say you knew went into the cooler?—He did.

3285. CHAIRMAN.—Do you know how the sewage got into that ancient watercourse?—No.

3286. You knew of the watercourse crossing your main sewer?—Yes.

3287. Were those Landscape-terrace houses built at that time?—They were; some of them were.

3288. Or were in course of building?—Yes.

3289. Was the sewage of any of those houses dis-

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charged into that watercourse at that time?—Not to my knowledge.

3290. But you must know or ought to know where it went. You were acting as Mr. Montgomery's deputy?—This water was running pure, and I was not aware of any sewage getting into it.

3291. How did it get into it. It could not get into it without your knowledge?—(No answer.)

3292. Mr. EXHAM.—You should have had plans of it. Did you get them?—I don't remember.

3293. Were there houses in Landscape-terrace at the time?—Yes.

3294. Did you ascertain where they drained into before you made this two-feet sewer, and allowed the water to run into the tank?—I was not aware of any drain in Landscape-terrace.

3295. Did you examine and see where the drainage of Landscape-terrace went at the time you were making this new sewer?—There have been a lot of new houses built since, and there is a complaint that the sewage is allowed to be taken into that tank.

3296. Mr. *Montgomery.*—I admit that the house sewage goes into the stream, and is used by the mill owners.

3297. Mr. EXHAM.—The complaint is that the sewage is not kept separate from the Fairywell stream, and that what was at first pure is by that means polluted?—I admit that. I am not aware yet that it goes into the cooler. I have inquired from Mr. Carlisle, and this gentleman has inquired at the factory, and their statement is that they do not use this water. I prepared an order for the making of a new sewer in Landscape-terrace for those houses. That order was printed and published, but legal proceedings arose in that very terrace—there was a suit in the courts in Dublin about it, and owing to one difficulty or another that order has never been carried out. As a matter of fact the order is on the books of the Council, and I am not to blame because it is not carried out.

3298. CHAIRMAN.—It has not yet been explained to us how this watercourse has become polluted with sewage matter, and we want you to do so.

3299. Mr. EXHAM.—And the reason why it continues to be polluted with sewage matter is because the Corporation who ought to be the prosecutors cannot do so as no jury could convict any person who was prosecuted for polluting the stream, for they would say you polluted it first yourselves?—I am not here to defend the people of Belfast. In every case in which a complaint was sent in you will find in this book a warning that this will ultimately go into one of these streams. Until we get a main system of drainage for Belfast there is no other way of draining the town. We could have done nothing else unless there was a system of drainage for the town.

3300. Supposing that one mill owner — the first on the stream—got the water in a perfectly pure state coming down from the Fairywell. Suppose he indicted the Corporation for putting a sewer from this new street into it, what answer would you have?—All I know is that I am not to blame.

3301. Have you raised your warning voice against this conduct, and did the Corporation refuse to attend to it?—The fact has been there since I was appointed.

3302. Mr. *Black.*—The Act of Parliament expressly authorizes the Corporation to run the sewage into the streams.

3303. Mr. EXHAM.—I think you are in error in supposing that, and Mr. May's opinion is in direct opposition to any such notion.

3304. CHAIRMAN.—I ask you supposing the water was pure at first how was it allowed to be polluted with sewage matter?

3305. Mr. *Montgomery.*—I prepared an order for preventing the sewage of Landscape-terrace from going into it. Difficulties arose about carrying out that order, and I washed my hands clean of those difficulties.

3306. Mr. *Wakeford* (assistant surveyor).—I wish to contradict most positively the statement made by Mr. Dinnen, that I ever approved of the special committee's report on the Blackstaff. That report was prepared quite independently of me, and my opinion was never asked or given. I deny most positively that I approved of it.

3307. CHAIRMAN (for Mr. *Rea*) to Mr. *Montgomery.*—During the fifteen years of your surveyorship did you ever apply to or know of an application being made to the Water Commissioners for water to flush the sewers of Belfast, or any of them?—No, never.

3308. During those fifteen years did you ever apply or direct an application to be made to the Water Commissioners for water to cleanse any of the filthy courts, lanes, and alleys that you admit have remained in a frightful sanitary condition for the last fifteen years?—I object to the statement in the question. I never made any application for water to cleanse the courts, lanes, and alleys, nor did I ever say that they were in a frightful sanitary condition.

3309. Have you ever been refused water?—No. I never applied for it; it is not in my department; it is in the scavenging department. I cautiously abstained from passing the slightest reflection on the Water Commissioners.

3310. Have you, as the surveyor having charge of the streets, ever reported to any committee or sub-committee of the Corporation, or to the Corporation itself during the past fifteen years that application ought to be made to the Water Commissioners for water to flush the sewers, and to cleanse the courts, lanes, and alleys of Belfast?—I think I have often suggested that the courts and alleys might be cleansed with water.

3311. Was the suggestion made in writing or verbally, and if verbally, to whom?—It was by verbal communications, and also in the printed report on the general drainage of the town.

3312. Can you say whether or not during those fifteen years, the necessity of flushing the sewers being so apparent, and the necessity of cleansing those places being so apparent (in the summer time at least), you ever wrote a short report to any committee, or sub-committee, saying, "Gentlemen, from what I have seen of these places you ought to make some application for water"?—I have never made a written report in connexion with any department of the Council for which I was not responsible.

3313. Have you suggested that it would be desirable to do so?—I have, frequently. I have not the slightest control over the scavenging department.

3314. CHAIRMAN (for Mr. *M'Erlean* to *Witness*).—Who is the contractor for the timber supplied to the Town Council?—Mr. Fair.

3315. Who is the contractor for the timber supplied to the gas-works?—I do not know.

3316. Will you undertake to say that the timber purchased by Mr. Fair does not come from a member of the improvement committee of this Council?—I do not know where he gets the timber.

3317. Is not Mr. Fair a small builder convenient to May's-fields?—Mr. Fair carries on business near May's-fields.

3318. What is his business?—He is a builder.

3319. Has he a large business as a builder or a small business?—I am not sufficiently acquainted with his business to say. He is not a famous builder.

3320. Can you say whether or not it comes from a member of the improvement committee?—I do not believe for a moment that it does. I would not take timber coming from a member of the improvement committee.

3321. Do you say it does not come from a member of the improvement committee?—Most decidedly.

3322. Will you undertake to say that the timber does not come from Mr. Brown's yard?—I never followed the timber to see where it came from. It was advertised for publicly in the newspapers, and the committee got tenders sent in. Mr. Fair's was accepted, as I believe he was the lowest.

3323. Mr. EXHAM.—Do you know, as a matter of fact, that his was the lowest?—I am just reminded by Mr. Bretland that it was decided by schedules of estimates. There was some difference of opinion at the committee meeting, and it was decided that Mr. Fair's schedule of prices would come lowest.

3324. Mr. LAWLESS.—How long is the contract for?—For one year.

3325. CHAIRMAN (for Mr. *M'Erlean*).—Did you ever oppose plans that were afterwards passed in spite of your protest?—Yes; I am quite sure there must have been, because I am sometimes wrong in my advice.

3326. CHAIRMAN (to Mr. *M'Erlean*).—Mr. Montgomery previously stated that the committee were almost invariably guided by his opinion.

3327. CHAIRMAN (for Mr. *M'Erlean*).—When a case of that sort occurred did you take any notes of it?—I think the records show these notes. This book (produced) is the only official one I have. I have no private notes. There is nothing but what is in the official book. I always entered the matter in the official book before it came before the committee.

3328. When you were overruled by the committee did you take any note of it?—I simply drew my pen through my recommendations, and substituted the decision of the committee.

3329. Before you put anything in the official book did you ever make an entry in a private book?—I assure you I have no records but the official book.

3330. Mr. EXHAM.—I see that in one case a plan was approved of and disapproved of in the same day?—People came before the committee with fuller information. Sometimes they made amendments on the plan before the committee, and then it would be passed.

3331. CHAIRMAN (for Mr. *M'Erlean*).—Did you approve of the widening of the Antrim road in 1874—convenient to Carlisle-circus?—Yes.

3332. At the time you approved of it did you approve of the removal of a portion of a graveyard from where it was, contrary to the Privy Council rules, so as to widen the street?—I know now the case you refer to. I felt it my duty at a meeting of the Charitable Society and the Town Council to call attention to the fact that there might be some difficulty in widening the road at that point, as I was informed that interments were made there many years ago. I mentioned that two or three times, and it was represented to me that the interments had taken place long ago, and were at the same time so few that there would be no nuisance, and no public attention adversely directed to it, and I was led to believe that any human remains which had been there would have vanished entirely, and therefore I ceased to urge my objection any further. There was a very strong feeling in the Charitable Society that the ground ought to be given for the purpose of widening the road, and negotiations had been going on for a long time.

3333. What was the Charitable Society?—A public body, a corporation who have the care of certain lands given for charitable purposes by the Donegall family. It is a sort of alms for poor people of the better class.

3334. Was this graveyard on their premises?—There is a public graveyard on their property, and outside the public graveyard there was a bit of ground that once, I am told, belonged to the county road, and in making improvements many years ago, this bit of ground was walled in, and became a sort of "nobody's land." It seems that at one time (during the outbreak of cholera, I think) some bodies were interred in that vacant ground outside the wall of the graveyard, and I believe the bodies of suicides had also been interred there.

3335. And in consequence of what you heard concerning it, you said it would be impossible to throw it into a public road. Is that what you say?—Yes. At a meeting of the Charitable Society and a deputation from the Town Council, the Charitable Society said they would undertake all the responsibility on that account, and in point of fact this portion of ground was then added to the footway, and while the work was going on some coffin lids or boards, and some human bones were discovered, and they were re-interred in the graveyard.

3336. CHAIRMAN.—Not where they were interred before, but inside in the graveyard?—Yes; inside the graveyard. Mr. M'Erlean and some others were opposed to it, and the Corporation were brought before the police court. There was a long trial, and the case was dismissed by the magistrates.

3337. Mr. *M'Erlean*.—Informations were refused to be granted in the matter.

3338. CHAIRMAN (for Mr. *M'Erlean* to *Witness*).—Did you approve of the plan for the widening of this portion of the Antrim-road?—I made the plan myself.

3339. Where were the remains removed to?—The churchyard.

3340. Do you know that to be true?—I saw several bones interred in the public graveyard.

3341. And what became of the soil and the coffin lid?—The soil that was taken from it was removed to a hollow place some fifteen or sixteen feet deep. It was tipped there because the hollow place was given to the Corporation for that purpose.

3342. Mr. LAWLESS.—That was not in the graveyard?—No.

3343. CHAIRMAN (for Mr. *M'Erlean*).—Are you aware that at the time they were removed from that place the boards were damp with human remains?—I cannot say.

3344. At what distance were they and the soil removed to from the residences in Viscenage-park, Lincoln-avenue, Cranborne-street, and all about there?—Two or three hundred feet perhaps. I am not exactly certain, but I'll measure it for you if you wish.

3345. Was it more than two and a half perches from the nearest house?—I think it was about two hundred feet from the nearest house.

3346. Can you say if at the present moment the ground containing the human remains and the coffins is advertised to be let?—I do not know. My impression was that no human remains went there, but only some bones. That is my recollection.

3347. Mr. EXHAM.—When it was removed was the smell offensive?—No.

3348. CHAIRMAN (for Mr. *M'Erlean*).—At the time that offensive matter (as it was considered by many people to be) was removed, who was the sanitary authority in the town?—The Town Council.

3349. And the Town Council did the work?—Certainly.

3350. And in the proceedings in the police court, was not the Town Council the defendant?—Yes, of course.

3351. Mr. *M'Erlean*.—I'll hand this memorial to Mr. Montgomery to read for you. (Hands same to witness.)

3352. Mr. *Montgomery*.—(Reads)—"16th December, 1875. We, the undersigned inhabitants on the Antrim-road, believe that the removal of the graveyard soil from where it was, and placing the same in Viscenage-park is a common nuisance."

3353. CHAIRMAN (to *Witness*).—Did you ever see that before?—I dare say I did. It would go to the sanitary committee.

3354. You say there were some bones interred inside the graveyard?—Yes.

3355. Is this a copy of the document sent in?

3356. Mr. *M'Erlean*.—It is the original document itself.

3357. Mr. LAWLESS.—I presume the original document would be sent in?

3358. Mr. *M'Erlean*.—That is it. It bears the original signature.

3359. CHAIRMAN (for Mr. *M'Erlean* to *Witness*).—Will you undertake to say that the sexton of that church did not prove before the magistrates that in making a hollow to remove these bones to, they happened to remove portions of graves outside the graveyard?

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Mr. Montgomery.

3360. Mr. *M'Erlean.*—My contention is that they took portions of the remains out to make room for other remains. Do you not know, Mr. Montgomery, that in so doing the Corporation violated the third sub-rule of rule three.

3361. CHAIRMAN.—As I understand this was not done by the Corporation.

3362. Mr. *M'Erlean.*—All was done by the Corporation.

3363. Mr. *Montgomery.*—The bones that I spoke of were being interred in the graveyard when I saw them.

3364. CHAIRMAN (to *Witness*).—Did you see any others displaced to make room for them?—When I went there there was a pit dug and the bones were lying in the bottom of it.

3365. Mr. LAWLESS.—Was that in the graveyard?—Yes; I saw a good many bones in the bottom of a little square pit, and I do not know a single thing more about it than that. I understand they are all removed from this "Potter's field" into the graveyard—into the consecrated ground.

3366. Did you see more than one place of reception for these bones?—No, only one.

3367. CHAIRMAN (for Mr. *M'Erlean*).—Were you aware that the place made for their reception was formerly a graveyard?—No.

3368. Were you aware that in removing it at all the Council violated rules that they would punish others for violating.

3369. Mr. LAWLESS.—That is a question of law; it is hardly fair to put it to him.

3370. Mr. *M'Erlean.*—I myself was the plaintiff in the case, the soil having been left at my very door.

3371. CHAIRMAN (to Mr. *M'Erlean*).—You reside near it?—Yes.

3372. Were you one of the persons who signed this memorial?—Yes.

3373. CHAIRMAN (for Mr. *M'Erlean* to *Witness*).—Would you permit houses, providing the ground was taken for building houses, to be built on the place to which the soil was removed?—I shall certainly object to the building of houses upon any field or ground in which, to my knowledge there is anything unwholesome, or any street sweepings.

3374. Is there any order of Privy Council closing it as an old graveyard?—Yes. It is under the third rule.

3375. Mr. EXHAM.—Is that the one already mentioned?—I cannot say.

3376. Was this graveyard ordered to be closed?—It is an old poorhouse burial ground.

Sir John Savage.

SIR JOHN SAVAGE examined.

3377. CHAIRMAN.—I am glad you have come forward to be examined. Your name has been mentioned several times—by Mr. Carlisle, I think—as one of the gentlemen who influenced the Corporation as a mill-owner, to prevent any improvement being made in the state of the Blackstaff and its tributaries?—There is not a word of the truth in that statement.

3378. Did you ever do so?—No, never.

3379. Are you a mill-owner on the Blackstaff?—No; not on the Blackstaff.

3380. On the Fairy Well stream then?—I am a mill-owner on the water going down the Old Lodge-road. It goes down from Mr. Lyons' place.

3381. He said that Sir John Savage's mill, and Mr. Carlisle's bleach works did all the harm?—There are no dye-works in connexion with Mr. Carlisle's place. I believe they bleach yarn, but that would not pollute the water in any appreciable degree.

3382. Do your works discharge water into the Pound Burn?—Not at all.

3383. Have you used any influence in the Corporation to prevent any purification of the Blackstaff?—Neither directly nor indirectly have I ever used the slightest influence for that purpose.

3384. We have had your name mentioned rather more prominently in connexion with Mr. Cobain's salary. In reference to a conversation about his salary?—I do not know that it was a conversation. It happened one day that the mayor was absent from the meeting of the Corporation, and I took the chair in his place—as a matter of arrangement they voted me into the chair.

3385. Perhaps you will tell us what the facts were?—I was aware that a considerable amount of excitement existed about Mr. Cobain's salary. I thought Mr. Cobain was carrying the matter to an undue extent, in endeavouring to influence the members of the Council to increase what I considered to be a fair salary for the work done. Before I went into the chair, a most respectable member of the Corporation informed me that Mr. Cobain had gone so far as to assert that it was most ungrateful on my part to oppose the proposed increase of his salary, because as he said, he had largely influenced my return as Alderman for St. Anne's ward. I denied the truth of that statement then as I do now, and I said I believed it had no existence in fact.

3386. You do not believe that he had any influence on your return to the Council?—I cannot tell what influence he exercised in a proper way. I believe it would have been in my favour, but I was not aware, nor am I now, that he so influenced the election as to cause my return. I would be ashamed to be the nominee of any man.

3387. Have you read in the newspapers his denial of the statement imputed to him?—Yes, but he draws a very proper distinction about his official and unofficial position.

3388. Mr. EXHAM.—He said it was utterly false that he ever made such a statement to any human being?—I believe the member of the Council to whom I refer.

3389. CHAIRMAN.—He said that if he had had an opportunity to speak to you first, he would have been able to satisfy you that he never said so?—That is quite possible. I believe him to be quite trustworthy in his word.

3390. He said it was utterly false that he ever stated that he returned you or exercised any influence whatever to cause your return to any office, nor did he use language which was capable of such interpretation. He also said he had no doubt that when you made the statement you believed it to be true. Have you made any other inquiries since which enable you to say that you were under a misapprehension?—Not in the slightest degree. I thought it was a proper thing to rebuke him for if it were so, and it was quite open for him to come forward and contradict it, even in the open Council if he chose. I did not make any inquiry about it.

3391. Has Mr. Cobain, with your knowledge and consent, at any time, or to the best of your belief with the knowledge or consent of any member of the Corporation, taken an active part in municipal elections?—I hope not with that of the regular members of the Council.

3392. With any member of the Council?—Well, I can speak for myself, and certainly not to my knowledge nor with my consent. Such had been alleged against Mr. Cobain before, and immediately after the election I had a conversation with and told him my mind with regard to any official of the Town Council taking the slightest part, *pro* or *con*, with regard to the return of a member of Council, or doing anything that might bear a partisan or political character.

3393. Was it your opinion that such conduct was to be highly disapproved of?—Yes; I told him so, and said that if he ever attempted such a thing he would certainly lose my confidence and support as an official.

3394. Did he admit that there was any truth in the charge on that occasion?—I could not say as to that. The conversation took place years ago, and I could not say.

3395. Mr. EXHAM.—The other day you were reported as having said that you would let no maudlin

Sir John Savage.

sentimentality prevent you from doing what you thought was right, and that you met Mr. Cobain in the street, and, like the Priest and the Levite, he turned away from you?—That was said in a playful manner.

3396. Did he pass you by in the street in that way?—I could not say that he did it intentionally.

3397. Mr. LAWLESS.—You said that Mr. Cobain was carrying the matter a little too far in endeavouring to influence the members of the Council to vote for his increase of salary—was that your opinion?—Well, it was. I am opposed in every case to canvassing the members of the Council, which I thought Mr. Cobain was doing. How far that went I could not say. I regard him as a highly respectable member of the Town Council officials, and my advice to him was to abstain from doing anything of that sort.

3398. CHAIRMAN.—Was it a question of raising his salary to £350 or £300 a year?—I thought it was going a little too far to raise it so much at once; but as to any parallel between Mr. Turnbull and him, it does not exist, for Mr. Turnbull has fully three or four times the amount of duty to perform, and is a very efficient officer.

3399. And a very old officer?—Yes.

3400. You voted for raising the salary to £300 a year?—I did. I do not wish to force my opinion on other people.

3401. Do you think he is overpaid at £300 a year, considering the moneys that pass through his hands?—I do not know.

3402. If Mr. Cobain had really the power and influence that some people attribute to him of procuring the return of members of the Town Council, do you not think that would give him considerable influence in getting those persons to vote for increasing his salary?—I should not say so with any gentleman of high moral principle.

3403. Mr. LAWLESS. — Do you remember Mr. Dinnen's resolution, prohibiting any of the officials of the Town Council from interfering in politics?—Yes.

3404. What side did you take in voting on that resolution?—I believe I voted against Mr. Dinnen's resolution upon the grounds that I did not believe they did what was attributed to them. Immediately after that the conversation took place in which I advised Mr. Cobain strongly that if he ever had done so not to attempt it again, or he certainly would not retain my friendship.

3405. CHAIRMAN (by Mr. *M'Erlean*).—At the time the question of salaries was before the Town Council were you of opinion that the increase was unnecessary, they being already fully paid?—I never made such an assertion as that. I was quite willing to pay every man a full salary for the work done.

3406. Did you say that in your opinion they were paid up to their full capacity?—Yes; bearing in mind the duties to be performed.

3407. Did you believe that at the time?—I really cannot recollect all that I said at the time. My impression at the time was, that the increase was uncalled for, but notwithstanding that I submitted to the opinions of others in giving a moderate increase.

3408. Did you agree to a compromise?—I did; undoubtedly I may have taken a view of the fairness of their salaries that was too tight, so to speak, and with the view to not having so large an increase given at once. I may have thought it was uncalled for, but at the same time I was quite willing that every man should be paid up to the full measure of his abilities.

3409. Did you make use of the expression attributed to you in the newspaper report about the servants being the masters of the Corporation?—I believe I did.

3410. Mr. EXHAM.—Were you of opinion that the Corporation was the servant of the officials?—I had no such idea.

3411. CHAIRMAN.—Did you ever see Mr. Cobain at your election, or at any other election, bring in voters, or was he in the habit of bringing in voters?—Never, to my knowledge; I never saw any such thing.

3412. Mr. EXHAM.—Mr. Cobain has undertaken to say that whatever member of the Council told you that he had said it was very ungrateful of you not to vote in favour of increasing his salary, because he had influenced your return as a member of the Town Council, had stated a downright falsehood. I think it is only fair we should have the name of the member of the Town Council who said it.

3413. Mr. LAWLESS.—Who was the gentleman who told you that Mr. Cobain had made that observation about you? (No answer.)

3414. Mr. EXHAM.—You have said it was a member of the Town Council; Mr. Cobain said that whatever member of the Town Council said so made a downright misstatement?—Well, in that case I may as well tell you who he was. It was Mr. Thomas Gaffikin.

3415. Are you aware that for many years mill-owners have taken in the sewage water, and used it in their mills for condensing purposes?—That would be excessively imprudent on the part of the mill-owners if they could get clean water.

3416. CHAIRMAN.—Are you reduced to doing it?—Not at all. The upper mill-owner would have it as pure as I have it.

3417. CHAIRMAN (for Mr. *Rea*).—Did you, or did you not, believe at the time you made the speech about the salaries in the Council that three or four persons were in constant communication with Mr. Cobain as to who were the persons in town who should be suggested for nomination to the Conservative committees?—Not at all.

3418. Mr. LAWLESS.—Do you believe, or do you not, that at any time any person was kept back from being nominated, or that any persons brought forward as candidates was put into the Council by Mr. Cobain's influence?—To my knowledge I believe not.

Mr. WILLIAM EWART examined.

Mr. William Ewart.

3419. CHAIRMAN.—Your name was mentioned by Mr. Carlisle as one of the persons who influenced the Corporation as a mill-owner to prevent improvements from being made in the state of the Blackstaff. Mr. Carlisle spoke of "gentlemen," and I asked him to give names, and he then mentioned you amongst others?—I read this statement of Mr. Carlisle's yesterday morning, so I came here to ask for an opportunity of giving it an emphatic and distinct denial in every respect. So far from doing anything against the improvement of the Blackstaff, I have at all times done my best to have it improved. I have used my influence in that direction. I believe the Blackstaff is a very great nuisance, and ought to be improved.

3420. Are you a mill-owner on any of these streams?—Yes; I am a mill-owner on the Carsglen stream.

3421. Is the water impregnated with sewage matter before it is used by you?—Very little. It comes down from Mr. Girwood's dye-works, and it is used by Messrs. Johnston, who have a weaving factory there. I do not think there is any sewage matter in it.

3422. Has your influence been directed to the purifying, and not to the pollution, of the Blackstaff?—Yes.

3423. Did you ever try to influence Mr. Montgomery in any way with regard to the removal of a board in front of premises in Donegall-place, of which I believe you are the landlord?—I never influenced Mr. Montgomery in the slightest degree. I never saw the plan until I saw it here to-day. The statement to which you refer is totally incorrect.

3424. Mr. EXHAM.—Are there many houses now above your mill, between your mill and Mr. Girwood's?—There are.

3425. Do you know whether the Corporation allow any of the sewage of those houses to go into your stream before it comes down to you?—I do not know.

3426. CHAIRMAN.—Is the stream in a very polluted state in the summer season after it leaves your mill?—No.

3427. Is it in an unfit state for condensing purposes?—No; it is used by some forty concerns after it leaves us. In the most of these the water is boiled—the flax

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Mr. William Ewart.

is boiled, so that it becomes somewhat worse every time it is used. The only cure is to bring in an additional supply of water to save the town from the floods in the winter time, and store it up in the summer.

3428. Does the overflow from the tank, which is the receptacle for the sewage, go into the stream?—Yes.

3429. Mr. *Carlisle.*—What I meant to convey was that by doing the mill-owners influenced the Corporation to prevent the purification of the Blackstaff.

3430. Mr. LAWLESS.—That was what you meant?—Yes.

3431. CHAIRMAN.—Have you made use of Mr. Cobain or been cognizant of any influence used by Mr. Cobain in municipal elections?—Never; I never influenced or was influenced by him.

3432. Mr. LAWLESS.—Did you ever use his influence or power?—No.

3433. Nor availed yourself of it?—Never.

3434. Mr. *M'Erlean.*—I wish you to put this question. Assuming this gentleman (the witness) to be a member of the Conservative Association, and that Mr. Cobain is also an active member of it, and that none but their nominees are returned as members of the Town Council—did he ever speak to Mr. Cobain upon the subject of elections.

3435. CHAIRMAN (to *witness*).—Have you ever discussed the subject of elections with Mr. Cobain?—I have had political talks with Mr. Cobain, but never any special conversation as to who should be brought forward as a candidate.

3436. Has Mr. Cobain ever been a tool or agent of yours or of any of the members of the Corporation in municipal elections?—Oh, never; I do not believe that Mr. Cobain is capable of anything of the sort.

3437. Mr. EXHAM.—What Mr. M'Erlean wants to know is—did Mr. Cobain, to your knowledge, actively interfere in municipal elections by canvassing or otherwise?—I do not think he did. A long time ago I had a talk with Mr. Cobain about Parliamentary affairs and the like of that.

3438. CHAIRMAN.—We want to know whether or not, to your knowledge and belief, Mr. Cobain, with the cognizance of members of the Town Council, ever took an active part in municipal elections?—Not that I know of.

3439. CHAIRMAN (for Mr. *M'Erlean*).—Are you able to say that you never spoke to Mr. Cobain with reference to municipal elections—to the management of municipal elections?—Never.

3440. Has Mr. Cobain ever collected any money from you towards the Conservative Association for political purposes connected with the Town Council?—I do not believe he has ever collected money from me with reference to that object. I do not remember ever giving him any money.

3441. CHAIRMAN (for Mr. *Rea*) *to witness.*—Were you not a member of the Town Council for twenty-five years?—I believe so.

3442. Were you not one of the special respondents in the second information?—Yes.

3443. CHAIRMAN.—Are your and Alderman Carlisle's mills within the borough?—Yes.

3444. Have they been at any time exempt from the police rate?—Yes; they are not exempt now. The outside part of the borough was not brought in to be lighted and watched for a long time and we were not taxed, but as soon as the Town Council thought it would pay to bring it in they did so.

3445. When were they brought in?—I do not know; it is a long time ago, more than twenty years ago I think. At the time referred to our mill was in the country; now it is in the town.

3446. Was there a motion made to bring them in?—There was a motion made to extend what is called the lighted and watched area.

3447. But it did not extend to your place beyond lighting?—No.

3448. Mr. LAWLESS.—When did you commence to pay the police rate?—I do not recollect; a very long time ago.

3449. Was it more than ten years ago?—Yes.

3450. CHAIRMAN (for Mr. *M'Erlean*).—Did not the lighted and watched district of the town extend at the time you were not paying the police rates up to your mill?—I believe it did not.

3451. Was it close to it?—I do not know really where it was.

3452. At the time your mill was so exempt, were you not a member of the Town Council?—I was.

3453. Was there any influence brought to bear by you upon your brother members of the Corporation to keep your mill outside the lighted and watched district?—No. The mill at the time may be said to have been in the country; it was a long time ago.

3454. Will you undertake to say that no parties further outside had to pay for lighting and watching? I just recollect now, that the end of the lighted and watched district did not come near our mill at the time, because the mill-owners had erected lamps and they did not want it.

3455. Before they took the matter into their own hands, had they to get the consent of the Town Council?—I presume we had. The district was not lighted, because it would not pay to light us. It is twenty years ago and more.

3456. Mr. *M'Erlean.*—That means that the men in the Town Council got permission of themselves to do it.

3457. Mr. *Ewart* (*witness*).—That application with regard to putting up these lamps was made to the gasworks, who had all the powers in their own hands, I believe, to open up the streets when it was wanted to put up lamps.

Mr. William Mullan.

Mr. WILLIAM MULLAN examined.

3458. CHAIRMAN.—Are you a member of the Corporation?—Yes. I am senior alderman.

3459. How long have you been a member?—Since 1855.

3460. You are mentioned by Mr. Carlisle as a mill-owner who influenced the Corporation to prevent the purification of the Blackstaff?—I never used any influence directly or indirectly to prevent the purification of the Blackstaff or its tributaries, but on the contrary when I had any opportunity of procuring its purification I did my utmost to have it done.

3461. Have you ever directly or indirectly taken any part through any officer of the Corporation (I name Mr. Cobain in particular) in influencing the municipal elections?—Never.

3462. CHAIRMAN (by Mr. *Carlisle*).—I want to know are you a director of the Brookfield Linen Company, Limited?—I am not now, but I was one of the directors.

3463. Mr. *Carlisle.*—Is he aware that the Brookfield mill is the original polluter of the Pound Burn?

3464. CHAIRMAN.—In what way?

3465. Mr. *Carlisle.*—By their mills on both sides. Agnes-street factory is the worst, and also the bleach-works. I wish you would ask the names of the other directors.

3466. CHAIRMAN (to *witness*).—Are you aware that the Brookfield Linen Company, Limited, by their mills are the principal polluters of this stream?—I am not aware of it.

3467. Do you believe that they pollute the Pound Burn otherwise than by taking the water and boiling it and sending it out again?—That I believe is the only way.

3468. Did the Brookfield Linen Company, when you were a member of it, send the sewage into the Pound Burn?—I do not believe they did, except in the case of an overflow of the tank.

3469. Mr. EXHAM.—Are you aware that there is a tank in the yard into which the sewage from the street higher up is conveyed?—What yard do you refer to?

3470. The yard of Hynes-street factory?—I am not aware of it, nor do I believe it. Of course there is a tank, but I do not believe the sewage goes into it.

3471. We have had it proved here this morning that the houses in Landscape-terrace were drained by a piped sewer which leads into a sewer of two feet square, and this discharges into the tank in the yard of the factory?—I am not aware of that. It may be so; it is three years since I was connected with the establishment.

3472. While you were a member of the Brookfield Linen Company were you aware of the source from which the water came into the cooler?—I was not aware.

3473. Was there any influence brought to bear by the company to preserve that old watercourse?—Not that I am aware of.

3474. CHAIRMAN.—Were you aware from what source besides the Fairy Well stream the water to supply the mills of the Brookfield company was obtained?—There are concerns owned by the Brookfield Linen Company. The mill proper—Brookfield mill, Agnes-street weaving factory, and another factory. I am aware of the fact that a very large pump or well was sunk on the premises of the company for the purpose of supplying water to the factory.

3475. Was that well to which you refer sunk at the expense of the owners of the place?—Yes, at a great expense.

3476. Did you derive a supply of pure water from that?—Yes, I believe so.

3477. Can you say if that water was used for condensing purposes?—Yes, and after the water has been so used it may be passed back again to the pump and re-used for steam purposes.

3478. Would you, as a matter of choice, use sewage water or pure water?—The water to be used for the purpose of getting up steam must be quite pure. I would much prefer cold water.

3479. Mr. LAWLESS.—Is it only as a matter of necessity you would use sewage water?—Yes; fully three-fourths of the manufacturing places in the town of Belfast would be compelled to cease working if that kind of water to which you refer was not used.

3480. CHAIRMAN.—Under existing circumstances is it a matter of necessity?—Yes.

3481. How long has the Brookfield Linen Company been formed?—It was formed as a limited liability company about the year 1866.

3482. Mr. *Carlisle* (to Chairman).—Will you ask Mr. Mullan for the names of the directors of the Brookfield Linen Company?

3483. CHAIRMAN (to *Witness.*)—Can you give us their names?—Yes; their names were, Mr. Little, Mr. Horner, Mr. Elliott, Mr. Jaffé, Mr. Smith, Mr. Riddel, Mr. Sinton, Mr. Carlisle, and myself. Messrs. Carlisle, Smith, Sinton, and I were directors. There was a statement made before you here about the existence of an "inner circle," or managers of the Corporation. Will you permit me now to say that I am not a member of any "inner circle" or managing party connected with the Corporation. I know of no such "inner circle" existing in the Belfast Corporation, nor was I ever aware of it.

3484. *Witness.*—Will you permit me to correct the names of the directors of the Brookfield Linen Company. They were myself, Mr. Horner, Mr. Sinton, Mr. Elliott, Mr. Jaffé, Mr. Smith, and Alderman Carlisle was managing director. I was really puzzled as to what evidence had been given about the tank in Agnes-street. I have inquired and find that no sewer passes into the tank, and Alderman Carlisle will prove it. The supply from the tank has been long discontinued, and the water used for steam purposes is the water procured from the well on the premises.

3485. CHAIRMAN (for Mr. *Rea*).—Did you vote for a salary for the first time to Mr. Lytle as mayor of £1,000, in his second year's mayoralty?—I did.

3486. Was that after Mr. Lytle had been for two years in litigation with Mr. Rea?—I do not remember.

3487. Were you the person who moved it?—No, sir, I was not, nor do I remember taking an active part in that.

3488. Do you remember the ground on which it was voted?—I do; it was in the ordinary course of business.

3489. Do you recollect that before the salary was voted Mr. Lytle complained that he was being ruined by the litigation that Mr. Rea was carrying on?—I do not, and I believe he never did.

3490. Do you recollect that some time after the salary was voted to Mr. Lytle he died in very poor circumstances?—Mr. Lytle died, and I know something of the circumstances, and I believe the whole statement is erroneous.

3491. Do you know that before Mr. Lytle died, and before the salary was voted, he complained bitterly through the town that the Lindsays had betrayed him, for that they had induced him to file an information to attack their opponent, and that a salary would never have been voted if a subscription had been raised?—I can say, sir, most distinctly, it is the first time I ever heard of a subscription being got up for such a purpose, and I know of no man who would more emphatically have repudiated any contribution of the kind than Alderman Lytle. I have been his friend, and we were boys and came to Belfast together fifty years ago. I never heard from him that he expected any contribution to pay his expenses, and I know that his first year's salary, the salary spoken of, was given freely and voluntarily by him without solicitation towards the erection of the Albert Memorial which adorns this street here.

3492. Was that salary voted to indemnify him for the expenses he had been put to?—Not in the slightest degree.

3493. Do you know whether or not there was a subscription got up or tendered to Mr. Lytle?—I never heard of it.

3494. Why didn't Mr. Lytle get the £1,000 the first year when he was appointed mayor, and why did you vote for the £1,000 the second year after Mr. Lytle was put to these expenses by litigation?—I never heard it was on account of those expenses.

3495. Was the question raised the first year?—Not that I recollect.

3496. What was the ground on which you voted for the salary when it was so many years in abeyance? The question was discussed for a long time, and the members of the Corporation found that mayors were paid elsewhere, and it was considered by the majority of the Corporation that the mayor should not out of his own private purse pay expenses and outgoings which were for the benefit of the general public. These were the grounds.

3497. Was the question mooted during the previous years?—I cannot recollect, but I think it was mooted for a long time.

3498. Was it ever put to a vote?—No, never, except in the case of Sir William Gilliland Johnston, there was a vote when the Queen came here.

3499. But why did they not vote a salary in 1872, 1873, 1874, 1875, or 1876 during which years some of the expenses were far heavier than before that?—The chief reason was that the general public disapproved of it, and it was in deference more or less to public sentiments, and not because of any conviction that they hadn't the power to do it, or that it was not a right thing to do under the circumstances.

3500. Was this salary not received by Alderman Lytle, Alderman M'Causland, and Councillor Frederick Harry Lewis?—Yes, it was.

3501. Had all these three persons been engaged in litigation with Mr. Rea?—Alderman Lewis was special respondent, and Alderman M'Causland was.

3502. Do you know of your own knowledge whether Noah Davis had actively interfered in the municipal elections?—I don't know that.

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Mr. William Mullan.

3503. Do you recollect whether at the time the twenty whigs were brought into the Council, as mentioned in the evidence before the select Committee on the Award Bill, it was with a view to their being instrumental in preventing the reimposition of the 4*s.* 6*d.* rate on premises above the value of £80?—I don't believe it, and I am perfectly satisfied that it is not true in fact.

3504. After this change in the political constitution of the Corporation, was there a meeting of the Council in committee to consider the rating question?—I don't recollect.

3505. Do you recollect that instead of the 4*s.* 6*d.* rate being reimposed, a resolution was passed unanimously by the Town Council in private that the 1*s.* 6*d.* rate should be doubled?—I don't, and I don't believe it.

3506. Do you know of any practice of charging to the general purposes rate what should be charged to the differential police rate?—I do not know that, and I believe that the rates are properly struck with a right intention according to the Act and duly applied.

3507. Mr. LAWLESS.—Have the Council relied on their want of funds to prevent improvements?—The Council have relied partly on the want of funds, but chiefly on account of the difficulties in the way of abating that nuisance. When the Sanitary Act of 1866 was passed, it gave the Corporation more powers, and the Corporation directed their attention to abate that nuisance, and Mr. Montgomery's report was the result, and it will give you much more information than I can. That report was brought forward with an honest and sincere purpose to use every effort to abate that nuisance. In 1870 the Corporation applied for an Act, and they were compelled to withdraw it from pressure, and members of the Corporation—myself and others—had to pay the preliminary costs.

3508. CHAIRMAN.—What was the purport of that Act?—It was chiefly to deal with the Blackstaff and other nuisances. It was withdrawn.

3509. Was it thrown out upon Mr. Rea's opposition?—I believe it was withdrawn in consequence of pressure from without, urging that the sum of money required in dealing with matters of so great moment was too large, and should not be incurred, and would press too heavily on the ratepayers. The action that was taken in 1866 has been continued to the present day. One of the first things that was done was to consult the first engineer in London, and also Mr. Rawlinson, to assist Mr. Montgomery in dealing with a question of such magnitude. Every proposal that was brought forward in 1866, and re-reported upon in 1870 and 1875, has been kept constantly before the attention of the Corporation, and the carrying out of that scheme has involved a cost of about £20,000 incurred by the Corporation in carrying out those principles. I may mention that district drainage was one part of the scheme, and they resolved, when they could not get the powers they sought in the bill of 1870 to deal with such matters as the law enabled them to do, and go on with the outer drainage. The outer drainage involved an area of about 3,332 acres on the Antrim side, and the portion on the county Down side involved an area of 440 acres. The low level drainage which has not been touched, owing to the great expense likely to be connected with it, and the difficulties of its outflow, and other matters of that kind, has not been entered upon, nor has the intercepting high level sewer, but the whole works that have been going on from 1870 to the present time have been with a view to abate the Blackstaff nuisance, and to bring the whole system into one harmonious scheme with the drainage of Belfast, to put it into the most perfect form.

3510. The following minute of proceedings of Council in committee, 5th January, 1861, asked for by Mr. Rea, was then read:—

"Moved by Colonel Bottomley, seconded by Alderman Ewart—'That the Council approve of the proposition No. 7, that the present scale of rating should be abolished by the proposed Bill, and that in lieu thereof, a uniform poundage rate not exceeding 3*s.* in the pound should be levied upon all tenements within the lighted and watched districts of the borough.' Carried unanimously."

3511. CHAIRMAN.—Do you remember that?—I recollect when that took place.

3512. Was that resolution confirmed at a public meeting of the Council?—I don't know, but I know it is well understood that every resolution in committee requires to be confirmed in public by the council.

3513. The following extract of meeting of Council in committee was next read:—

"5th January, 1864. Moved by Councillor Bell, seconded by Councillor Savage—'That instead of the proposition adopted by the Council on the 6th February, 1861, by which the solicitor was instructed to submit to the arbitrators, that a uniform 3*s.* rate should be levied in lieu of the present scale, the solicitor be instructed to submit to Mr. Cardwell, that inasmuch as circumstances render it impossible for the Council to adduce evidence before the arbitrators in favour of the equalized scale, they are prepared to modify the above-mentioned resolution by consenting that the additional funds required for the purposes of Mr. Cardwell's award should be raised by an additional rate upon the present scale, but not on that proposed by Messrs. Bryden and Wyatt.'"

"Moved by Alderman Lindsay, seconded by Councillor Duffin, as an amendment—'That in the absence of a general measure to regulate the municipal affairs of the town, and the rate to be imposed for municipal purposes, the Council deem it expedient that the resolution of the 6th February, 1861, recommending the imposition of a uniform rate not exceeding 3*s.* in the pound, be modified, and that the solicitor, instead thereof, be authorized to propose to Mr. Cardwell, that the additional funds required for the purpose of Mr. Cardwell's award be raised by a separate and uniform poundage rate not exceeding 6*d.* in the pound.' The meeting broke up without either the resolution or amendment being put. JOHN LYTLE, mayor."

3514. Was that resolution of 1861 confirmed at the next public meeting of the Council?—I have no recollection.

3515. The *Town Solicitor* having produced the minute book said—The only reference I find to that resolution at the public meeting in February, 1861, is this—

"The town clerk read the report of the Council in committee, 5th January.—Moved by Alderman Lindsay, seconded by Councillor Ferguson—That the report now read be referred for consideration to a special meeting of the Council to be held on Wednesday next at twelve o'clock."

3516. Is it true that instructions were sent to the town solicitor then in London to act on the authority of that resolution passed only in committee?—I don't know that, but I would say that whatever was done was communicated to the solicitor. The solicitor knew what took place.

3517. Do you know whether the passing of that resolution involved, as Mr. Rea suggests, a transfer of a quarter of a million of money from one class of ratepayers to another?—I don't know, but I am satisfied it never amounted to a tenth of the sum named. The differential rate was often discussed and condemned, but the lower rate is exceedingly small in comparison with the higher rate on the amount of the valuation on which it is levied. It is not more than one-tenth of the valuation upon which the higher rate is levied.

3518. What would have been the result of that transfer to the artisan classes. I don't think it would have been very much. The small property valuation compared with the higher class I don't suppose is more than one-tenth.

3519. Would it not increase the taxation of the small householders?—Of course it would.

3520. And diminish the taxation of the richer people?—Well, of course it would to some extent.

3521. Have you any recollection of an affidavit being ordered to be lodged from the Corporation for the arbitrators in London as a reason why the 1*s.* 6*d.* rate should be made 3*s.*?—I have no recollection of it, but I have no doubt I could refresh my memory on the point. I have a distinct recollection of this, that during these proceedings it was incessantly urged that the Corporation was exclusively partisan, and of one class of politics, and it was so frequently urged that the special respondents, the Conservative party, who were the great majority, had everything in their power, that by mutual consent and in order to meet exceptional circumstances, and not by any private arrange-

ment for any corrupt purpose, it was agreed that twenty gentlemen, Liberals in the strictest sense, most respectable gentlemen, should form, with twenty other members, the Corporation for the time being of Belfast. It was not with a corrupt view it was done, but to remove an oft-repeated objection that was made.

3522. Is it true, as alleged by Mr. Rea, that that arrangement with regard to the return of the Liberals was carried out by Noah Davis, and the other officers of the Corporation, by the orders of the Corporation?—It was not carried out in that way, but it was carried out with the full consent and approval of the gentlemen—Liberals—the most distinguished and honourable men assenting and consenting to take the places of those retiring.

3523. From the time you became a member of the Corporation was there any arrangement made by you or other members of the Corporation with your knowledge, or to the best of your belief, that Noah Davis or any other officers should arrange the elections in the way referred to by Mr. Rea, or should arrange the elections at all?—There was not any such arrangement that I know of, and I believe no such arrangement was put into operation. I am perfectly satisfied that Noah Davis was never employed by the Corporation or by leading members of it to pack the Corporation in any way or form.

3524. You were a member of the Corporation then?—I was.

3525. Do you believe, from the part you took in the affairs at that time, that the arrangement was carried out through the instrumentality of the officials of the Corporation, and with the cognizance and approval of the Corporation?—No; it was not, as far as I know, with their connivance or approval, or at their instance.

3526. Did you, or any individual member of the Corporation, ever instruct Davis to have these returns arranged in this way?—I never did; nor am I aware that any of the officers of the Corporation were so employed by any member of the Corporation, and I believe the arrangement was come to at a public meeting that was held in Belfast, to which both parties were invited. I am satisfied that it was the result of public opinion, and that these gentlemen accepted office with a view to a settlement of the Chancery difficulties, of which the entire public were thoroughly sick and disgusted.

3527. Was Noah Davis then an officer of the Corporation?—No; I believe he was not. He was in the employment of the Conservative Society.

3528. What was the year in which that arrangement was made?—I think it was in 1860.

3529. Mr. LAWLESS.—Are you able to say how long they continued to be members of the Corporation?—I cannot say.

3530. Is it true that they resigned their seats soon after on the ground that the terms of the arrangement had not been carried out?—I don't recollect that.

3531. Mr. EXHAM.—Did they resign their seats?—Well, I think some of them did; but I understood that it was only a *pro tem.* arrangement with a view to a general settlement.

3532. Mr. LAWLESS.—Was it soon after that some of those twenty men resigned?—Well, it was possibly that year or soon after.

3533. Were there any of them put out in a contest?—I think not, sir.

3534. Did they all resign?—Oh no, sir. I was always considered to be one of the party. Some of them stayed in.

3535. CHAIRMAN (for Mr. *Rea*).—Is it true that it was when this party were out, this business of the Mayor's salary was first projected?—They were not all out.

3536. Was that compact existing in any form whatever when the vote was passed for the Mayor's salary?—I find a large number of Liberals still remaining in the year 1865—Mr. Charles Duffin, Mr. William Coates, Mr. Alexander Crawford, Sir Edward Coey, and some others.

3537. Mr. EXHAM.—Was there any division on the question of the Mayor's salary when it was introduced?—I don't recollect. The minute book will tell that.

3538. CHAIRMAN (for Mr. *Rea*).—Were you one of the Mayors who received the £1,000?—I was, in 1866.

3539. Mr. EXHAM.—Do you believe that Dr. Browne was given £300 a year for any improper motive?—I do not.

3540. CHAIRMAN (for Mr. *Rea*).—Do you know that the increase of the lower rates has very much deterred builders from building small houses for the artisans?—I don't know that, and I don't believe it.

3541. Are you aware that there is a project before the Corporation to build houses for artisans, that were formerly built by building speculators?—There is a proposition before the Council with a view to carry out the Artisans' Dwellings Act.

3542. Do you know that whenever the conduct of the rate collectors was impeached, it was always stated in their behalf that the collectors could not have done better, and that the disfranchisement of voters was attributed to the fault of the parties themselves?—I don't know.

3543. Are you aware of the fact that the rates are now so well collected that there are only fifteen or twenty disfranchised where formerly there were 500 or 1,000?—I believe they have been stimulated very much by the finance committee to collect the rates, and that they make every effort.

3544. Were the Corporation as desirous from 1842 to 1865 to collect the rates as they have been since?—I believe they were.

3545. Were the rules for the collectors passed in 1868?—Yes.

3546. Were there any similar rules previous to 1868?—I am not sure that there were.

3547. Were there not any by-laws prescribing the duties of collectors before 1868?—I think they were enlarged and corrected to suit the circumstances of the case.

3548. Were the rate collectors remiss in collecting the rates with the approval of the Corporation?—So far as I know, they were not. I was not a member of the finance committee.

Questions suggested by Mr. *M'Erlean.*

3549. CHAIRMAN.—Is the Corporation divided into two parties now?—It is not.

3550. Are all the officers of the Corporation members of the Conservative Society?—Not that I am aware of. I have never subscribed to that society, and I am sure other members of the Corporation, such as Mr. Hughes, Mr. Cowan, and Mr. John Greenhill have never contributed one farthing.

3551. Is any money that is subscribed to the Conservative Society used to promote the election of members of the Corporation?—No, not that I know of.

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3552. Mr. *M'Erlean*, solicitor, made an application to the Chairman that the town solicitor should be asked to produce two resolutions of the Council in committee by which the town clerk was directed to write to the members for the borough to urge them to oppose the Bill introduced for the assimilation of the franchise.

3553. CHAIRMAN.—That forms no portion of our inquiry. However, we will take a note of your application, and if the Select Committee desire it they can order it. We cannot do so, however.

BELFAST.
Jan. 9, 1877.

Mr. E. S. W. De Cobain.

Mr. E. S. W. De Cobain, borough cashier, was then re-examined.

3554. CHAIRMAN.—I want to ask you a few questions upon the evidence which you gave. You said you had never received any instructions from the Council, or any section of the Council, in reference to political matters. Do you adhere to that?—Yes, I still affirm that.

3555. Did you ever receive instructions to take part in political matters?—No.

3556. Have you ever, or has any official, to your knowledge, ever nominated any alderman as town councillor?—I have never done so, and I am not aware of any others having done so.

3557. Have you taken part as a member of the committee of St. Anne's Ward with reference to the election of Sir John Savage or Mr. Hamill?—No; I never was present at any committee meeting in reference to Sir John Savage's election, nor was I a member of St. Anne's Ward committee.

3558. Do you reside in St. Anne's Ward?—No, I reside in Cromac Ward.

3559. Have you ever taken any part in any committee meeting of any ward except the one you reside in?—Oh, yes; I have been present at the meetings of Dock Ward committee when resident in that part of the town.

3560. Have you canvassed for the return of members to the Town Council?—Yes.

3561. In any ward except that in which you are resident?—I have not canvassed in the ward in which I am resident, but I did in Dock Ward some years ago.

3562. In any other?—No, not in any other. I was resident in Dock Ward then, and have property in it.

3563. Since you ceased to be resident there, have you taken any part in municipal elections?—No.

3564. Did you, while you were an officer of the Corporation, take part in the elections for Dock Ward?—Yes, I did; but I was going on to say that my position did not contribute to my political influence.

3565. Did you ever, in conjunction with Mr. Noah Davis or any of the collectors, obtain lists of the wards for the purpose of facilitating a canvass of them?—The canvassing lists were prepared in the committees of the various organizations, whether Liberal or Conservative, and any citizen who wished to promote the candidature of any gentleman who was seeking a seat could obtain canvassing lists in those rooms.

3566. Were those lists made out by you or the collectors?—Certainly not.

3567. Or by any officials of the Corporation?—Certainly not.

3568. Did you, in your position as an official, obtain them?—No, certainly not.

3569. Have you ever collected money in any shape or form from members of the Corporation, or from any brother officials, for the purpose of promoting the interests of the candidates whom you favoured at the municipal elections?—Certainly not.

3570. Or in any way been a party to paying the expenses of these elections?—No, not in any form.

3571. Were you in court yesterday when Sir John Savage stated that Mr. Gaffikin was the gentleman from whom he heard the matters which he stated—viz., that you said you had been instrumental in promoting his return, and that you thought it ungrateful in him to oppose your increase of salary? Can you undertake to say whether that is the case?—I can undertake to say that at the time of the alleged conversation between Mr. Gaffikin and Sir John Savage, owing to a misapprehension on the part of Mr. Gaffikin that I was opposed to his election, he was not then on speaking terms with me, and the feeling of coldness between Mr. Gaffikin and myself was augmented by the fact that several scurrilous communications were published in the *Whig* newspaper——

3572. Well, we need not go into that. What I want to know is the fact whether you held any conversation with Mr. Gaffikin on the subject?—I did not in any way, directly or indirectly.

3573. Did you not speak to him with reference to the question of your salary or Sir John Savage's statement?—Never.

3574. Did you ever state to anybody that you returned Sir John Savage or caused him to be returned?—I now state most emphatically that I had no such conversation with Mr. Gaffikin or any other person.

3575. Or any other person?—No, nor have I ever used language capable of such interpretation. The whole thing is a fabrication.

3576. Have you ever directly or indirectly had it suggested to you to take, or have you taken, part in the municipal elections under suggestions or directions of any members of the Corporation?—Never.

3577. Have you been the instrument of any section or members of the Corporation in promoting the candidature of one Town Councillor over another?—Not in the slightest degree. I have far too much self respect to allow myself to be made a political tool of by any member of the Corporation.

3578. Have you canvassed individual members of the Council to vote for an increase of your salary?—Well, I have spoken to members of the Corporation on that subject.

3579. Have you in any way or at any time grounded those applications for increases of salary upon the basis that you rendered political services?—Never; and I would scorn to do so.

3580. Have you based your application on any other ground than the increased duties of your office?—Never.

3581. Mr. LAWLESS.—Was the Conservative society of which you are a member confined to any particular ward?—No, it was general.

3582. And, therefore, the exertions of the active members of it would naturally diverge into any ward?—Well, no; the operation of the organization is such that each ward has a committee, and the action of the members of committee would apply to the ward in which they were immediately situated.

3583. Were you on the committee for any ward?—I was a member of the committee of Dock Ward, and subsequently of Cromac Ward.

3584. When you were resident in Dock Ward were you a member of the committee?—Yes.

3585. Were the duties deputed to you as a member of the committee to be exercised within that ward?—Well, they were not in any way duties.

3586. Did you exercise political influence in your individual capacity only as a member of society and a citizen, or did you exercise whatever influence you could as a member of the committee for your ward?—I have stated that I exercised the privilege of a citizen, but I think it would be inaccurate to say that I exercised it in a political or partisan sense.

3587. Did you exercise it with reference to the return of members to the municipal body?—Yes; I have supported the candidature of gentlemen irrespective of political or religious feeling.

3588. Have you canvassed for some members of the Corporation as against others?—Yes.

3589. Do you say you did that only in your exercise of your privileges as a citizen?—Yes.

3590. Was it not well known that you were an officer of the Corporation?—Yes; but I conceive that that does not preclude the rights of citizenship.

3591. But you could not divest yourself of the fact of your being an officer?—Well, a man has two identities.

3592. But he generally carries both about with him?—Well, I never conceived that I was precluded from the exercise of my rights.

3593. This action was brought against you in November, 1874. I don't find in the report of the case that the receipt that was produced here, signed by Larmour, to Mr. William John Johnston, was produced?—It was produced in court, but the fact is not reported in the papers.

3594. Was not your defence that you hadn't contracted to pay him?—That is perfectly true; but this document was produced in court as collateral proof that the man was paid by the society.

3595. I cannot accept that statement; am I right in taking that report of the newspapers to be correct that Mr. Larmour's civil bill was dismissed without prejudice?—That is not my understanding of the case. It is reported in the *Ulster Examiner*.

3596. It is reported in the *Whig* that his Worship dismissed the case without prejudice, and that leaves to the plaintiff in the case the right to bring another action if he pleases. That could not be the case if the receipt had been produced. That is, as I conceive, an interpretation of law.

3597. If it was not produced in answer to his demand there, why is it produced by you here?—It was produced in court, and the solicitor can prove it.

3598. Mr. EXHAM.—I assure you that if this report in the papers be accepted as correct, any lawyer would say that the trial proceeded on the assumption that he brought the action against the wrong man; and I may further add that if the receipt had been produced at the trial it would have been marked by the officer of the court.

3599. Mr. LAWLESS.—Was it known to the Corporation that you took a part in municipal elections?—I presume so; I have no reason to infer otherwise.

3600. Mr. EXHAM.—Have you a doubt on the subject?—I have not the slightest doubt.

3601. Then why do you not say so? It is a curious answer to say, "I presume so," when the next moment you say you have not the slightest doubt of the fact.

3602. Mr. LAWLESS.—You stated on the day you were first examined that for the last two or three years you didn't take as active a part as formerly. Is that so?—Yes; I stated the other day that for the last three years or so I had not been as constant an attendant at ward meetings as before, and that arose rather from a change of taste than from any abnegation of civil rights.

3603. It does, however, tally with the proceeding before the assistant barrister?—Well, the case took place at the time that I was not acting actively with any society.

3604. CHAIRMAN.—Do you mean that you ceased previous to or after the action?—I mean previous to.

3605. Mr. EXHAM.—How long previous? When was the election of Councillors after which you ceased to take an active part?—I cannot recollect how long it is since.

3606. Mr. LAWLESS.—Are you able to say whether you took any part in the preparations for the election of November, 1874?—No; I believe not.

3607. Are you quite certain?—Well, I am almost morally certain that I did not.

3608. Mr. EXHAM.—Did you in 1873?—I cannot charge my recollection.

3609. CHAIRMAN (handing newspaper).—Is that correct?—I presume so.

3610. Mr. LAWLESS.—Did you pay the costs of that process before the chairman?—I did not; because the professional gentleman declined to accept a fee.

3611. Was the solicitor an officer of the Corporation?—No. It was Mr. M'Lean, the sessional crown solicitor.

3612. Is he the Mr. M'Lean who receives the salary from the Corporation?—No; certainly not; he is the father of that gentleman.

3613. Mr. EXHAM.—Were you present at any ward meeting when there was more than one candidate nominated?—Very likely.

3614. Did you take part in voting for one candidate against another?—I cannot charge my recollection of having done so; but I am sure if I was present and if a vote arose or occasion for it, I would exercise my right, but I cannot charge my recollection.

3615. Did you ever nominate or second the nomination of a candidate yourself?—That I most positively deny.

3616. Do you recollect the occasion on which Mr. John Hamill was nominated?—Yes; I do.

3617. How many members were present at that meeting?—I could not say.

3618. Mr. Larmour said that there were five; was he right?—I cannot recollect; I think there were a considerable number present.

3619. Do you recollect the fact of a division taking place, some being for Mr. Hamill and some against him?—I believe I was not present at the time the division took place. The man who proposed Mr. Hamill was in court on Saturday last to give evidence.

3620. Were you present?—I was present; but not being a member of St. Anne's Ward Committee, I had no right to take part in the consideration of that question.

3621. Why were you present if you were not entitled to be there as a member of the committee?—I was there during the evening.

3622. Did you interfere to get officers paid for their services in that society?—I don't apprehend your question.

3623. Do you not know that persons were employed to canvass by the society?—I know of no such case.

3624. What was the £47 paid to Larmour for?—He was an inspector.

3625. Have you ever used your influence to get inspectors paid?—Yes; the influence of a member of the committee like another.

3626. Have you been present when Larmour came in and gave returns of his canvassing?—I never recollect being present when he gave returns.

3627. Were you present when any other men gave them in?—Well, each ward had a separate committee, and he belonged to Anne's Ward, and I belonged to Dock Ward.

3628. How often did the committee of your own ward meet?—The meetings were only exceptional and occasional.

3629. Were you present when the canvassing lists were brought in from your own ward?—It was not customary to do so.

3630. It was stated that some town councillors knew that you were in the habit of interfering with elections. Is that so?—Yes.

3631. Do you recollect when Mr. Dinnen moved his resolution?—Perfectly well.

3632. Do you recollect that it was said then that it was not a fact that any of the officers interfered with the municipal elections, and that that was the reason it was not passed?—I was not present, but I think that was the ground on which it was decided to negative it.

3633. Mr. LAWLESS.—How can you tell when you were not present?—Well, from the newspaper reports.

3634. Mr. EXHAM.—Is it a fact that your solicitor objected to a question before the Recorder as being impertinent?—The question was as to whether I had nominated candidates for the Town Council.

3635. Mr. M'Erlean asked this question before the chairman—"Have you, as a matter of fact, taken part in the nomination of members of the Town Council?" and the answer you gave was, "Not as an officer of the Corporation, but as a citizen I have"?—I am not disposed to accept the statement in the newspapers as correct.

3636. Is that a correct report?—Well, it conveys an incorrect impression.

3637. Did you swear that, or did you not?—I have no recollection of swearing it. If the question was put in this form—"Had I been present at the nomination," unquestionably I would say I was present, not in my official capacity, but as a citizen. If it implies that I had myself nominated, I would give that a decided negative.

3638. There can be no mistake as to the question put?—But there can be a question as to the accuracy of the report.

3639. Do you undertake to say that the report is untrue?—It is an exceedingly difficult thing at the lapse of three years to say whether a newspaper report of a trial is correct, and I would not feel myself bound to state whether it is an accurate report or not.

3640. I am not saying whether you are bound or not?—Well, I think from the bearing of that answer as you have read it, I never gave it, and therefore the report is, I think, inaccurate in that particular. It conveys a wrong sense altogether.

3641. The answer is "Not as an official, but as a citizen I have"?—Well, I have given my answer, and I cannot make it clearer.

3642. CHAIRMAN.—If you were asked whether you had yourself nominated or taken an active part in pro-

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moting the nomination of any one, what would your answer be?—My answer would be a negative to that, because neither as an officer nor citizen did I do so.

3643. Then am I to understand that the extent of your interference has been voting and being present at the committee meetings, and canvassing in your particular ward?—Yes.

3644. Have you neither nominated nor taken an active part in nominating?—No; but I consider it perfectly lawful for me to do so, if I please.

3645. Was Larmour connected with your ward?—No.

3646. Did you interfere on his behalf or otherwise?—Allow me to explain. This man Larmour was an agent of the society which had various ramifications. It had committees for various wards, and he was agent for St. Anne's Ward, and I was member of committee for another ward, but the organization is all one. As a member of the committee and a member of the organization I advocated this man's payment as well as the others.

3647. Here is your letter, you say—"While you were an inspector for the Conservative Society I did all in my power to have your services recognised in the most liberal way"?—That is true.

3648. Then you did use your influence to get that man paid?—Yes; unquestionably.

3649. *Questions suggested by Mr. M'Erlean.*—Is that a copy of the rules of the Ulster Conservative Association?—I presume so.

3650. Do you know what has become of the books of that association?—No; I have not the slightest idea.

3651. CHAIRMAN (handing rules).—Have you ever seen that document before?—I don't recollect.

3652. Mr. EXHAM.—Do you know James Connor, the inspector?—Yes.

3653. Was he an inspector for Dock Ward?—Yes.

3654. Were you on the committee when he was inspector?—Yes.

3655. Were there members of the Corporation on that committee?—I presume so.

3656. Look at that document now and see if there were?—Well this is the committee for 1869, and my memory is not so capacious as to recollect. I don't think any man living could recollect what was done seven years ago.

3657. CHAIRMAN.—Were there members of the Corporation on it seven years ago?—Yes; it appears so.

3658. Mr. EXHAM.—The tenth rule of this society, the Ulster Conservative Registration Association, says—"The entire management of the parliamentary and municipal revision of the borough of Belfast, and all matters appertaining thereto, shall be left to the executive committee aforesaid, who shall be at liberty to pay the solicitor, the inspectors, and others casually employed by them, such salary or salaries as shall be stipulated by agreement." Do you know that rule?—I have no recollection of that rule. That society was not long in existence.

3659. How long was it in existence?—I think only for six or eight months, and I was not certain until I saw that document there now, that I was on the committee.

3660. And do you see that the seventh rule is—"The committee of each of the wards shall have the nomination of candidates for the offices of Town Councillors, Harbour Commissioners, Water Commissioners, and any other public body in the borough"?—That is a provision of all such organizations.

3661. Was there any other society that took its place afterwards of a similar character?—Oh, yes, there was.

3662. And does that continue still?—Well, there was another succeeded it, and there was another succeeded it again.

3663. All with the same object?—Yes.

3664. CHAIRMAN.—And the same rules?—Well, I am not aware, but party organizations have party rules.

3665. There is another rule. "The committee of each of the wards shall have the nomination of candidates for the offices of Town Councillors, Harbour Commissioners, Water Commissioners, and any other public body in the borough." Now, what I want to know is whether the association that succeeded it had that same rule, viz., that the nomination of candidates for the Corporation should be in the hands of the committee?—Well, I must admit that although a member of the Conservative organization, I am not conversant with the rules of it. I don't recollect whether there is a rule similar in character to that in the organizations after that.

3666. You said you were a member of committee for Dock Ward, and if so you must have taken an active part in the elections?—Well, in reply to the question put by Mr. Exham, I wanted to convey the idea that I was present at meetings where such nominations took place, but what I wanted to guard myself against was, that I had as an individual nominated any individual.

3667. But you went much further and said that you didn't take part in the nominations?—Well, I presume if you are present at a meeting in which a gentleman is nominated, in that sense, I would be a consenting party.

3668. Mr. EXHAM.—Do you see that by the rule the nomination is adopted by a limited number, that is, the committee of each ward, who shall have the nomination of candidates for the offices of Town Councillors, Harbour Commissioners, Water Commissioners, and other public bodies, and then the allegation is that the whole society is pledged to the candidate selected by the committee?—Well, from my present recollection of the rules, now I believe they are not similar in character to that, and I believe that all candidates are to be submitted to a public meeting of the burgesses called by advertisement.

3669. Mr. LAWLESS.—By whom do you say the names are to be adopted?—By a meeting of the burgesses.

3670. By whom are they selected?—Well, it is competent for any ratepayer to propose a gentleman, and the party so proposed can be brought forward.

3671. You say that the names of persons who are first selected, are submitted for approval to the whole meeting. By whom are they really selected?—I have conveyed a wrong impression.

3672. I am afraid you have conveyed a good many wrong impressions?—Well, I'll decline to answer further questions if there are any inferential observations of that kind made. They are very hurtful.

3673. I have given you every opportunity of explaining your answers?—Well, I don't mean to say that the candidates selected are selected by a certain coterie.

3674. CHAIRMAN.—What I want to understand is, whether or not you are a member of a committee which has such a rule as that?—Certainly not. Every gentleman who is nominated is nominated in a public meeting of ratepayers where every ratepayer has a right to be present.

3675. Mr. EXHAM.—Recollect that you told me a little ago it was a meeting of the committee at which John Hamill was selected?—I am speaking as to the present.

3676. How can you speak of the present when you have told us you have not interfered for the last three years?—I speak of the constitution of the Conservative Association.

3677. I am requested to ask if you took the chair at any meeting of burgesses during the last year?—No; certainly not.

3678. Did you take the chair at a meeting in Cromac Ward in March last?—That might be; but not for municipal purposes.

3679. What was the object of the meeting?—Well, I cannot recollect at all.

3680. Do you mean to say that you took the chair at a meeting in Cromac Ward last year, and that you cannot recollect the object of it?—Well, the object of the meeting was twofold, and I think one of them was the enlargement of the committee—of adding names to the Conservative committee for the ward, and I believe it was an adjourned meeting, at which names of certain gentlemen came up, who were nominated as poor law guardians.

3681. Mr. LAWLESS.—Was that the second object?—Yes.

3682. CHAIRMAN.—I understand that this rule, or something like it, is a rule with the present Conservative Association, is it not?—My own impression is that the present rule is not so stringent as that.

3683. Is it, or is it not, the case, that although of course it is open to the public to go to the general meeting of the burgesses, certain names are brought forward as candidates for the Town Council or for municipal offices at a public meeting, which names have been previously selected by the committees?—That is not the course of procedure. They are not previously selected by the committee, for the names are submitted at a general meeting of burgesses.

3684. By whom?—By the ratepayers.

3685. But not by the committee?—No, sir.

3686. Then what is the meaning of the fact, that certain names are proposed and seconded in committee as candidates for the Town Council—you said you went away on one occasion before the voting took place?—Yes; I left before the voting took place, but I was not a ratepayer or burgess for St. Anne's Ward.

3687. But is not the inference to be derived from that, that the candidates are nominated at a committee meeting, as a preliminary to their being adopted by the ratepayers?—I understood that to be a meeting of the burgesses of St. Anne's Ward.

3688. Mr. EXHAM.—Well, I understood that it was a meeting of the committee, and that you had no right to take part as you were not a burgess for the ward.

3689. CHAIRMAN.—Well now, before these ward meetings are called by public advertisement, is not there a private meeting at which it is arranged as to the candidates to be put forward?—Not that I am aware of.

3690. What was done at the meeting of which you were chairman? Did you speak?—Oh, yes.

3691. In favour of what?—I think I chiefly put the resolutions that came before us.

3692. What were the ward committees for? Were they to have no voice in the selection of candidates?—They are for controlling generally the organization so far as each ward is concerned.

3693. And not for selecting candidates?—No; certainly not. By the way, I made a statement the other day which I find by refreshing my recollection, was too general in its character. It was that no member of the Council had ever spoken to me with a view of influencing me in his favour, and I have to qualify that, by stating that Mr. Robert Carlisle called upon me in my office, and endeavoured to enlist my sympathies on behalf of his candidature for St. Anne's Ward. He adverted to the fact of the friendly feeling that he entertained to me as a member of the Council, and his disposition to see the officers well paid, and hoped that I would not oppose him in St. Anne's Ward. I told that person when he called upon me, that not being a burgess of Anne's Ward of course any influence I had would not lie in that way, and as a public officer I did not consider it right that I should mix myself up with a contest between himself and Sir John Savage; nor did I do so.

3694. Mr. EXHAM.—I must say, I do not think Mr. Cobain has any right to speak of Mr. Carlisle as he has done, calling him that person.

3695. Mr. M'Erlean suggested a certain question, to show (he said) Larmour's veracity although contradicted.

3696. Mr. *Cobain.*—I wish to know if the evidence that is given here is of a voluntary character.

3697. CHAIRMAN.—Oh, certainly, you can decline to answer any questions?—Well all I wish to say is this, that as use has been taken by cross-examination or by inuendo of conveying reflections on some of the most eminent citizens of Belfast, I'll decline to answer any question put outside the Commissioners.

3698. Oh, no, it is for the Commissioners to decide whether any suggested questions can be put.

3699. Mr. *Cobain.*—And it is for the witness to consider whether he shall answer or not.

3700. CHAIRMAN.—Yes, at his own risk.

3701. Mr. *Cobain.*—Well, I don't apprehend much risk.

3702. Mr. EXHAM.—Were you ever a member of the Belfast Working Men's Conservative Association?—Yes, I was.

3703. As that is so, I will ask the question that Mr. M'Erlean desires us to ask. Do you see that second rule (handing copy of rules of above association)?—Yes.

3704. Was Larmour telling the truth when he said that the second rule was one of the rules of the association?—I don't recollect at all.

3705. Mr. LAWLESS.—Is that the rule of the Belfast Working Men's Conservative Registration Society—read it?—

"RULE 2nd.—That the association be composed of the Conservative electors of the borough of Belfast, whose object it will be to return to the Imperial Parliament men, who will honestly represent their Orange and Protestant principles; and likewise elect to the vacancies in the various public Boards men who in matters of taxation and local improvements, as well as politically, will truly represent their views."—

I don't recollect at all.

3706. Is that the rule of the Belfast Working Men's Conservative Registration Society?—I believe it is. And I should like the Commissioners to fully understand that I don't feel the slightest trepidation in making the avowal, that I was a member of the association. I was a member of the Conservative party. I am a member of the Conservative party, and I mean to be so. I have exercised my rights of citizenship, and I mean to do so. When I was appointed officer of the Corporation, I don't believe that any members of the Corporation knew what my political feelings were. I was a mere youth at the time. I believe that so far from my connexion with a political party having assisted me, it most unquestionably hindered me from bettering my position, and I state this emphatically, that the members of the Corporation from whom I politically differ were among those who most generously rewarded me. I have a number of witnesses to examine to corroborate what I have stated before you.

3707. The CHAIRMAN said the Commissioners did not consider it necessary to prolong this part of the inquiry any further, but they would take an note that an application had been made by Mr. Cobain to examine witnesses.

3708. Mr. *Robert Carlisle* having requested permission to reply to Mr. Cobain, said—The witness has said that at the time I was opposing Sir John Savage, for the aldermanship of St. Anne's Ward, I called upon him in his office and requested his influence on my behalf. I did call upon him, for I understood that he was canvassing against me, and giving his influence against me at the election. I cautioned him against doing so, and told him that I expected from him, that he would not interfere in the matter. That was the entire purport of the conversation. I was informed by a voter of the ward that he had done so.

3709. CHAIRMAN.—Did you ask him to support you because you were an advocate for paying the officers well?—No; and instead of that I had really voted against the rise of salary in the meantime.

3710. Or anything to that effect?—Nothing at all.

3711. Did you solicit his vote and support at the election?—No, I did not, for he was not in the ward at all.

3712. Mr. *Cobain.*—I give the statement the most unqualified contradition.

3713. CHAIRMAN.—You must not say that. It is most improper.

3714. Mr. EXHAM.—It would save time if Mr. Cobain would listen to the whole evidence against him, and when it is over say—I give the most unqualified contradiction to everything that is said against me by everyone.

3715. Mr. *Carlisle,* referring to the resolution moved

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by Mr. Dinnen in the Council about the officials not interfering in political matters, said the reason it was brought forward was on account of Mr. Cobain attending in Dublin for the purpose of voting against Mr. Johnston of Ballykilbeg, in the Grand Orange Lodge. And there was no doubt the finance committee gave him permission to go.

3716. Mr. EXHAM.—Do you mean to say that that was publicly mentioned in the Town Council as a reason for the resolution?—It was.

Mr. CHARLES NOAH DAVIS examined.

Mr. Charles Noah Davis.

3717. CHAIRMAN.—Are you one of the rate collectors of the Corporation?—Yes, since 1868.

3718. At the time that what is known as the Award Bill was before the committee of the House of Commons, did you, as collector, receive any instructions from the Corporation?— I was not a collector then, but I acted for the Conservative party as general secretary.

3719. Were you then agent for the Conservative party?—Well, I cannot say that I was agent. I carried on an extensive business in Castle-place, as a fur manufacturer. I also had a carpet business up to 1867, and a general drapery establishment in a small way.

3720. Was any arrangement come to in 1864 by which the constitution or political complexion of the Corporation was changed?—Yes.

3721. Was that arrangement carried out by your instrumentality?—Well, I did act for the Conservative party. It was my duty to call public meetings, and petitions were got up. The entire town was indignant at the state of affairs and unreservedly both Liberals and Conservatives were determined that such a state of things should not continue to exist as this chancery suit, and they tried to get a settlement through Parliament, and gentlemen were then nominated to go into the Town Council and accordingly that was carried out.

3722. Did you take an active part, under the instructions of the chief members of the Town Council in carrying out an arrangement by which the political complexion of the Corporation was to be changed?—To the best of my knowledge or belief I never had any communication with the Town Council on the subject.

3723. In what capacity did you act?—As an independent citizen.

3724. A member of the association?—Yes.

3725. Since you have been collector for the borough have you availed yourself of your position as rate collector to strike off or not return the names to the town clerk of persons who were qualified to vote?—I never was guilty of such an action in my life.

3726. Have you ever failed to return any parties on the burgess roll who paid their rates?—Never.

3727. Have you ever abstained from applying for rates to parties with a view of disfranchising them?—Never, and in proof of that if you have a tabular statement you will find that after checking off deaths, and miscellaneous parties who appear on the town clerk's lists that in eight years in this large and extensive ward—St. George's Ward—only fifty-one were disfranchised.

3728. Mr. Dinnen said this to us. "I may tell you that the rate collectors have in their own hands the returning of the different people who are entitled to be on the burgess roll, and I may tell you that one of the rate collectors was a notorious political agent before he was appointed and continues up to the present time, and he is also the Deputy Grand Master of an Orange Lodge." I asked who was that and he said it was Noah Davis; well now I want to know whether you continue since you were appointed rate collector to be a ward agent or a political agent?—Nothing of the kind. Mr. Dinnen was attorney for the Liberal party, and about as violent a politician as we have in Belfast, and he must have known by the construction of the burgess roll that no collector could put a man off or on, and he should know that in a legal point of view. I never did act in that way.

3729. Have you ever abstained from bringing forward the list of claims?—I have nothing whatever to do with that. It was merely a myth he was driving at.

3730. Have you ever received instructions directly or indirectly to make yourself active in these matters?—Never, sir.

3731. Mr. EXHAM.—I understood Mr. Larmour to say that in his own presence at the municipal revisions he saw you actively interfering in cases that were going on, and totally outside your duty. Is that so?—I say that is utterly untrue, and I appeal to the town clerk if I ever interfered in any other way than when asked a question to return true answers in reference to the town lists. I might have been talking to some one sitting near me or giving a pear or something like that. When asked a question I answered it, but never interfered further.

3732. Have you ever taken part in the nomination of any candidates for the Town Council since you have been an officer of the Corporation?—Never, either directly or indirectly.

3733. Have you ever canvassed in any way?—I never have.

3734. Have you been a party to paying runners or street inspectors?—No.

3735. Have you been a member of the ward committee that Mr. Dinnen referred to?—No, I have not. I belong to George's Ward, and I have been a ratepayer in this town for thirty-three or thirty-four years, and generally on the burgess and Parliamentary rolls for George's Ward. I go in and out to the committee meetings for the ward when there is an advertisement calling one, and I merely take a seat and quietly sit down, and then walk out.

3736. Mr. LAWLESS.—Do you mean political meetings?—Yes; but they are called by advertisement.

3737. CHAIRMAN.—Have you ever been on a ward committee?—No.

3738. Mr. EXHAM.—Have you ever given out copies of the list of wards from your books?—Never in my life, and if I was going before my Maker, I never gave lists directly or indirectly to any person.

3739. Mr. LAWLESS.—You stated the Council would discharge you if they thought you took part in canvassing?—I am quite sure they would.

3740. Were you engaged on one side or other in contests?—Oh, yes. I was engaged in political life for thirty-four years as a citizen in this town; and these parties who appeared here are all violent politicians.

3741. Did you take a part in political life before 1864?—Yes.

3742. CHAIRMAN.—Before 1864 were you a rate collector?—No. I'll explain that. I think in 1845 or 1846 for a short time I collected the borough rates, and then I gave it up, but even in that time I took no direct part in politics until the death of the late Mr. Bates.

3743. How long were you collector for the borough rates?—Two or three years.

3744. During that time were you collector of any other rate?—No, sir.

3745. Church rate or poor rate, or anything of that kind?—No.

3746. Mr. LAWLESS.—But for some time you were engaged as collector for the borough rate, and for some time before 1864 you did take part in municipal politics?—Yes; but not until after the death of the late Mr. Bates—about 1855 or 1856.

3747. You were appointed as collector in 1868?—No, sir. I was a candidate, and I was rejected two or three times, and I say that I owe my position——

3748. What was the year you were appointed?—About 1868; and I was saying that I owe my position chiefly to the Liberal members of the Council, who voted for me on that occasion—Mr. Charles Duffin and others.

3749. As a matter of course, when they were appointing a person to such a position, the Council must have known what were the antecedents of the gentleman they were appointing?—Well, I have no doubt they did. They thought me competent for it, and if that is to be a barrier——

3750. Just answer this: Did they make it any condition then that you should give up your interference in municipal or Parliamentary politics?—Yes.

3751. How was that expressed?—There was a resolution passed by the Council, and I believe it was in existence many years ago, that no collector should take any part in politics.

3752. When was that resolution passed, for you are the first person mentioned it?—I know it passed many years ago in the Town Council, and knowing that resolution I took no part——

3753. Was that resolution referred to by any members of the Council at the time you were appointed?—I don't think it was.

3754. At the time of your appointment were you aware of the existence of the resolution?—Yes.

3755. And since that you acted on the spirit of it?—Decidedly.

3756. Mr. EXHAM.—It must have been after 1864, for such a thing does not appear to have been mentioned before the committee of the House of Commons.

3757. Mr. LAWLESS.—Have you anything to show us the date of that resolution?—I have not.

3758. CHAIRMAN.—Were you borough rate collector between 1842 and 1845?—Yes; I was for a short time; about that.

3759. Was that the time you heard of that resolution?—No, I don't think it was, sir.

3760. Have you ever seen the resolution, or was it hearsay?—Well, something runs in my mind that there was such a resolution.

3761. Mr. EXHAM.—Do you recollect was it after the allegations that were made against former rate collectors?—I believe it was, but the fact is I could not recollect everything that took place in the Council for twenty years——

3762. CHAIRMAN.—Mr. Black, could you find that resolution?

Mr. *Black.*—My attention was called by an ex-member of the Corporation to the fact that such a resolution was passed, and I directed the town clerk to search for it, and he reported that he could not find it; but I will make a further search.

3763. Mr. EXHAM.—Have you ever employed a deputy to collect any portion of your rates?—Never. I'll explain this. I serve all my own notices; I go out to collect the rates, and there may be a few exceptional times that I send out a person whom I employ to do office work, writing notices, and so, but I do my own work fearlessly, without favour, fear, or affection.

3764. CHAIRMAN.—Substantially you have collected yourself; but you won't say that you have not employed an assistant sometimes?—Oh, all the ratepayers know that I have done this.

3765. You don't say but there might be exceptional occasions where you did not collect yourself?—No; but I'll produce the blocks and the receipts from myself.

3766. Mr. LAWLESS.—Have you permitted a deputy to receive moneys instead of getting them into your own hands?—No; unless the party came into the office when I was absent.

3767. Mr. *Black.*—The Corporation are not aware of any deputies being employed.

3768. CHAIRMAN.—Do you, as a rule, always collect the rate personally yourself?—Yes.

3769. Mr. EXHAM.—You know that by the by-law you cannot have a deputy?—Yes, sir; and I fully carried it out. There is one thing Mr. Larmour said: that was, that I compelled some one to serve a notice of objection on Charles H. Ward and Thomas Ward, and I give that an unqualified contradiction.

3770. Were you present when it was done?—No, sir.

Mr. JAMES GEORGE RANKIN examined.

3771. CHAIRMAN.—You are one of the rate collectors?—Yes.

3772. What ward do you collect for?—Dock Ward. I collected Smithfield for two years and I was transferred.

3773. How many years have you collected for Dock Ward?—Better than seven years.

3774. It has been stated here by a Mr. Stewart, that you don't collect your rates in person, but by deputy?—I keep an assistant, and I send him out with my receipts and he brings in the money.

3775. What is his name?—James Connor.

3776. Do you mean then your custom is not to collect the rates in person, but to fill in receipts and send them to the parties by this man Connor, who brings the money to you?—Yes, sir. I don't invariably collect rates myself.

3777. Do you or Connor collect?—We both collect, but he is the main party who collects outside my office.

3778. Is that with the consent of the Town Council or by yourself?—By my knowledge.

3779. Did you ever ask the permission of the Town Council for that?—No, sir.

3780. Mr. EXHAM.—Were you furnished with the by-laws of the Corporation?—Yes.

3781. Did you see by them that you were prevented from having a deputy to collect?—Yes, sir; but my only object was to get the rates in early.

3782. Don't you know that the Corporation won't allow a deputy?—I have no deputy; he is only an assistant, and signs no receipts.

3783. CHAIRMAN.—But it is in contravention of the by-laws?—Whatever I have done, I have done it on my own responsibility.

3784. But you were aware of it?—Quite aware of it.

3785. Mr. EXHAM.—Mr. Stewart said he paid your deputy for four years, and never paid you?—Well, there was a person named Bell, who lived in that house before Mr. Stewart; Mr. Bell paid his rates on the 9th August, 1872, and Mr. Stewart paid on the 14th July, 1873.

3786. CHAIRMAN.—Was that to yourself or your assistant?—I believe it was to my assistant; but I believe that Mr. Stewart during four years paid into my office; I believe he did.

3787. Mr. *Stewart.*—Never in my life. I was talking to Mr. Bell yesterday, and he says that during eight years he always paid to the assistant.

3788. CHAIRMAN.—Well, it is admitted. (To witness)—The great majority of the rates paid outside the office, you say, are paid to this Mr. Connor, on your receipt?—Yes, sir.

3789. Mr. EXHAM (reading rule)—"No deputy or assistant shall be employed for any other purpose than assisting in filling receipts, it being the intention of the Council that each collector should be a collector, and so personally collect the rates of the ward"?—Well, I am aware of that.

3790. Mr. LAWLESS.—Did Mr. Connor collect rates from any members of the Town Council?—I think he did. Mr. Connor, I may add, was in the office before I was appointed, and I took him over.

3791. CHAIRMAN.—In what capacity?—As assistant for Dock ward.

3792. Mr. EXHAM.—Do you lodge the rates collected every day yourself?—I have furnished to the Council bail for £2,000, and our money must be lodged every morning before eleven o'clock, and that is done.

3793. Do you do that yourself?—Certainly.

3794. Mr. LAWLESS.—Yourself or your assistant?—Myself.

3795. Mr. EXHAM.—One of the rules is that each collector shall report to the town clerk every Saturday all changes of occupancy he may have noticed during the week. If that is not done, the town clerk must have cognizance of the irregularity?—Well, that is carried out partly.

BELFAST.
Jan. 9, 1877.

Mr. James George Rankin.

3796. CHAIRMAN.—But do you, according to the rules, report all changes in occupation every Saturday?—Well, I don't report the changes constantly.

3797. Mr. EXHAM.—Of your knowledge, is this Mr. Connor connected with any of these political societies in canvassing for the wards?—He is not.

3798. CHAIRMAN.—Have you ever abstained from collecting the rates either by yourself or this assistant for the purpose of disqualifying voters?—Never. During last year there were only seven parties disfranchised.

3799. Do you know whether James Connor, your assistant, is the James Connor, who in 1869, was an inspector for Dock ward for the Conservative committee?—I believe he was.

3800. Was he your assistant then?—He was.

3801. Then there must have been, at all events, one member of the Town Council knew of his being the inspector of that ward, because Alderman Alexander was then vice-chairman of the committee, and Mr. Cobain was also a member?—That may have been so. I don't know.

3802. Did you engage him or did you find him in the office?—I found him in the office when I was appointed.

3803. Mr. LAWLESS.—Did you ever hear of this rule that the collectors should take no part in elections?—I heard it was discussed at the Council, but nothing else.

3804. Were you ever furnished with any rule informing you that there was to be no interference with politics?—No, nothing of the sort.

3805. CHAIRMAN.—Were the Council aware that this Connor was your assistant?—Yes; I am sure they were, for he was in the office when I was appointed.

3806. Have you ever been reprimanded by any of the Council for permitting Connor to collect the rates?—No, never.

3807. Do you know whether it has been brought to their knowledge?—I never heard of any complaint.

Mr. Charles Duffin, J.P.

Mr. CHARLES DUFFIN, J.P., examined.

3808. CHAIRMAN.—Were you a member of the Corporation?—Yes, five or six years ago.

3809. Are you a mill owner?—Yes; and I wish to contradict an allegation that I used my influence as a mill-owner with the Corporation whilst a member to prevent improvements to the state of the Blackstaff. Such a statement was made; and I want to show that so far from its being correct I did all I could to get the Blackstaff nuisance abated, and so far from wanting money compensation for the water being taken from us I said that we didn't want any compensation but a supply of water which they could easily give us from the Water Commissioners. We are at the lowest part of the Blackstaff, and we can erect sluices there and by that means dam up the river, and make the nuisance much worse than it is. We have a small weir across the river at our works—that is when we are working—but we can make it worse if we choose to do so. So far from that, we are still willing to give up our entire control over the river if we get a supply of water from some other source; and as to my influence with the Town Council, I don't think I would have much influence there.

3810. What I want to know is whether you, as a mill-owner and member of the Corporation, used your influence to prevent the Corporation taking steps against yourselves and others to prevent your polluting the Blackstaff?—Certainly not. I never did. The Blackstaff would be as pure as the Lagan if the sewage was not sent into it.

3811. Do you increase the pollution by your mill?—Certainly the sewage of the mill goes into the Blackstaff; but that is not the cause of the spoiling of the water; it is the general sewage of the town going into it.

3812. When you say sewage, you mean the sewage of the mill?—Yes, from the workers. It goes into a tank first, and then the overflow goes into the river.

3813. Mr. EXHAM.—You get all the sewage as it comes from the others?—Yes.

3814. CHAIRMAN.—Do you use the Blackstaff water for condensing?—Yes.

3815. (By Mr. *Carlisle*).—Sir John Savage says that his mill is on the Pound Burn which goes into the Blackstaff; Mr. Mullan said that his mill was on the Carr's Glen. Are not all these mills on the water which runs down and forms the Pound Burn, and are they not in reality the source of the pollution of the Blackstaff?—I don't know that.

3816. Mr. LAWLESS.—Are these mills near enough to go into it?—They are.

3817. Mr. *Carlisle*.—They are all on the main leading river, although it was stated by them that they are not.

3818. Mr. *Duffin*.—There is no person knows all about them better than Mr. Carlisle does.

3819. Mr. *Black* (Town Solicitor) next said:—An allegation was made by Mr. Colligan, that the Corporation had up to 1874 been wilfully violating certain rules of the Lord Lieutenant and Privy Council with reference to the graves. Well, sir, the cemetery was opened in 1869. Previous to its being opened the Council employed Mr. Joy of Bradford, who had a great experience in the laying out and management of cemeteries, and in framing rules for their guidance, and he instructed them how to do so. I am sure that in England you are perfectly aware it is the practice to open a grave a considerable depth for what is called public not proprietary ground. The remains of one person are interred in that ground, and then a certain quantity of earth is placed over the coffin. A cover is put upon the grave until perhaps the next day, or it may be that afternoon, when another body is brought in, and it is also placed in what appears to all intents and purposes a new grave. There is nothing to show that there are any remains previously buried there; and that goes on for two, or three, or four times, so that four or five bodies will be in the same place, but with a certain amount of earth between them.

3820. CHAIRMAN.—It is like a vault, except that it is not a vault?—Yes. Mr. Joy advised that system to be adopted, I suppose not being aware of the literal construction of the sixth rule of the Privy Council. However, in 1876, the attention of the Council was called to this, that it was a violation of the rule, and immediately I was instructed to confer with Mr. Bruce and see if the rule bore such a construction, and he said it did, and immediately the practice which hitherto had prevailed was since discontinued.

3821. And since that time only one body is buried in a grave?—Yes, sir; unless bodies of the members of the same family; and it never was with any idea to violate any rule.

3822. Mr. LAWLESS.—It was a plain violation of the rule?—I admit it; and when attention was drawn to it, it was at once stopped. Well, a matter was referred to about taking water from mill dams for watering the streets. I have the street inspector to show that no water has been used for that purpose for nine years. It might be inferred by the Commissioners that it was used.

3823. CHAIRMAN.—But is any water impregnated with sewage used for watering the streets?—Certainly not.

3824. (By Mr. *M'Erlean*).—Are you the solicitor for the Tramway Company?—I am not in any way.

3825. Or have you shares in it?—Not in any shape or form.

3826. Well, do you hold a farm convenient to the town, and do you receive at a certain price the manure from the Town Council?—Tenders were advertised for the sale of this slaughter-house manure. I put in the highest tender and it was accepted.

3827. Mr. LAWLESS.—And there was no undue favour?—Not the slightest.

This concluded the inquiry.

TRIM.—November 29, 1876.

(Before the Chairman, Mr. Corbett.)

Mr. John Reilly examined.

Mr. John Reilly.

1. Mr. Corbett.—You are the clerk to the Town Commissioners here?—Yes.

2. How long have you been town clerk?—I acted for one month—April, 1872—before I was appointed, and then was appointed on the 6th May, 1872.

3. There are, I believe, nine Town Commissioners acting under the Towns Improvement Act, the 17 & 18 Vic., chap. 103?—Yes; nine Town Commissioners under the Act of 1854.

4. When did you adopt the Towns Improvement Act in Trim?—Shortly after it became law.

5. In 1854?—I am not prepared to say just now, but it must have been shortly after that.

6. Is not Trim the county and assize town of Meath?—Yes.

7. And its population at the last census was 2,195?—Yes.

8. Which is a slight increase on the previous census, when I see it was 2,058?—Yes.

9. What is the area within the jurisdiction of the Town Commissioners—how many acres?—I can tell you from the rate-book, which I have at home.

10. Is not the Poor Law valuation £1,728?—Yes.

11. And the principal revenues which the Town Commissioners administer are derived from real property?—Yes, derived from landed property.

12. What is the acreage of that property?—The acreage of it is 479A. 3R. and 37P.—that is, Irish plantation measure.

13. That is, I see, exactly the quantity of land which was held by the old Corporation of Trim at the time the Commissioners of 1835 made their report?—Yes; but there are some lots not as yet in the possession of the Town Commissioners.

14. I see by their report that under the by-law of 3rd May, 1705, by which the Trim commons were divided, that they were divided into burgess' lots of from ten to twenty acres, and into freemen's lots of from four to ten acres?—Yes.

15. And that at the time they reported in 1835 the largest lot held by any one person was nineteen acres?—Yes; I believe that is right.

16. There were then, I find, fifteen burgess' lots and forty-seven freemen's lots, and each lot was held by the grantee for the term of his natural life?—Yes.

17. Held at the nominal rent of 1*s.* per year?—Yes, 1*s.* for the lot, in order to keep the reversion in the hands of the Town Commissioners.

18. Are any of these lives that existed in 1835 still running on?—Yes, some are still running on.

19. Persons holding under that by-law and living in 1835?—Yes, holding under the old grant.

20. How many of them are still living?—Some four or five of them. I know one man named Hughes in the town who is still living and in good health.

21. How many acres are respectively held by them under that tenure?—Something about from three to five acres.

22. They were, then, freemen's lots, not burgess' lots?—Yes; not burgess' lots.

23. Can you tell me whether, after the passing of the Act of 1840, this property was held by Commissioners appointed under the 9 Geo. IV., c. 82, or by a special board of Commissioners under the Act of 1840, called "The Municipal Commissioners"?—By the Commissioners appointed under 9 Geo. IV., c. 82. The number consisted of thirteen. They used to hold their sittings in this court.

24. And the said estate was to be applied by such Commissioners in aid of the rate and for the public benefit of the inhabitants?—Yes.

25. After the adoption of the Act of 1854 that property, by the 17th section of that Act, was transferred to and vested in the Commissioners under the new Act—the Act of 1854?—Yes.

26. [Chairman reads section of the Act relating to the transfer of the property to the Commissioners under the Act of 1854.]

27. How have these successive bodies of Commissioners dealt with the lots that have fallen in since the passing of the Act of 1840?—They have let them by a vote in the Council.

28. Have they let them by public auction?—Never to my knowledge; never on any occasion.

29. Have they never given any public notice, by advertisement or otherwise, of their intention to let them?—No public notice was ever given. There were no posters put up that I know of.

30. Have they ever let them to members of their own body?—Yes, they have.

31. Have they done so frequently?—Nearly every Commissioner got some.

32. Has this been the case ever since 1840, as the lives have fallen in?—As the lives fell in the parties who purchased the life interest of the grantee were preferred, and the lot was then valued by the Town Commissioners. These persons who had purchased the life interest of the grantee then came in as the tenants of the Town Commissioners, and were accepted at the valuation placed on the land by the committee, consisting of the chairman and two Town Commissioners, which was appointed to value the land. They came to some agreement with the tenants, who generally accepted it.

33. Were they valued only by the Town Commissioners themselves, or by some qualified person?—Nearly all the lands until within the last three years were valued by themselves. In one case the land was valued by the Town Commissioners since I became town clerk, in the case of Mr. Corry, of Commonland, South; but he will pay the rent Mr. Vaughan, the public valuator, will put on it.

34. You can produce, I suppose, the rental book?—The rental book is in the hands of the agent.

35. Is the agent Mr. Duignan?—Yes, Christopher Duignan.

36. How long has he received the rents?—Since the passing of the Act of 1840. The late town clerk was also appointed then. His name was Philip Reilly. He was somewhere about thirty-two years town clerk.

37. You succeeded him, I believe, in the office?—Yes.

38. Was he any relation of yours?—He was my father.

39. Had you, therefore, before you were town clerk, a considerable knowledge of the business of the Corporation?—Yes; I used to know a good deal about it.

40. You assisted your father, I suppose, in the performance of his duties to some extent?—Well, I was away for twenty-one years, but in the early part of my time I used to do so.

41. Have these lands in your judgment been let from time to time at their full value?—Well, I could not exactly say that they were let at their full value, because there was no competition for them.

42. Were the lands valued by the Town Commissioners when they were let to the Town Commissioners themselves?—Yes, they were, in every case, so far as my knowledge goes; there was a committee appointed to value the lands.

43. In the majority of cases do you say they were let to the Town Commissioners themselves?—There is no doubt about that.

44. Are there many Town Commissioners still holding land the property of the Corporation?—A good many of them are.

TRIM.
Nov. 29, 1876.
Mr. John Reilly.

45. Has not a Town Commissioner resigned his office upon receiving a lease, or has he continued, nevertheless, to act as a Town Commissioner?—He has continued to act as a Town Commissioner; no resignation ever took place to my knowledge. (Witness hands in rental.)

46. You have the tenants' names I see on this rental, but not the quantities of land held by each?—We have the names of the tenants and the amount of rent due from each, and the arrears, but no quantities of land, nor is the rate per acre mentioned, so that it is of little or no value.

47. I gathered from the report of the late auditor that you were about to have a new map of the property made?—Mr. Finlay suggested the propriety of having a new map made—a map of the property with the rental showing all the particulars, and Mr. Collot, the present auditor, followed that up by even striking out the form in which he would wish it to be done—the form of rental to be attached to the map.

48. I see in his report of September, 1875—his last report but one—he says, "The Town Commissioners have ordered a survey and map of their property to be made, it will be soon completed and will be a complete record of this important part of their trust." He said that to the Local Government Board in 1875?—Yes.

49. Has that been done?—It is in progress now, and I waited on the civil engineer, Mr. Vaughan, who has it in hands, and he went over the lands. I was three or four days on the lands with him; but there are some little parts in the town that we did not know about, and I then waited on Colonel Wilkinson in the Phœnix Park, but he said that he had got no map of the town property. We have some holdings in the town, but we have no map showing what they are; they are not represented on the existing map. We derive rents from several houses in the town, but there are others which we should derive rents from and yet these rents are gathered by persons whom we know nothing about. In many cases I have the old counterpart leases of these places.

50. Then don't you know where these houses are?—We know where these plots of land and houses are, but Mr. Vaughan thought that Colonel Wilkinson had a map showing the frontage of the houses, and that it would be easy to make out the new map from it, but Colonel Wilkinson told me he had not such a map.

51. Have not Mr. Vaughan and you made now a complete survey of the town and the lands in the neighbourhood, which would enable you to make out the map?—North and south of the town he has done so, but we should make out a more searching one of the town.

52. You have, I understand then, identified that which lies outside the town, but not all the property which is inside the town?—No; not the tenements which are inside the town.

53. When you say that rents are received by persons you don't know anything about, do you mean that the rents are paid to other parties for these houses which ought to belong to the Commissioners?—Yes; to parties non-resident in the town, and the Town Commissioners do not even know them; they claim the property.

54. You mean, I suppose, that there is some property in the town which is in dispute as to whether it is the property of the Town Commissioners or of other parties?—It is not exactly disputed; the Town Commissioners know well enough that they should hold it before the parties deriving the rent from the property should. For instance, that piece of land as you come from the railway, called the Crickeens, at present a man named Ball, a solicitor in Dublin, gets the rent of it.

55. What is his Christian name?—I do not know. There is another person named Donovan gets the rent from houses adjacent. They are all on one lot, burgess' lot or freemen's lot, I forget which, the portion of commons at the Athboy gate.

56. Is that one of the lots of which you say that the original holder is still living?—No; he is dead and gone long ago.

57. How is it that it has not fallen into the hands of the Town Commissioners, and that they have not let it?—It is a long time since the grantee died.

58. How long ago—before 1840 or after?—Very likely it was before 1840.

59. Surely your agent can tell that? You say he has been agent since 1840, and surely he can tell you whether the original grantee died before he became agent or subsequently?—Yes, he should.

60. How many acres are there in this lot?—It is not an acre. The two fields to the north of it belong to us. One in the possession of Arthur Darling.

61. Do the fields to the south of it belong to the Town Commissioners?—The road is to the south of it.

62. Is it a tongue of land between the road and your land?—Yes, between the Athboy and Kells road.

63. Has any endeavour during all these years been made on the part of the Town Commissioners to establish their right to this land?—Not that I know of. Since 1840, whenever a freeman died, the Town Commissioners resumed possession of the land, except in one instance. There is a man named Molloy who holds a lot of commons, and he says it is his own estate. He entirely disputes the right of the Town Commissioners. They never took any action in the matter more than to speak about it. It is on our map of our property.

64. Is that another instance in which land has fallen in by the death of the original grantee, and to which the Town Commissioners have failed to establish their claim?—Yes; and they know they have a regular fair claim to it.

65. Who is the person deriving benefit from that land?—He is a farmer in the neighbourhood of the town. He knows the land belongs to the Town Commissioners.

66. Is he a relation of any of the Town Commissioners, or was he at the time the grant fell in?—I do not think that has any influence in the matter. He is brother-in-law to one of the Town Commissioners, but I must say I do not think it has any influence.

67. Have you ever suggested to them that it would be desirable to take some steps to establish their claim to the lands?—Yes; and there were some of the Town Commissioners who wished that the claim should be established. I understand they were going to get some legal opinion on the subject. Some of them were anxious to establish the claim; there are resolutions in the book about it.

68. Has it ever been put to the vote to know whether they should try to establish their claim?—It has been talked about over and over again in this individual case; as regards the others in the town there is only a misty opinion as to the property here and there through the town.

69. Can you show me a resolution about it on the minutes?—I think I can. It was talked about, but there was no regular resolution taken. The Town Commissioners know the land should come into our hands. It is the very end of our land—the very extreme limit of our land. It was gone over by Mr. Vaughan when he was down here. He went over every inch of the land. It ended in a bit of talk. During my time no action was taken—that is since the year 1872.

70. Nor in your father's time?—No.

71. Will you kindly supply us with the minute relating to that afterwards?—Yes; on the 5th January, 1874, at the monthly meeting, the agent handed in a document, and here is a copy. "Lots of commons outstanding by reason of the life existing." "James Walker"—he is alive; "William Corry"—he is alive; "Henry Parsons"—he is dead; "Samuel Allen"—dead; "Edward Parsons"—doubtful; I think he is living in Dublin; "William Parsons"—alive; "John Hughes"—alive; "Richard Molloy"—overholding; that is the person I speak about.

72. Have these persons whom you say are dead died since?—Henry Parsons died since, and we got the land; Samuel Allen was dead, I think, when the list was handed in, but we did not get the lands at the time. Just at that time there was an examination made of the lot that Samuel Allen holds, and it was let to three persons on July 6, '74, as follows—"John Neville, 10a. 0r. 32p., at 27*s.* 6*d.* per acre (that is Irish measure), yearly value £14 0*s.* 6*d.*; Patrick Gillick, 2a. 3r. 33p., at 27*s.* 6*d.* per acre, yearly value £4 1*s.* 3*d.*, and Patrick Gannon, 3r. 21p. at 30*s.* per acre, yearly value £1 6*s.* 6*d.*; on the 10th March, '74, Christopher M'Keon, part of William Corry's lot, 1a. 0r. 21p. at 50*s.*, yearly value £2 16*s.* 6*d.*; and there was a portion of William Corry's lot let to James Plunkett, 2a. 2r. 11p., at 45*s.*, yearly value £5 16*s.* 6*d.*; and there was a small piece of land, with a house on it (16 perches it contained), let to Eliza Fegan at 50*s.*, yearly value 5*s.*

73. Is not Mr. Plunkett one of the Town Commissioners?—Yes.

74. Were any of these parties to whom these lands were sub-let Town Commissioners at the time?—Christopher M'Keon was a Town Commissioner, and had been frequently Chairman of the Town Commissioners.

75. Was he so at the time?—Not then, but he had been previously.

76. Mr. Plunkett—was he then a Town Commissioner, and is he so still?—Yes.

77. Was Neville a Town Commissioner?—No; he was a farmer. He held under Mr. Allen; it was let to him. He had the preference because he held under the previous grant.

78. You have given us the rate at which these lots were let, can you give me the value for that property (the poor law valuation)?—Yes.

79. Who valued that property of Allen's and Corry's?—Here is the certificate by Mr. Vaughan—

"Rutland-square, 19th December, 1873.

"DEAR SIR,—I beg to hand you the valuation of lands referred to in your letter of the 3rd. The quantities were taken from the Ordnance Survey.—I am, dear Sir, faithfully yours, EDWARD VAUGHAN." "I have made a careful examination of the value of the holdings, the property of the Town Commissioners of Trim, in the county of Meath, and value the lands as here set forth."

80. And are they let at that valuation?—Yes; the letting took place on the 10th March, 1874. The first letting was moved by Patrick Malone and seconded by Richard Davis.

81. What I want to know is this—was there any public notice given that these lands which had so fallen in would be let on that 10th March, 1874?—No.

82. Therefore there were no tenders from persons outside the Commissioners' room?—None; the Town Commissioners gave the lands to the person holding from the old freemen whose life interests they had purchased. They gave the preference to the persons in possession.

83. To the sub-lessee of the original grantees?—Exactly. I am not aware that they ever posted up bills to say there would be a letting, here or there. I do not see any notice of it in the books.

84. And failing a sub-lessee of the original grantee, to whom did they give the preference?—I do not know of such an instance. Generally the persons managed to get into possession of the lands because they knew the Town Commissioners would give them leases; they gave good sums to get in.

85. We already got from you that many of these lands are now held by the Town Commissioners themselves. Have they been often let to Town Commissioners as sub-lessees of the original grantees?—In some cases they were.

86. And in some they were not?—Yes.

87 Was Mr. Plunkett a sub-lessee?—Yes. He held from William Corry.

88. And the gentleman whom you say was formerly a Town Commissioner had he been a sub-lessee of an original grantee?—I understand, and I can see from the book, that there was a Town Commissioner Neville Preston Newnan, who obtained several lots of common lands, and who parted with two lots to M'Keon for a valuable consideration. I see Mr. Newnan's name on several leases, and there is no transfer recorded on our leases, and that creates great difficulty in finding out who the persons are that are actually in possession. I know several instances of persons paying rent and there is no mention of them on the lease, and no transfer executed on the lease to them with the sanction of the Town Commissioners; so that if you take up a lease you cannot tell who is in possession. The counterpart tells you nothing whatever about it. There is only one case in which there is such a thing, and that is in the case of Henry Parsons, the former town clerk under the old Corporation. He executed a transfer of somewhere about six acres of land (his life interest in it) to Mr. Michael Allen for a consideration of £60, and that is the only case in which it was done.

89. Was that prior to 1840?—In 1842.

90. And that is the only transfer you find?—Yes.

91. Are there many of these holdings now held by other parties who are paying the rent for them but to whom no fresh lease was granted by the Town Commissioners, and no transfer?—Yes. When I take up a lease now I do not know who is in possession of the land.

92. Whose duty was it to see that fresh leases were granted, or that transfers were made?—It should be the duty of the agent to keep the property together.

93. I presume it would be. Has he or anyone been asked by you or by your father to furnish you with a proper account of these transfers?—Here is an order made on the 7th September, 1876:—

"That the agent, Christopher Duignan, furnish from the rental a list of the names of the present occupiers of the several holdings in the town property, with the names of the original occupiers of such holdings, from the date of the establishment of this Commission (in 1840.) That said list be delivered to the town clerk, and used in the preparation of the new rental and map of the town property in which Mr. Edward Vaughan is at present engaged."

94. Has that order been complied with?—No; and here is the next minute on the subject:—

"October 18, 1876.

"At the monthly meeting the agent not having furnished to the town clerk the names of the tenants, as per order on minutes of the last monthly meeting, the town clerk is now directed to visit the tenants on the property, and to ascertain from same the names of former tenants in cases of transfer since the establishment of the present Commission."

95. Since 1854?—Yes; and then at the last meeting, on the 9th November, 1876:—

"The former minutes were read by the town clerk, and on the chairman asking if there was any objection to the signing of the minutes, the agent stated that he knew nothing about the order to furnish the names of the occupiers of the several holdings of the town property and so forth, for the purpose of making a correct rental, and that he objected to the signing of the minutes. The chairman stated that any objection to the signing of the minutes could not be entertained by the Board unless made by a Town Commissioner. Whereupon Town Commissioner Malone said he would have an objection to the signing of the minutes, as Mr. Vaughan should furnish the map without the tenants' names inscribed on it, and he asked the town clerk if Mr. Vaughan had surveyed the town property with a chain. The town clerk stated that Mr. Vaughan took his quantities from the Ordnance Survey, the standard survey in Ireland, and that he had previously answered Mr. Malone's questions. Commissioner Malone then said he would make a motion to the effect that the agent be not called upon to give information with regard to the tenants, as mentioned in the list of the persons at present in occupation where transfers were made. He was reminded by the chairman that he should first give notice of motion to rescind the order made at the meeting on the 7th September last, and with which the agent should have complied, as the matter deeply concerned the interest of the town property. The chairman remarked that if the tenants were brought into this council chamber to pay their rents, the Town Commissioners would be no longer in ignorance of who their actual tenants were, and of the extent of their several holdings. Commissioner Gilsinon remarked that he was now a good time acting as Commissioner, and would be glad to be well acquainted with the rental, but at present he knew very little about it, and had no means of information. Commissioner Gogerty expressed himself similarly; and Commissioner Malone having stated that the town clerk should have furnished a copy of the order in question to the agent, was reminded by Commissioner Blake that the agent was present at the meeting when the said order was made, and was bound in the discharge of his duty to take a note of such an order, and to furnish the information sought. After some still further discussion, Commissioner Malone handed in

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notice of motion to the chairman, who requested him to date his notice of motion in order to be legal. Commissioner Malone then said that the chairman was full of crotchets, and having torn up his notice of motion, said that he (Commissioner Malone) no longer had any influence in this Commission, and that he might as well not attend, as he was in fact no one."

96. That was at your very last meeting?—Yes; the minutes were then signed by the chairman, and I have to remark, that when I came here many of the Commissioners were very willing to do their duty straight off, but the others were inclined not to do business, but to wrangle and retard the business of the town at the Board whether it was about business or not; and there was often a great deal of disputing as to whether the minutes would be signed or not. However, they were always signed, and I am ready to swear as to the accuracy of them. It is on record that several Commissioners said, that no Commissioner ought to be afraid of his words being recorded.

97. Have the minutes drawn up by you been all signed by the chairman?—They are all signed by the chairman.

98. At the next meeting?—Yes.

99. I see that the total acreage is 479A. 3R. 37P.?—Yes.

100. Will you tell me what is the annual rent derived from it?—I see there was brought into the account at the last audit £657 0*s.* 7½*d.*?—Yes.

101. But it does not follow that that was the actual rental?—There were some arrears paid. About £650 would be the average. The exact half year's rental in 1873, of which I have a copy, was £319 9*s.* 4½*d.*; that is for the half year ending 25th March, 1873. I have no copy since.

102. How is that?—Because it is quite useless to have a rental without the quantities. I have no acreage.

103. Have you ever applied to the agent, or been directed by the Town Commissioners to apply for the quantities of these lands?—The matter was talked about over and over again. I know of one case in which a tenant called in to know how much land he had, and they could not tell him. It was then stated that it would be well to get the quantity of land held by each tenant, but there is neither the yearly value per acre, nor the number of acres, and therefore the rental is no use. At that date (25th March, 1873), there was £99 0*s.* 5*d.* outstanding arrears.

104. Doubling the half year's rental you have given us at that date would bring, would it not, the annual rent to £639 18*s.* 9*d.*?—And it would be a little over that now, because since then we got in a couple of lots of commons.

105. Lots which you had not identified before?—Which we had not in our possession before.

106. By deaths?—Yes; two or three lots which would come up to £30 or £40 more. It would be close to £670 now.

107. Looking at the character of the land around Trim, is that not a very small rental for 480 acres to produce?—It is a very small rental.

108. Is this grazing land generally?—Yes, generally grazing land.

109. What is the average value of grazing land about Trim?—From £4 to £4 10*s.*, or £4 12*s.* 6*d.* I know that to be paid by parties who take eighty or ninety acres. They pay from £4 to £4 10*s.* or £4 12*s.* 6*d.*

110. Is the land of the Town Commissioners equally good with that land?—In a good many places it is quite as good. Some of the first land in the county Meath is held by the Town Commissioners.

111. And you do not get quite 30*s.* an acre?—Not quite 30*s.*

112. I have a lease here before me which was granted on the 7th September, 1868, between the Town Commissioners of Trim, under the 17th and 18th Vic., to Thomas Fox, of Dogstown, farmer, by which two lots are let to him, making altogether 20A. 2R. 21P. for a term of thirty-one years, at the yearly rent of £22 15*s.* Do you know that land?—I do.

113. Where is that land?—In the immediate neighbourhood.

114. What is it worth?—It ought to be worth 50*s.*

115. No more?—About 50*s.* Anyone in the town would give 50*s.* for it that required land.

116. But you see it is let only for a fraction more than 20*s.*?—Yes.

117. When was that let?—In 1868.

118. Four years before you were town clerk?—Yes.

119. Do you know how that was let?—I understand that Thomas Fox, who was in possession of the land, was in America.

120. Was this land which had fallen in from one of the old grants?—Yes, some of it; a very peculiar letting that was. There was a person named Taylor got from the present Town Commissioners, in the year 1849, a portion of it—say fourteen or fifteen acres, and nineteen years of that lease had expired, and there was no consideration given to the Town Commissioners for the renewal.

121. A lease for how long?—Thirty-one years.

122. At what rent, do you know?—I have the lease in the town hall. I have not got it here, but I can tell you.

123. Nineteen years of that lease had then expired?—Yes, and there was a portion of a lot of commons in the possession of Henry Parsons containing 5A. 3R. 21P.

124. These two lots together make up the twenty-one acres, which are the subject of Fox's lease?—Yes. Nineteen years of the lease to Taylor had expired, and there was a new lease made then, by putting the two lots together, and by their taking away nineteen years' right that the townspeople had acquired in Taylor's lease.

125. How was it that Taylor surrendered to Thomas Fox?—He did so for a consideration.

126. What consideration?—I do not know. Very likely he would get money from him to emigrate.

127. When was Parsons' lease granted?—It was granted by the old Corporation, and Parsons sold (this is the lease I mentioned on which a transfer was executed), in the year 1842, his life interest to Michael Allen.

128. Parsons, then, had been one of the old grantees?—Yes.

129. At the nominal rent of 1*s.* a year?—I think the consideration in that case was about 5*s.* In 1842 he executed a transfer, and then sold his life interest to Michael Allen, and he was a relative of Thomas Fox. Allen gave £60 to Parsons for his life interest in the lease, and not liking to rest contented with same, surrendered to the Town Commissioners lest he might be disturbed on the Commissioners resuming after Parsons' demise.

130. Was that surrender in 1842?—Yes, in 1842; and some time after the Town Commissioners accepted him as tenant; and that is the only instance in which a life interest was surrendered to the Town Commissioners.

131. Did not the Commissioners, in consideration of the surrender, grant him a fresh lease?—Yes.

132. For how long?—I cannot say whether they granted him a fresh lease or merely secured him in possession.

133. He paid the rent up to this for the lease being granted?—Yes. Allen was a long time dead before the grant of that lease.

134. Thomas Fox was in America at the time?—Yes.

135. Who represented him when he was in America?—The agent of the Town Commissioners was managing the property of Thomas Fox at the time. You will see his name on that lease, and he acts by power of attorney.

136. Do you know on whose application this lease was granted to Thomas Fox?—I cannot tell you.

137. You do not know where Taylor was when he surrendered his lease?—I do not know. I heard that

Taylor emigrated to the colonies—to Australia or somewhere.

138. Was Thomas Fox in any way connected with the Town Commissioners?—Not that I know of. I do not think he was.

139. Nor had he been holding under them as sub-lessee of any of these places?—He was living on the property.

140. I thought he went to America?—He had only recently gone to America before 1868.

141. For some time previously, then, to 1868 he had been in occupation of that property?—Yes.

142. How many leases have been granted by the Town Commissioners since you have been town clerk?—I think there might be something about five or six.

143. During the last four years?—Yes.

144. Have these all been made to persons who were in possession as sub-lessees of the original grantees?—Yes.

145. Have any of those been Town Commissioners themselves?—No, I think not, with the exception of Mr. Plunkett.

146. That we already had?—Yes.

147. Have there been no other leases granted to Town Commissioners within the last four years?—Not to Town Commissioners.

148. Can you tell me for what periods these five or six leases were granted?—For thirty-one years.

149. All for thirty-one years?—Yes; and where a lease is promised to be made it is understood to be for thirty-one years.

150. Have they been let at a high rate, or about the same rate as this lease before me to Mr. Thomas Fox?—Something about from 30*s.* to 40*s.*

151. This land is let for about 22*s.* per acre?—That is an exceptionally low case.

152. Previous to the time you became town clerk, the practice, you told us, was for some of the Town Commissioners to value the land themselves?—Yes.

153. Since then Mr. Vaughan has valued it?—Yes.

154. I think you said in every case but one?—Yes. There is a man called John Moore who is to get a lease of the holding of which he was in possession for a certain time back at the valuation to be placed on the same by Mr. Vaughan, when he goes to inspect the land on a final survey. I may observe that some of the Town Commissioners thought it a very invidious thing to go and value the lands themselves. Some of them entertained an objection to go and examine the lands.

155. But in no case has the land been put up by public auction?—In no case.

156. Nor were tenders invited?—In no case.

157. Can you tell me what lands are now held by Town Commissioners? Some of the Town Commissioners now hold lands, do they not, the property of the Town Commissioners?—Yes; I can give you the names.

158. Mr. Plunkett we know of. Does he hold anything of the Town Commissioners' besides those two acres that we heard of?—Yes.

159. What other property of the Town Commissioners' besides that which was let in 1874?—The house he lives in belongs to the Town Commissioners.

160. Do you know what rent he pays?—I could not tell you; I am not acquainted with the rental.

161. Is there any other gentleman?—There is Mr. Kennedy. He holds some lots of Commons. He is a Town Commissioner. Mr. Blake holds some Commons. Mr. Gilsinan is a tenant. Mr. Gilsinan holds the land which was occupied by Thomas Fox.

162. I am speaking of holding directly from the Town Commissioners?—He does not hold directly from the Town Commissioners.

163. Is it Patrick Gilsinan himself or is it his brother holds the lands?—I could not say. They trade under the name of "Gilsinan Brothers." I am not aware of any other Town Commissioners, but there are parties in the town who were Town Commissioners, and who, when they were Town Commissioners, obtained lands. The Town Commissioners appointed after the Act of 1840 all got a piece of land. Their names were in the counterpart leases, but they are nearly all dead.

164. The lands generally went to their assignees?—Yes.

165. Can you tell me whether or not any of the Town Commissioners sublet lands granted to them by their own body for higher rents than they have been paying to the Town Commissioners?—No; I do not think so. I do not think the Town Commissioners ever sublet the lands, but they sold their interest in them.

166. That is about the same thing. They sold their interest, and did they obtain considerable sums of money?—Yes.

167. We heard just now of one man who got £60?—Yes, exactly.

168. Has any instance of that occurred since the Town Commissioners of 1854 were appointed, do you know?—I am not prepared to say.

169. You cannot say?—No.

170. Does the agent hold any lands?—He holds two lots of the Commons lands.

171. When were those granted to him?—A good long time ago. He has two lots, and there was some dispute about a lot of Commons, and he and the party who disputed were brought before the board, and the minutes state that the matter was arranged neither to the satisfaction of Christopher Duignan nor the other person; but Mr. Duignan retained possession of the lot of Commons claimed by Phoebe Corry, to whom, I suppose, he had lent some money. It is remarked particularly in the minutes that neither party was satisfied, but that Mr. Duignan retained possession of the land.

172. You cannot tell me the quantity of land?—I cannot tell you.

173. There was a map in 1753?—Yes.

174. Which was referred to by the Commissioners of 1835? That map you still have?—Yes. It is in the possession of the surveyor, who is preparing the new map, and it will be of great service to him, as it contains the whole quantity.

175. That map shows a total acreage of 479A. 3R. 37P.?—Yes, exactly. It contains the quantity of land set to each tenant, and so on. It is a very good way. Judge Flanagan said he never saw a better map in his life.

176. Have you the tracing of that map?—Yes. (Witness produces tracing.)

177. The tracing does not set out the quantities?—No, only the numbers—the very same that there is on the map.

178. I see that the land is all surrounding the town?—Yes, and all the public roads are made through the Commons lands.

179. There was a lot which was long in dispute, was there not?—Yes; there was a very extensive law suit about it. One of the Town Commissioners informed me that the transactions arising out of that were of great expense to the Town Commissioners. Chief Baron Pigot, who heard the case, had a large number of the books copied, and the expense was very great.

180. How did that get into dispute?—It belonged to a freeman, and he went out of the country, and this was taken possession of by Mr. Christopher Duignan for some debt, as he stated to the Town Commissioners, that he owed to him.

181. There is a small piece of land here with something written on it, and it is marked "claim nine, first division," did you make a claim of that land on behalf of the Town Commissioners?—Yes, and by their order.

182. And did you establish your claim?—Yes; and it is now in our possession.

183. Was that heard before Judge Flanagan?—Yes.

184. How came there to be any dispute about that land?—The Town Commissioners could not take possession of that land so long as John Allen was alive

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(the party entitled to the life interest—the old grantee under the old corporation), and when the tenant in possession of the adjacent land (which belonged to the Leslie family) found that it would square out his holding comfortably, he destroyed the fence.

185. Without Allen's consent?—Allen was then away out of the country.

186. And who was occupying the adjacent land?—Hussey was occupying the adjacent land as the tenant of Leslie.

187. And who was occupying the land which had been granted to Allen?—That land was occupied by Mr. Duignan.

188. What Mr. Duignan was that?—The agent of the Town Commissioners.

189. Was he holding it on behalf of the Town Commissioners, or as lessee under Allen?—For his own benefit. As I understand it, Allen owed money to him, and he took possession of this land, and afterwards parted with it to Mr. Hipwell for a consideration, and the Town Commissioners made a lease to Mr. Hipwell, omitting this portion which I subsequently recovered.

190. I want to know was it while Duignan was holding the land for Allen that Mr. Leslie's tenant obliterated the fences?—That I cannot say, but all the townspeople knew that the land belonged to the Town Commissioners, and Judge Flanagan stated that it was an attempt by Mr. Leslie's tenant to filch the land from the Town Commissioners.

191. Are not the lands to which you referred at the commencement of your evidence as being held by a man named Molloy who refused to pay rent for it in defiance of the Town Commissioners, lot 25 on the map, at the extremity of the estate?—Yes.

192. How much might there be of it?—I might say about seven or eight acres—Mr. Vaughan can say how much, for we were on the land together.

193. The Town Commissioners were put you say to great expense to recover this lot which Duignan took possession of?—Yes.

194. How much was the expense of recovering that small lot which was obtained before Judge Flanagan?—There was no expense. I made the application; I told the judge that the Town Commissioners' property was mortgaged, and that they could not pay expenses, and he said it was quite right for the Town Commissioners to send their officer to make the application under the circumstances.

195. And did he make an order upon your application without your employing solicitor or counsel?—Yes; he said it was quite right to send a person there to save the expense.

196. Why did they not do it in the same way with regard to lot 25?—They could not do that. This property was up for sale in the Landed Estates Court, and that is the reason it was so easy to do it.

197. Is there any other land on this map which is in dispute at present except the lot 25, or of which you are not receiving the rent?—None, except houses in the town, and we must have a close inspection of these houses. Mr. Vaughan said he would have a very close inspection of the house property. There is another instance. There is a Mr. Thompson living near the town here, and I understand he has tenements in Brownstown, and I am not sure that there is not a dispute about a field for which he gives receipts, and for which we are not receiving any rent. That is to be ascertained when Mr. Vaughan comes down.

198. What are the other receipts besides those from land to which the Town Commissioners are entitled. I see ouncel tolls set down at £11 4*s.* 5*d.*; have you a market here?—Yes, we have a market here; fine market sheds and every convenience.

199. Are there tolls paid for that market?—We have no tolls in the market. Those tolls are only for weighing.

200. You are, I believe, the weighmaster, and you have a market, but have no market tolls?—No, we have not; the market is free.

201. The tolls for weighing are, I suppose, all collected by you as weighmaster at the Town Commissioners' weighing machine?—Yes; they have also cranes for corn and butter.

202. Then besides the £11 4*s.* 5*d.* ouncel tolls do you not get £9 3*s.* 4*d.* for weighing corn, and £1 18*s.* 9½*d.* for weighing butter at the crane?—Yes.

203. The next item is for dog tax?—Yes, £4 18*s.* 6*d.* Mr. Wingfield sends the amount into the bank direct to the credit of the Town Commissioners. Then there are the petty sessions fines. I get no list; I simply get the treasurer's account. The auditor remarked at the last audit that we were not now getting the previous amount of fines. The fines in our own court were £5 11*s.* 3*d.*

204. Those are fines for drunkenness?—Yes. Those are all the extra items of receipts we have.

205. What was that surcharge of £4 12*s.* for?—It was made on the account of the sewer contractor, and was a payment made to Mr. Davis.

206. Over the amount of his contract?—Yes.

207. Eight pounds two shillings was a payment made to Mr. James Plunkett, being law expenses incurred by him for the Town Commissioners in reference to a surcharge by the previous auditor, Mr. Finlay, of the sum of £28 to Messrs. Malone and Brennan. This was law expense incurred in resisting that surcharge?—Yes.

208. Has that surcharge been paid?—Yes.

209. Although Mr. Finlay was not aware of it at the time he gave evidence before the select committee. Have not all the surcharges made by Mr. Finlay at his last audit, and the surcharges made by Mr. Collot at his audit, been now paid?—Yes, they are now all paid.

210. I see there is building stone from Quarry-bank which produces £2 5*s.*?—Yes. The Quarry-bank is finished, so that there is no more to come from that source. The Town Commissioners had a quarry, and they found that it did not pay, and these sums that appear in this and the previous audit are sums that remained outstanding for stones. The Town Commissioners ceased to work the quarry because it did not pay.

211. Was this £1 16*s.* 6*d.*, "drainage of houses," a repayment from parties for work done for them?—Yes, for work we have done in connecting houses in the town with the main sewers. We have very good drains in the town. There are three good mains, which are the main arteries of the town; they are 12-inch pipes.

212. Were they made by the Town Commissioners prior to the Act of 1874—the Public Health Act—which transferred the sanitary duties to the board of guardians?—Yes, they were.

213. I see that your receipts for the last year, as audited on the 14th November, 1876, were £1,121 14*s.* 9*d.*?—Yes.

214. And your expenditure for the same period was £1,049 11*s.* 10¾*d.*?—Yes.

215. Leaving a balance in the treasurer's hands of £57 16*s.* 2*d.*

216. In the agent's hands one farthing, and in the town clerk's hands £14 6*s.* 8½*d.*?—Yes.

217. Do you generally have a current balance in your hands?—No; sometimes you will see I have to advance money.

218. Do you pay all wages?—Yes, and I pay all the accounts. They are very small payments; they are inscribed on the back of the cheques, and countersigned by three Town Commissioners.

219. I see that the cheques are made payable to you for small payments?—Yes.

220. And on the counterfoil the names of the parties to whom they are payable are mentioned on the block?—Yes.

221. In larger payments the cheques are, I suppose, made payable to the parties themselves?—Yes.

222. Do you give a bond?—Yes. I give a bond for £200; it is lodged with the treasurer in the Ulster Bank.

223. The Ulster Bank is your treasurer?—Yes.

224. Does Mr. Duignan give a bond?—Yes.

225. Is that lodged in the same place?—I do not know.

226. Do you make out all the accounts for the Town Commissioners?—Yes; all except the rental.

227. What is your salary?—£60.

228. How much have you as town clerk?—It is altogether. I am town clerk and weighmaster and gas manager, and I have £60 a year in money, with apartments in the town-hall and fire and light.

229. I see there is a town sergeant. What does he get?—10*s.* a week and a suit of clothes annually.

230. Is he what is called town inspector in other places?—Yes.

231. Is he the person who has the charge of the streets?—Yes; he has to look after the ordinary business of the town. The scavenging is very well done, and everything is in good order.

232. Prior to the passing of the Public Health Act what did you do in the way of sanitary work?—We did all the work that we had power to do—kept the streets and the crossings clean, put down gratings, kept the watercourses and drains clean, removed manure, and watered the streets of the town occasionally, and until Mr. Collot at the last audit struck out the expense of keeping the pumps in order, we always supplied water to the inhabitants.

233. How many pumps are there?—Seven public pumps.

234. In this last account there is, I see, a charge of £9 as per contract for keeping the pumps in order?—Yes.

235. And that was disallowed by Mr. Collot?—Yes.

236. He told you, I suppose, that all the powers and duties were, by the Act of 1874, transferred to the board of guardians as the sanitary authority for the district?—Yes.

237. Do you still water the streets?—Yes. We have a watering cart. He told me that everything connected with the surface we could do without any fear of being surcharged. At the first meeting of the Town Commissioners he said it would be well for them to communicate with the board of guardians.

238. Have you done anything since?—I don't know of anything since.

239. He was here, I believe, so lately only as the 14th of this month?—That is so.

240. The next charge is £4 6*s.* 8*d.* for keeping the clock in order?—Yes.

241. Is that an annual charge?—Yes; there is thirteen months in that—we pay £4 a year.

242. The town sergeant you say only gets 10*s.* a week?—Yes.

243. But I see you paid £76 8*s.* 8*d.* for scavenging last year?—Yes.

244. Have you two regular scavengers besides the town sergeant?—Yes.

245. What do you pay them?—One of them 11*s.* a week and the other 9*s.* And we also had additional scavengers last year. Our roads are very soft in the winter time. The Town Commissioners think it well to keep the town in a good healthy state, and they put on extra men, but all the work for the future will be done by the board of guardians with regard to the sewerage, and the pumps will be also looked after by them.

246. I see the agent's fees are 1*s.* in the pound on the landed property?—Yes; £32 17*s.* he got.

247. And on the building stone account 1*s.* in the pound—he got 5*s.* for that?—Yes.

248. And there are agent's fees on a portion of the gas rents?—He was receiving a portion of the gas rents, but the rents are now collected by me.

249. He received 1*s.* in the pound on these?—Yes; it was £4 7*s.* 5*d.*

250. He gets 1*s.* in the pound it seems on everything that passes through his hands?—Yes; there was a surcharge about the lodgment of some money, and 18*s.* was charged in the account on the money refunded because Mr. Duignan lodged it; the charge of 18*s.* being 1*s.* in the pound for lodging that money, which ought to have been lodged by the parties themselves. He was obliged to refund that amount by the auditor. It has been refunded.

251. Do you get 1*s.* in the pound on the collection of the gas rents?—I get none whatever. It is my duty to do it free of all charges. The town clerk from the beginning of the gasworks made out the accounts and collected the rents.

252. How came Mr. Duignan to get this?—Some persons among the Town Commissioners wished to give him the collection of it.

253. In the previous account there was a much larger sum—£13 17*s.* 3*d.*?—Yes; there were several resolutions, and at last it had to be given up, and the collection was transferred to me.

254. £7 13*s.* 7*d.* He got 7*s.* 8*d.* on the collection of that amount that should have been paid direct without any fee. Did you give him any authority to collect it?—That 7*s.* 8*d.* was the per-centage. It should have been paid to me without any fee.

255. So that on the gas rents which you should have collected he got £13 17*s.* 3*d.*?—Yes.

256. Did not the auditor surcharge him with that amount?—No, because the matter was in dispute. Some of the Town Commissioners wanted him to collect the rents, and some thought that the town clerk should collect them as formerly. It was for a collection two years ago.

257. The per-centage on this £87 8*s.* 6*d.* is on a collection made by him more than two years ago?—Yes, the auditor did not disallow it on the ground that some of the Commissioners had been favourable to his collecting them at that time. The only rents we have to pay ourselves are for the town hall and the gasworks.

258. I see election expenses one guinea. I suppose that is for the election of Town Commissioners?—Yes.

259. A regular annual charge?—Yes.

260. £4 1*s.* 9*d.* for a quit-rent; that is on the lands?—Yes; the inland revenue make that charge upon us every year.

261. Poor rates, £30 1*s.* 0¼*d.*?—Yes; they are poor rates paid on the Town Commissioners' property.

262. Income tax, £4 12*s.* 11*d.*?—Yes.

263. The next item is the interest on the loan of £2,400, at 4½ per cent., £106 13*s.* What is that loan?—It was money borrowed on the security of the rents for the purpose of building the market-house and of putting up market sheds, building the gasworks, laying public service-pipes, erecting lamps, and so-forth.

264. When was that loan contracted?—Some time about the year 1853. It was by the old Town Commissioners, and the interest is paid half-yearly.

265. Was not the original loan more than £2,400?—It was £2,800 originally, and it has been reduced by the sale of some lands to the railway company for £400.

266. When was that do you know?—In 1860.

267. Were the particulars of this large item of £97 11*s.* 3*d.* for general expenses all submitted to the auditor? Was he satisfied with them all?—Yes.

268. The principal item was, I see, connected with the drainage works, £58 17*s.*?—Yes.

269. The only thing that I have not yet noticed, and which appears on both sides of your account, is the gas rental and the gas expenditure?—Yes.

270. I see in this year's account you get £379 18*s.* 10*d.* gas rents brought into the accounts, and £17 16*s.* on two other items, sale of tar and lime, and so on?—Yes; we do not sell the coke now, we always want it ourselves.

271. On the other side the expenses of the gasworks were, stokers' wages, £77 18*s.* 10*d.*?—Yes; we pay one stoker 15*s.* a week for seven nights, and the other stoker 14*s.* a week for seven days, and we pay 2*s.* 6*d.* a week to one of the scavengers for lighting the lamps

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and putting them out, and for taking care of the lamps. The lamps are lighted from the 1st of October in one year till the 30th of April in the next year, with the exception of three or four nights before full moon, and the same time after the full moon, when we do not require to have them lit. The lamps are lighted till about half-past ten o'clock at night, which is sufficient for the people in the town.

272. How many lamps have you?—We have thirty-four lamps, and we got six more recently.

273. Your expenditure for coal in this account was £331 2*s.* 1*d.*?—Yes; and we had on hands very close on sixty tons of coal at the close of the year, and we had not any on hands at the end of the previous year.

274. What are you paying for coal now?—23*s.* 9*d.* a ton for coals delivered, but these coals cost us 25*s.* 5*d.* at the railway station, and 1*s.* 3*d.* a ton for cartage and delivery.

275. You had sixty tons on hand at the close of the year?—Yes; such a thing never occurred before—we got a large supply.

276. I see here "Repairs at the gasworks, meters, lamps, &c., £103 2*s.* 7*d.*"?—Yes.

277. The expense of new retorts and repairs?—This was an exceptional year. It had not been so much for three or four years.

278. One year's rent for the gasworks £11 8*s.*?—£12 is the yearly rent of the gasworks, and 12*s.* is deducted for poor rate. We light the police barrack and the town hall free of charge, but of course when exhibitions come to the town hall they pay for the gas themselves.

279. Your expenditure this year was £523 1*s.* 6*d.*, and your receipts were only £397 14*s.* 10½*d.*?—Yes; that with our stock of coal, and the cost of lighting the town will more than balance the expenditure.

280. The stock of coals we may take at sixty tons of coals at 25*s.* per ton, that would be £75?—Yes.

281. And the cost of lighting. I want to see what you light the town for?—The cost would be about £3 per lamp.

282. For thirty-four lamps?—Yes.

283. Then assuming that the lamps are lit free, and that they cost you £102, that with £75 for your stock of coal in hand, and £397 14*s.* 10½*d.*, your receipts would make a total of £574 14*s.* 10½*d.*, leaving, with an expenditure of £523 1*s.* 6*d.* a balance in your favour of £51 13*s.* 4½*d.*, an assumed profit on the year's working of the gasworks?—Yes.

284. What is the price of gas?—The price for the running quarter is 6*s.* 8*d.* per 1,000 cubic feet. These last two years we charged 8*s.* 4*d.*, for the auditor said the gasworks had not being paying since the rise in the price of coal.

285. In consequence of the rise in the price of coal you charged 8*s.* 4*d.*?—Yes.

286. In this year's account how much is it?—In this year's account it is 8*s.* 4*d.*; it is only for this current quarter that it is 6*s.* 8*d.*

287. I see by the auditor's report of the two last years, that you worked your gasworks from 1873 to 1874, at a loss of £101 6*s.* 10*d.* after allowing for the lighting of the public lamps; and from 1874 to 1875, at a loss of £19 5*s.* 10½*d.*, so that you have been gradually bettering your position?—Yes.

288. Am I right in saying that all these coals were got in the last year?—They were got in last year.

289. And there were no coals in hands on the preceding year?—There were none; I have the record of that here.

290. For the first time, then, you this year work the gas concern at a profit?—Yes.

291. You never, I believe, have made any rate in Trim?—There was never a municipal rate made in Trim. The property was sufficient for all purposes; the Town Commissioners felt their way as the rental was increasing, and lately they did a good deal for the town. We now attend to the footpaths, although the county surveyor says it is the duty of the road contractor to have them kept in order, still we must do it because we cannot have the people stumbling about in the streets. We made some very good footways.

292. What fairs are there in the town?—Fairs are held on the 8th May, 1st October, 16th November, and the 27th March. The October fair is a very large one; the fairs are held on the Fair-green.

293. Is that Fair-green the property of the Town Commissioners?—Yes; and is at present let to a tenant.

294. What size is it?—Two or three acres. The infantry barrack is on the green, and the Government rent the site.

295. At what rent?—About 1*s.* in the year.

296. And at what is the Fair-green let?—It is let to a tenant at £7 a year.

297. Let, I suppose, for grazing purposes?—Yes; and for exhibitions that come to the town, such, for instance, as a circus.

298. And the reservation that you have is for the fairs?—Yes; fairs are held also monthly for the sale of small stock, and these are held in the streets.

299. The only fairs held by the Town Commissioners there are the four fairs which you mentioned, and you do not levy any tolls at these, and I suppose the Commissioners have no patent?—No.

300. Is a fair held in the streets on the first Saturday of every month?—Yes.

301. Has it never been suggested to hold these fairs for young and small stock on the Fair-green instead of in the streets?—No; there is no objection to having them on the streets.

302. Do they not leave the streets in a very filthy state?—The filth has to be cleaned up immediately after the fair.

303. Are they not complained of as being a nuisance?—No, never.

304. Do not you think they are a nuisance?—No, I do not.

305. I suppose the people who would like to have them on the streets are publicans?—Well, there is more than publicans—all the tradespeople would like it.

306. I suppose every grocer in the town has a license?—Yes, they have, and some of the people in the town sell everything.

307. I have got a list here in which Mr. Plunkett is described as a merchant—is he also a publican?—That is a portion of his business, but only a small portion of it. He is extensively in the hardware and timber trade. He is the most extensive merchant we have in the town.

308. Do all who are put down here as grocers have retail spirit licenses?—Yes, every grocer has a spirit license.

309. Up to the year 1874, in fact to a still more recent period, you made all the sewerage in the town?—Yes.

310. You say you made three good main sewers?—Yes.

311. Do they sewer the principal streets of the town?—Yes.

312. Are there connecting drains from the houses to these sewers?—No; very few as yet. It does not do to do much of that work in the winter time.

313. Since the passing of the Act of 1874 has the sanitary authority taken any steps to improve the sanitary condition of the town?—No, indeed. As I told you before, there was a necessity to make sewerage, and they noticed the Town Commissioners to make it. Under the Public Health Act they summoned them before a bench of magistrates to make the sewer (one in particular that was very necessary, that was a great nuisance in the district), and the magistrates displayed great ignorance of the Public Health Act——

314. You say that the magistrates did not appear to have any knowledge of the Public Health Act?—None; and they declined to make any order.

315. Is the condition of Trim, in a sanitary point of view, tolerably good, with the exception of the

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absence of connexion between the houses and the main sewers?—Yes, it is very healthy and very clean; but they particularly want good houses in place of thatched cottages, of which there are a good many in the town.

316. With the exception of what belongs to the Town Commissioners, is the town the property of one landlord, or is it in the hands of a good many owners?—It is in the hands of many owners, unfortunately, and in the hands of a good many who never see the town or take any interest in it.

317. Are there a good many dilapidated houses?—Yes, a good many dilapidated houses. The landlord in one case, will not do anything. He would prefer that the houses tumbled about the heads of the tenants in order to get them out.

318. Is this an absentee landlord who, you say, would prefer that his houses should fall into utter disrepair, and that the people should leave them?—Yes; that is a fact. There are other people holding property in Trim who never saw the town at all. There is one very good landlord, Mr. Thompson, who has some cottages in very good order.

319. He keeps his property, you say, in very good condition?—Yes.

320. Do the Town Commissioners generally keep their houses in good condition?—Yes; they generally have very tidy houses.

321. I mean the town property, not the houses they live in?—Oh, I do not know anything about that.

Mr. PATRICK MALONE examined.

Mr. Patrick Malone.

322. CHAIRMAN.—You are a Town Commissioner?—Yes, and a civil engineer.

323. Your name was mentioned by the town clerk as objecting to the signing of the minutes, as you thought that Mr. Vaughan should furnish the map without the names of the people being in it?—It is not stated properly—with the names and the acreage and the value.

324. What was your objection to the signing of the minutes?—Because Mr. Duignan did not get the order in writing from the town clerk that was made on the face of the books.

325. Was Mr. Duignan not present at the meeting when that order was made?—He said he did not mind hearing anything about it. I objected to ask Mr. Vaughan to put on the face of the map anything more than the tenants' names, and the acreage and the annual value. Mr. Reilly wished that he should put the names of the men who had it up to 1840, when it came into the hands of the Town Commissioners from the old Corporation.

326. What part of the resolution did you object to?—I took it to mean that Mr. Vaughan was to put not only the names of tenants, but the name of everyone who had held the land. I was for only putting on the name of the present tenant; but if he said that I wanted him not to put the acreage on it, he is mistaken.

327. What you mean is that you wanted only the names of the existing tenants?—That is all.

328. Did you wish the acreage to be on it?—Yes. I am a Town Commissioner since 1854, except for two years, and it was always the case that as the old members died there was a notice brought in by the agent, and there was an order made to get that surveyed by the local surveyor here, and valued by three Town Commissioners, and I never knew a lot to come into the hands of the Town Commissioners without it being done. It is all on the face of the books.

329. Do you not know that in that rental book kept by Mr. Duignan there is no entry of the lots held by the different tenants showing the acreage?—It is on the minute book, but there is no summary of it.

330. You do not want the back tenants' names entered?—No.

331. Is it correct that, on being told by the chairman of the Town Commissioners that you could give a notice of motion, you prepared a notice of motion, and then, in consequence of something that fell from the chairman, who requested you to date it, you said the chairman was full of crotchets, and tore up your notice of motion, and said you had no influence there, and might as well not attend in the future?—I did not say that I would not attend in the future. I attended when hardly anyone else would attend. I have attended as the fifth Town Commissioner to enable them to have the meeting.

332. Did you tear up your notice of motion?—Yes; he handed it back to me in a pettish way to date it, and he said that it was not a notice of motion, that it was a positive resolution. It is nearly eighteen months since the map was ordered, and he was to be ordered to furnish it at once.

333. Why do you object to entering the names of the back tenants?—I object to giving a regular history on the face of the map.

334. Did you object to the minute being signed because Mr. Duignan said that he had received no written order from the town clerk?—Yes.

335. Do you not know whether Mr. Duignan was present when the original resolution was passed?—No; I do not know.

336. Is there any other point that you wish to draw attention to in Mr. Reilly's evidence?—He told you there were no connexions between the houses and the main pipe, but there are twenty-five houses connected with the twelve-inch pipes.

337. I understood him to say that very few were connected with the main sewer?—He said none. These houses were connected, and the parties were charged for the making of the connexions.

338. Is any money still due to the town commissioners for connexions made with the main drains?—Yes, through the neglect of Mr. Reilly in not collecting it.

339. It would seem that from £25 to £30 must be still due in that way to the town commissioners?—Yes. I wish to add that I suggested at one time that the fairs should be transferred to the green, and held the same as the other fairs.

340. Do you think it would be desirable that the monthly fairs should be transferred to the fair green?—Yes; I thought at the time that the green should be the place for the new fairs.

341. Did you give any notice of motion with regard to the transfer of the fairs?—No; nothing was done except what passed in conversation.

342. Your opinion is that it would be desirable to do so?—My idea was that when they grew large enough they should be transferred.

343. Do you consider that the present fairs held in the streets are a nuisance in the streets?—They are always very dirty on Sunday after the fair.

344. Are not the streets cleaned up by the Sunday?—There is an attempt made to clean them, but a very bad smell comes from it.

345. The streets, in your opinion, are not in a fit state on the following Sunday?—No; but at the same time I know that the people generally wish to have the monthly fairs held in the streets.

346. Can you give me any information with reference to Molloy's lot to which the town clerk referred?—I am connected with the town commissioners for a long time. In 1844, after the town commission was established, we were nine or ten years fighting with the old Corporation—trying to get hold of the property in some way or other. The lots were not coming in, and it was a long time before we got one lot. I made one valuation in 1844 after the establishment of the town commissioners. Previous to that, Molloy had

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possession of a lot from the old Corporation, and we made efforts at the time to trace out from the old Corporation any point that would enable us to take proceedings against him, and get the lot. Mr. Fay, who was our solicitor at the time, came here and went over the books, trying if we could in any way establish a claim against this Molloy's lot. We could not do so, however, and the claim was dropped. Here is Mr. Fay's notes (handing in the solicitor's notes to show that the town commissioners made every effort to establish a claim). We got opinions on the subject at a subsequent period.

347. In what year was that?—In 1867 or 1868.

348. In 1835 the commissioners made their report—the commissioners employed to report on the state of the Corporations in Ireland—and they reported that Trim stood in a peculiar position; that the Corporation of Trim held all the property that they had in the year 1700; and they compliment the town commissioners of Trim on not having lost any of their property. The object of this (the solicitor's book), you say, is to show that the town commissioners tried to trace the connexion with this lot?—Yes; to show that they did not neglect it.

349. You are a surveyor and civil engineer, and you valued the town in 1844?—Yes.

350. Did you value the town commissioners' property?—The town only—the houses. The old town commissioners objected to the preliminary proceedings that the inhabitants took to establish the town commissioners under the 9th Geo. IV.

351. Living in the town have you a pretty good idea of the value of property in the town?—Yes.

352. How much is the land worth per acre?—There was hardly a lot valued since I was a town commissioner that I was not one of the three who were sent out to value it. They are all let at a fair value.

353. You say you were one of the Commissioners generally who valued the land?—Yes, generally, because I was a valuator.

354. Is the land of the Town Commissioners let at anything like its fair value as the land goes?—It is let at a fair reasonable value to the tenants.

355. If that land was let by public tender, would it not let at a higher rent?—It would now on account of the improvements that the tenants made on it.

356. Take the lots let in 1868 to Thomas Fox, what are they worth?—At the present time or at the time they were let? One-half of that land was a lake in my memory. After it dropped into the hands of the old Corporation he sold his interest in it.

357. How much did he get for his interest?—I do not know. The Town Commissioners then spent money on draining the place; the bulk of it was covered with water in winter, it was dry in summer.

358. Very good land might be covered with water at a certain season of the year?—The one-half of the land was like the bottom of a lake that you would dry.

359. What would you give for it?—I would not give a shilling more than was given for it at the time it was first let.

360. How much in 1868? What was it worth eight years ago?—It was worth about thirty shillings an acre at that time. There was a lease for twelve years given.

361. Did you not let it at twenty-one shillings per acre?—Mr. Ball was our counsel when the attempt was made to take the whole of the property from us, and he advised us to get in all outstanding lots. He told us to get hold of Parsons' lot, and we gave him payment for surrendering Parsons' lot to us.

362. If the land was worth more than when the lease was granted, would it not be much better that Taylor's lease should have been suffered to expire instead of granting a fresh lease, which resulted in there being nineteen years more to run against the Corporation at a rent below its real value?—It would be but for the reason that I have given. I induced Mr. Fox to come in and surrender it, and that was allowed him for his interest in one lease. We got £100 we would not be entitled to at all for this eleven years.

363. That life was not running against you?—It was.

364. He had surrendered his right absolutely for £60?—He sold it to another person and not to us.

365. *Town Clerk.*—That Parsons surrendered to another.

366. *Witness.*—Mr. Reilly is not stating the fact. We had a lawsuit about that. He said, "I'll pay you no rent for it," and we lost £400 contending for that. Judge Ball was our leading counsel, and he said, "There are nine or ten lots out, and you should go and get round the people who have these. Try to make terms with them or you may lose it altogether."

367. You say you were acting under Judge Ball's advice?—Yes; Mr. Reilly knows nothing about it.

368. We will refer to the records of the Corporation, and see which is true. What I understand is this, that Parsons actually came and surrendered his lease to the Town Commissioners?—He had no lease.

369. Fox came in and surrendered his lease?—We got nearly £100 for that that we were not entitled to, and we allowed him for that.

370. Did you value the land sold to the railway company?—I acted on the part of the Town Commissioners.

371. How much was sold to the railway company?—I think about four acres and some perches.

372. And what did they give you per acre for it?—I valued it, and Sir John M'Neill came down and made arrangements and settled with the tenants.

(End of first day.)

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(Before the Chairman, Mr. CORBETT.)

Mr. Patrick Malone.

Mr. PATRICK MALONE'S examination continued.

373. CHAIRMAN.—Are you not aware of any instances of lands falling in on the death of an old grantee which, in any way whatever, had been granted to the Town Commissioners?—No; there were two or three who got renewals of land that they held for a long time previous.

374. They got renewals of old leases?—Renewals of old leases. They were in possession of the lands, and we did not eject them.

375. Were they all sub-lessees of the original grantees?—Yes.

376. Have you ever known instances in which they got these grants and sold them shortly afterwards?—There was one instance, but he was not a Town Commissioner when he got the land. It was one of the lots sold by competition, and he got it at £3 an acre, and there was a vacancy among the Commissioners to which he was elected afterwards. He found, during the time that he was a Commissioner, that he could make nothing of the land, and he gave it to another man.

377. You let that lot, you say, by advertisement?—Yes.

378. By advertisement in the newspapers?—No. By placards.

379. In what year was that?—In 1858.

380. Were Chambers' lands then let to the highest bidder?—Yes.

381. And how long afterwards were the rents reduced?—Ten years afterwards.

382. Were you not the person who moved that they should be reduced?—I think so.

383. Why did you do so?—I thought that the competition put up the lands, that were let at that time, too high, and I proposed the reduction.

384. Was it in 1858 that these lands were let to these people?—Yes; those were the only lots let by competition.

385. And they were reduced afterwards?—Yes.

386. Can you tell me what they were reduced to?—They were reduced by 10*s.* an acre.

387. Can you give me the amount of the rental and the valuation?—The rental is £665 12*s.* 6*d.*, and the valuation is £564 10*s.*

388. Were you the valuator for the railway when you made your award?—No, nor for a long time afterwards.

389. After you had valued on behalf of the Town Commissioners did the railway company ask you to become valuator for them?—Yes. A long time subsequently.

390. You got £300 for the lands sold to the railway company—how much of that £300 did you give to the tenants as compensation?—Not a shilling. They agreed to take a reduction of the rent as a compensation for the loss of the land.

391. You sold 3A. 3R. 28P. for £300, and you lost, I believe, about £8 on the rent?—Yes, and I think it was a very good bargain. We sold it very high.

392. How much land did King give up?—1A. 0R. 12P.

393. And what rent did he pay for his land?—27*s.* an acre.

394. Did you take half an acre from Patrick Kennedy? How much did he pay per acre? How many acres did he hold?—About seven acres.

395. And what rent was paid for that land of which the railway took half an acre?—Beyond £2.

396. Something over £2 an acre?—Yes.

397. How much did Bryan Waters give up?—The portion for the road, 3R. 19P. The railway ran zigzag through the boundary of this holding. He would be entitled to £11 or £12 for his interest in the land.

398. You reduced the rent, did you not, by £1 2*s.* 7*d.*?—Yes; some of the tenants said we were not reducing them enough, and there were some alterations made at the time.

399. You say that you have been a Town Commissioner, with very little exception, since 1854?—Yes.

400. And during that time you say you never knew any land falling in to the Town Commissioners being let to Town Commissioners?—No lands falling in.

401. Do you remember the lot on the Kells-road falling about twenty years ago which I believe is the very lot we were speaking about as let to Mr. Kennedy?—I remember that his interest in it expired and that he was treated like all tenants in occupation.

402. Do you remember that lot?—I do.

403. Was there a Mrs. King who offered £3 10*s.* an acre for it?—No.

404. Was there no offer made for it to the Town Commissioners?—No; because the Town Commissioners held the principle that they would not disturb any person in possession.

405. Had not she priority either as the widow of the previous tenant or as sub-lessee?—I am not aware that she had. We treated Mr. Kennedy like any one else.

406. What was it let to Mr. Kennedy for?—Something over £2 an acre.

407. And I understand that Mrs. King, who, under your general rule had priority, made an offer of £3 10*s.* an acre, and it was let to Mr. Kennedy when he was a Town Commissioner?—I am not aware of it.

408. Do you remember a Town Commissioner named Noonan?—Yes; in my early days.

409. Twenty years ago?—It is thirty years.

410. He was a Town Commissioner, and did he not get a lot?—I heard he got a lot.

411 Did he not sell it within a week afterwards?—I heard that, but I am not aware of it myself. He was put out of the Commissioners. He was hunted out of the town altogether. He was tampering with the property.

412. You say Brennon had lands?—Yes; he got one of these lots by public competition.

413. Did not he get part of Chambers' lot?—We gave them to the highest bidder.

414. And he became a Commissioner at the next election, and still continued to hold the land?—Yes.

415. And got his rent reduced?—Yes; there was no opposition at the time to the reduction of the rent. There was a cry got up in the town that they should not have lands, and he gave up his to another man.

416. What did he get for it?—I do not know; the land was too high and what he got must have been very small.

417. Mr. Plunkett had lands?—Yes; he got lands by marrying a Mrs. Fyans.

418. Did not he get a part of that other lot that belonged to a man named Corry, and also the house he lives in?—That is under a lease for ever or some lease that we do not understand.

419. He was not one of the original grantees?—He purchased it.

420. He pays, I see, £1 17*s.* 11½*d.* for the land, and 6*s.* 1¾*d.* for his house?—Yes; that is an old grant.

421. Is the original grantee alive?—I presume he is. He pays rent for the house to another party, but he only pays that head-rent for the landlord.

422. Is the original grantee alive?—It is a lease for ever; all the old grants were for ever.

423. No indeed they were leases for life?—No; you are under a mistake about that.

424. They were so granted under the by-law of 1705, to which I referred the other day. The lands were granted at the nominal rent of 1*s.* a year and for the term of the grantee's natural life?—That is not true of all the Corporation property, but only of the Commons in 1820, and it was merely to make £10 voters of them; the houses granted were all leases for ever.

425. I should like to see the lease of that house for which Mr. Plunkett pays 6*s.* 1¾*d.* a year, and the value of it. What is it rated at?

426. *Town Clerk.*—This is the list of voters for the past year, and Mr. Plunkett is rated at £19—£17 and £2.

427. Which is the £17 for?—The houses, and £2 for the land.

428. Is the house and garden included in this 6*s.* 1¾*d.*?—I cannot tell you.

429. Mr. *Christopher Duignan.*—It is.

430. CHAIRMAN.—I want to know how it is this house has not fallen in?

431. Mr. *Malone.*—Because there was a lease for ever.

432. Did not Mr. M'Keon, who was a Town Commissioner, get lands?—Not when he was a Town Commissioner, nor during my time. He was proposed for lands, and Mr. Sheridan moved that no Town Commissioner should get lands.

433. But had he not town land?—He did not get it from the Town Commissioners.

434. At least you will not deny that Mr. M'Keon and others continued to be Town Commissioners after they got lands which were vested in the Town Commissioners?—I cannot deny that.

435. Noonan's lease is here—there is no doubt about that?—That was the most corrupt man we had in the town, and we put him out. The public spirit of the town got up, and he was chased away out of it.

436. Was not Darling's lease granted in 1850?—Yes.

437. He had a lease of 2A. 2R. 25P. for thirty-one years from March, 1848?—Yes.

438. *Town Clerk.*—He was a Town Commissioner. His name appears here. Hugh Duignan was chairman then.

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Dec. 5, 1876.

Mr. Patrick Malone.

439. CHAIRMAN.—What were Donevan's lots?

Mr. *Malone.*—They were set up for public competition.

440. In your time?—Yes.

441. What do you mean by public competition?—Handbills were circulated and tenders taken in. Donevan was the man who got the lot.

442. Part of Samuel Allen's lot?—Yes.

443. Is Donevan the tenant now?—Yes.

444. In each case that you let the lands by public competition did you not reduce the rents shortly afterwards?—Not shortly afterwards. A good landlord would do so, and we wished to be a good landlord.

445. Were not Chambers' lands set at £3 5*s.* an acre?—Yes.

446. But they were reduced to £2 5*s.* an acre?—To about £2 10*s.* an acre.

447. *Town Clerk.*—Donevan's land was let in January, 1864. This is his proposal, dated 14th January, 1864:—"I, Patrick Donevan, propose to give £3 15*s.* per acre for that lot of the North Commons lately held by Samuel Allen, deceased."

448. CHAIRMAN.—There was, I see, another man who offered to give £4.

449. Mr. *Malone.*—The lease was granted in 1864. He offered £3 15*s.* One other person offered £4, but he was ineligible, because he got land previously. There were other tenders—one at £3 10*s.* per acre, one at £3 5*s.*, and another at £3 7*s.* 6*d.*

450. *Henry Duignan.*—I offered to give £3 15s. for the land. It was worth about that then, and I would give it now.

451. CHAIRMAN.—When were the rents reduced?

Mr. *Christopher Duignan.*—In 1870.

452. Upon the only occasions in which the land was let by so-called public competition — when Chambers' land was let and this lot of Samuel Allen's—in both cases I find the rent was reduced afterwards?

Mr. *Malone.*—Yes.

453. CHAIRMAN.—One of the tenants, Mr. Brennon, parted, I am told, with his lot for £40. Was not that his share of Chambers' lot?

Town Clerk.—Yes. When he sold it it was understood that the rent should be reduced.

454. Did Mr. Brennon assign his interest in that land?—The counter-part lease is in the name of Mr. Brennon, and there is no assignment executed on the counter-part lease.

455. There was no assignment, you said, executed except in one case—the case of the late town clerk?—Yes; that was all.

456. When did Chambers' lot fall in?—In 1858.

457. When were they reduced?—In June, 1870.

458. Do you not now refer to another lot—to Donevan's lot—which had been Allen's lot, or were they all reduced at the same time?—I will just read you the minute of June, 1870:—

"At the adjourned monthly meeting of the Town Commissioners the former minutes were read by the town clerk and signed by the chairman. Reducing rents:—It was moved by Mr. Malone, and seconded by Mr. Atkinson, resolved—'That the rents of Messrs. Luke Moore's, Benjamin Allen, Richard Brogan, and Michael Kelly's lots be reduced 10*s.* per acre, and the rent of Patrick Donevan's lot 15*s.* per acre.' Then as an amendment to that resolution to reduce the rents—It was moved by Mr. M'Keown, and seconded by Mr. Leonard—'That the rents continue still as they are until the reply from the Lords of the Treasury be received.'"

It would appear from that that a communication was sent to the Lords of the Treasury to see if they should do so.

"On a division the amendment was lost, and the original resolution was carried by a majority of two votes—four to two. For the motion—Messrs. Bernard Brennon, Patrick Malone, George Atkinson, and Richard Davis. Against the motion—Christopher M'Keon and Nicholas Leonard."

459. Is that the only occasion on which rents were reduced?—Yes.

460. And the only two cases in which lands were let by competition were those lots?—Yes.

461. One on the death of Samuel Allen and another on the death of Chambers?—Yes.

Mr. Bernard Brennon.

Mr. BERNARD BRENNON examined.

462. CHAIRMAN.—You had one of these lots of Chambers'?—Yes; but I got that lot before I was a Town Commissioner at all.

463. In 1858?—Yes; I was not a Commissioner at the time.

464. But did you hold it after you were a Town Commissioner?—I did.

465. And did you then part with your interest in it to Mr. Kelly?—Yes.

466. And is it true, as has been said, that you got £40 for surrendering your interest in it?—That is totally false; decidedly false.

467. Did you get anything for it?—At the time we got these lands we were obliged to pay each year's rent in advance. I held it for three or four years, and Mr. Kelly came to me and I said to him, "I am getting tired of this land, I have not time to attend to it, do you pay me the year's rent that I pay in advance, and step into my shoes." I never got another farthing.

468. How many acres had you?—Four acres and three quarters or so—nearly five acres.

469. At £3 an acre, so that it would be about £15?—Yes; I paid that before I went into possession of it at all.

470. £14 9*s.* 8*d.* it would be?—Yes; that was all I got.

471. You had 4A. 3R. 12½P., and got you say £14 9*s.* 8*d.* for giving it up?—Yes.

472. When did you give it up to Mr. Kelly?—I had it three or four years; I gave it up about 1860.

473. Was there any understanding between you that you were to try and get the rent reduced?—No such thing. It was never mentioned. There was some reduction some time afterwards.

474. At that time did nothing pass between you about reducing the rent?—No understanding at all between us except, "Pay me the year's rent which I paid in advance, and have the farm; I am losing by it."

Mr. Patrick Malone.

Mr. PATRICK MALONE recalled.

475. CHAIRMAN.—You say that while you were chairman you recovered lands which people were overholding?—Yes; there was a seven years' notice served in 1863 to throw the *onus* on the person in possession to prove that the persons who went to America were still alive. We could not prove that they were dead. We recovered the lands then. We had a great lawsuit.

476. Yes; that was referred to before as costing a good deal of money, and that was given as the reason why you would not contest the possession of this Molloy's lot?—Yes, because it cost so much. In one way or other we recovered the whole of that rental, which was nearly lost like Molloy's lot.

477. Have you got that opinion of the Lord Chancellor which was referred to?

478. *Town Clerk.*—No; nor that opinion of counsel which was referred to. Neither of them are in the minutes.

479. CHAIRMAN.—£640 is Griffith's valuation, I see, and you get £665 12*s.* 6*d.*?—Yes.

480. *Town Clerk.*—I am asked to read this resolution :—

"September, 1863.—Moved by Mr. Sheridan and seconded by Mr. Davis. Resolved—In order to save this body from even the suspicion of partiality or corruption, no town commissioners in future be considered eligible to be proposed for any vacancy in a lot of commons in the possession of the town commissioners.

"Amendment proposed by Mr. M'Keown and seconded by Mr. Leonard. Resolved—That Mr. Sheridan's motion is out of place."

The amendment was carried by a majority of one vote.

TRIM. *Dec. 5, 1876.*

Mr. Patrick Malone.

Mr. JAMES PLUNKETT examined.

Mr. James Plunkett.

481. CHAIRMAN.—You are a merchant in the town, and one of the town commissioners?—Yes.

482. You are one of the gentlemen, I think, who got part of the land that was held by a man named Corry?—Yes.

483. Did you get 4A. 3R. 13P. of Corry's land?—No; about two acres one rood. I got it by Vaughan's valuation.

484. Very recently—while you were a town commissioner?—Yes, on 19th December, 1873.

485. You paid, did you not, 45*s.* an acre?—Yes.

486. Was that valued by Mr. Vaughan?—Yes.

487. You also hold a house?—Yes.

488. How do you hold that house?—There is a lease of it. It is in Chancery at present.

489. You pay £11 2*s.* 4*d.* rent. To whom do you pay it?—Mr. E. John Wharton.

490. Did you buy the interest in the house you live in from Mr. Mulvany?—No; from Mr. M'Cormac.

491. Who did he hold from?—From Mr. Wharton.

492. Who did Wharton hold from; how is he entitled to this house?—I do not know.

493. Do you pay 12*s.* 2*d.* head rent to the town commissioners?—Yes.

494. How is it that the lease has not fallen in?—I cannot tell you.

495. Do you know nothing about it?—No. I have a lease for ninety-nine years.

496. From whom?—From Mulvany. I am the representative of Mulvany. He has a lease for ninety-nine years.

497. Had Mulvany a lease for ninety-nine years from Wharton, and did MacCormac get Mulvany's lease?—Yes.

498. Have you got the lease?—Yes.

499. For ninety-nine years?—Yes.

500. Can I see that lease?—Yes.

501. How is it that it did not revert to the Town Commissioners?—I cannot tell you.

502. You hold two lots of land, one at £1 17*s.* 11½*d.* half yearly—that would be £3 15*s.* 10*d.* a year?—Yes.

503. Which is that?—That is the first lot.

504. For the other you pay, I see, £2 18*s.* 3½*d.* half yearly, which would be £5 16*s.* 6*d.* for the whole year?—Yes.

Mr. THOMAS KENNEDY examined.

Mr. Thomas Kennedy.

505. CHAIRMAN.—You hold more than one lot?—Yes.

506. You hold two lots?—Yes.

507. Were these granted to you or to your father?—One was granted to my father.

508. Was your father a Town Commissioner at that time?—Yes, he was.

509. Who was the other lot granted to?—William Burnell.

510. He was the man whose lot fell in, he having gone to America?—Yes; he sold his interest to me.

511. For what?—For a consideration that I gave him—a sum of money.

512. What sum of money?—Well, I suppose I gave him—he had land from me and from the Town Commissioners, and I paid him for about twelve acres that he gave to me; afterwards I returned all his land except two acres, and although I gave him £200 for twelve acres, I charged him no tenant-right.

513. You gave him £200 for the common lands?—No.

514. You held one lot from your father, and, you say, another from William Burnell?—Yes.

515. Who did Burnell get that land from—was it let to him by the Town Commissioners?—Yes.

516. Were you then a Town Commissioner?—Yes.

517. Can you tell me when it was—was it about '64?—About that time.

518. How many acres did Burnell hold from the Town Commissioners?—He held about five acres; there is three acres to other tenants who pay him rents.

519. How much did you get from Burnell?—Three or four acres only.

520. You paid £12 for one lot and £14 0*s.* 11*d.* for another?—Yes.

521. Which is your father's lot?—The £14 one.

522. How much did you give Burnell?—£200 I gave him to surrender the lease.

523. How many acres did you get for this £12 a year?—Four or five acres; there are two other tenants who paid rent for one and half acres.

524. I want to know the quantity for which you paid £200, and for which you pay the Town Commissioners rent?—4a. 2r. 15p., and two other tenants were tenants of Burnell.

525. Is 4a. 2r. 15p. the whole of it?—Yes.

526. Which you purchased Burnell's interest in, he having got a lease from the Town Commissioners?—Yes.

527. You gave Burnell £200, and he surrendered his interest in that lot which he had from the Town Commissioners, and that outstanding lease which he had from you?—Yes.

528. How much of that £200 did you consider you were giving for the Town Commissioners' land?—A portion of it.

529. I want to know how much of it?—I suppose I gave £150 for Burnell's interest in the Corporation land.

530. With regard to the lot which you had from your father, how many acres is in that?—There is six and a half acres.

531. Then it would be nearly £2 2*s.* an acre?—Yes.

532. That your father got when he was a Town Commissioner?—Yes.

533. Was he a tenant of the land before he got a lease of it?—Yes; he held under James Taylor.

534. Was there a person named Mrs. King, who also held under James Taylor?—Not that I am aware of; she held under my father.

535. Your father held under Taylor, who was the original grantee, and you say Mrs. King held under your father?—Not the same land.

536. Some other land?—Yes.

537. Adjoining land?—A good distance from it—near to the town.

538. Did Mrs. King make an offer to the Town Commissioners?—I was not a Town Commissioner at the time.

539. Did you hear that she did?—I heard something about it.

540. Do you know how much she offered for it?—No.

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Mr. Thomas Kennedy.

541. Did you hear that she made an offer for it?—Yes.

542. Do you keep the land in your own hands, or do you sublet it?—I have that lot sublet to Burnell at the same rent.

543. At the same rent that you pay to the Town Commissioners?—Yes. It was so bad that I could not keep it.

544. Was there any arrangement to that effect between you?—No; none at the time that he sold his interest to me.

545. Is that all the land you hold from the Town Commissioners?—Yes.

546. Do you hold some surrounding land of about the same value as that which you hold from the Town Commissioners?—The land I hold from the Earl of Essex is very nearly twice as good. I hold land much better than the Corporation land at 31*s.* an acre.

547. How near is Lord Essex's land to Trim?—All surrounding the town.

548. And so is the Corporation land, is it not?—No; it is at a considerable distance.

549. What you hold is not a considerable distance from the town?—It is. The Corporation lands are inferior lands; they are not good pasture lands.

550. When you got the land—you or your father—for which you pay £2 1*s.* per acre, was it put up to public competition or not?—I am not aware.

551. You have heard that Mrs. King made an offer?—Yes.

552. And a higher offer than your father?—I do not know. I heard she made an offer, and at the time she did so it was disposed of to another, and entered on the books.

553. Have you not heard that she made a higher offer?—I have not.

Mr. C. P. Duignan.

Mr. CHRISTOPHER PATRICK DUIGNAN examined.

554. CHAIRMAN.—You are the agent of the Trim Town Commissioners?—Yes.

555. And have been, I believe, since 1843?—Yes. In 1847 I received the first rent. I was appointed treasurer in 1843.

556. Are you treasurer as well as agent?—I was at that time, when there was no bank.

557. Since that time have you received all the rents of the Corporation?—Yes.

558. Have you got a list of all the tenants?—Yes.

559. Besides this one which you handed me the other day have you got a list from the commencement?—Yes, when they come in.

560. In the year 1843 was there a list of the tenants handed to you?—There was only one tenant. John King was the first man who paid me money for land. He paid one and a half year's rent in 1844. That was the first lot that dropped into the new Town Commissioners.

561. Had that lease been granted to King, or was it granted after you became agent?—I do not know the date when it was granted.

562. Was it granted whilst you were agent?—Yes.

563. In 1843?—Yes. Some of the lands were let to the then Corporation members at the nominal rent of 1*s.* in order to give them power to vote.

564. The bulk of the Corporation lands were let at the time you came into office?—There was only one lot not let.

565. The Corporation lands, in round figures, are about 480 acres?—Yes.

566. Who were they held by when you became agent?—They were let out to the old Corporation, who paid no rent.

567. To members of the old Corporation?—Yes.

568. Freemen and burgesses?—Yes.

569. And they paid 1*s.* a year for each of their holdings?—Some did, and some did not.

570. Did you ever receive any of these shillings?—Yes; from some of them.

571. I do not see any shillings entered here. Did any of them ever pay their 1*s.* a year?—Some of them paid it to me afterwards.

572. Not at that time?—No; nor for a long time afterwards.

573. Did not the old Corporation get at that time even the benefit of this 1*s.* a year?—Yes.

574. You never got any of them until 1845, and you were appointed in 1843?—I got one in 1844.

575. How many lots was the property divided into in 1843?—I cannot tell you.

576. You kept no record of it?—No.

577. Had you no record whatever of how the property was distributed?—No.

578. You never had?—Never had.

579. The first lease you say that fell in was King's?—On the death of a man named Francis Taylor the burgess lot fell in.

580. Was that let to King in September, 1843?—Yes.

581. Did he pay you rent on the 25th March, 1844?—Yes.

582. And he then paid you £36. Would that be three half years' rent?—Yes.

583. Did you ever see his lease? Did he not hold from 1843 till 1849 before the lease was made?—Yes.

584. Was John King a Town Commissioner?—Never; he did not live in the town.

585. Richard Flood. Was his an old tenancy?—No.

586. Have you got a list anywhere showing the quantity of land held by each tenant?—No, only this one. We have a record of it on the minute book.

587. You have no such book?—No.

588. Nor any means of making such a book?—No means of making such a book.

589. You have been agent for thirty-three years, and have not a great number of tenements been let since then?—Yes.

590. How many of the old lots are still outstanding?—I think there are five.

591. Under old grants?—Yes.

592. With these exceptions, have they not all fallen in during that time?—Yes.

593. Surely it would be your duty to enter on the rental not only the name of the tenant but also the number of acres held by each?—They were all put in the minute book. I never saw any form of rental book but that.

594. You have not got it at all events?—I have not got it.

595. Do you remember the order being made by the Town Commissioners—I think last September—that you should furnish the town clerk with the names of the tenants from the commencement of each letting?—A thing that I could not do. The only thing I could do would be to refer him to the rental as I had it myself.

596. You could at least have put down the names of all the tenants?—Sure they are all here.

597. The names of all the tenants in succession. You were there when the order was made?—I told them I could not do it.

598. You heard that resolution (the town clerk having read the resolution ordering the list of names to be supplied)?—Yes. I could not do it.

599. Did you tell them that?—I did.

600. Who was chairman then?—Dr. O'Reilly. I gave this rental to the town clerk to write out, and he had the names on the minute book by which he could check it.

601. Did you move an objection to the signing of the minutes?—I did.

602. What was the ground of your objection?—That I would not make out the return from the commencement of these lettings, which was ordered at the meeting before.

603. Did you say that you said so at the preceding meeting?—Yes; that I could not do it; that I would give the rental as I had it.

604. What was the date of the original grant of the land of which Mr. Ball, the solicitor in Dublin, receives the rent, and of which another person receives the rent of the adjacent cottage? Mr. Ball in Dublin, I understand, receives the rent of certain lands, and a Mr. Donovan receives the rent of an adjacent cottage?—He is Counsellor Donovan.

605. Who was the original grantee of those lands?—I cannot tell that.

606. Surely you can tell that. You keep a rental book, and the original grantee was bound to pay you a shilling a year?—I never got a shilling.

607. You are paid to look after these things?—I am paid to get the rent as soon as the tenants are declared.

608. How do they hold?—They hold in some way that I could never find out.

609. Do you believe that the lands belong to the Corporation?—I am sure they do.

610. Why do you not try to get the land?—I never knew who held it.

611. Has no application been made to Mr. Ball, in Dublin?—No.

612. Do you not consider it part of your duty, as agent to find out what land belongs to the Corporation, and what rent you ought to receive for it?—Certainly.

613. If you find that land belonging to the Town Commissioners is held by parties who do not pay rent to the Town Commissioners for it, it is your duty to look after it?—Surely.

614. What other land is there besides this of which Ball and Donovan receive the rent, and Molloy's lot for which the Town Commissioners are not paid rent?—There are no other lands that I know of.

615. These are the only ones?—Yes. Molloy's is over-holding.

Dr. FRANCIS JOHN O'REILLY, J.P., examined.

616. CHAIRMAN.—Were you present as chairman of the town commissioners when the resolution of 7th September was passed? Do you remember that resolution being passed?—Yes.

617. Did the agent then state to the town commissioners that it was impossible for him to furnish the information?—I do not remember. I have no recollection of it. I do not know whether he made that explanation or not.

618. Have you any information to give us with regard to the sanitary work in the town?—There has a great deal been done. You will see the number of reports that the sub-sanitary officer made to me, and I have acted on those reports always. I think I could say for the town of Trim that it is better off in that respect than most towns in Ireland. Most of the houses are creditable to the people.

619. You are the sanitary officer to the board of guardians as well as chairman of the town commissioners? Have you reported nuisances to the board of guardians as the sanitary authority for Trim?—Perhaps in 150 cases.

620. And has action been taken in all these cases?—Yes.

621. Have there been any connexions made with main sewers?—In so many as could be made.

622. Have they called upon the people to make them?—Yes.

623. And have they acted upon such notice?—They have not; they were brought before the petty sessions and the magistrates refused to act upon it. One gentleman was summoned and he refused to attend before the magistrates and no order was made in that case. The board of guardians have done all in their power, and it rests with the magistrates.

Mr. CHRISTOPHER P. DUIGNAN recalled.

624. CHAIRMAN.—Can you give me a list of the outstanding lots of which parties had grants for lives before 1840, and the Poor Law Valuation of each?—James Walker holds a lot of four acres—Poor Law Valuation, £5 10*s.*; William Corry, £5 10*s.*; Edward Parsons, £5 10*s.*; William Parsons, £5; and John Hughes, £5 15*s.*

625. Are those original grants by the old Corporation?—Yes.

626. Were those all freemen's or burgess's lots?—All freemen's lots.

627. Do you know how many acres these comprise?—Edward Parsons' lot is about four acres, and the others are from three to four acres generally.

628. You may say about twenty acres outstanding on those five lots?—Yes.

629. Why are no transfers indorsed on the leases—are they not prepared by you?—No; by the solicitor in Dublin. There is no clause in the leases to prevent them from selling out.

630. Why do you not keep a record of whatever transfers are granted?—I do. I was ordered by the present town commissioners to put the names as I have them here.

631. Why do you not identify the lots on your own rental-book?—I have them.

632. It is not on the face of your rental?—But I have it.

633. If you had that there would be no excuse for saying you could not give the information which was asked?—It is recorded on the minute-book.

634. Why is it not down with every lot? You enter of course the name of the new tenant and the name of the old grantee?—Since 1866 I did that but not before that time.

635. I want to know something about Mr. Thomas Fox. This lease to him is signed by you as Fox's agent?—Yes.

636. How is it that you acted as agent for Fox and agent for the town commissioners?—Yes; I was agent for both. Before he went away he gave me power of attorney and gave up his land to pay the rent until he came back. He was in debt when he went away. He held a good deal of land about the town. I did not keep the dates of his coming and going. I paid up all his rents—the rents of the corporation lands, and the rents of the manor lands that he held, paying upwards of £100 a year for them. He then wrote to his cousin, the Rev. Father Allen, and I was instructed to settle with Father Allen the same as if I was settling with himself.

637. What I understand is this, that when Fox went to America he owed money. Did he owe you money?—He owed me the rent of the Commissioners' lands only as agent.

638. He owed you no private debt?—No.

639. He asked you to hold and farm this land, and pay the rent for him?—Yes.

640. For your own benefit or for his?—For his benefit.

641. Suppose there was a profit out of the land who got the money?—He did. I sent him money occasionally.

642. How much did he hold when he went to America?—About eighteen acres of the Corporation lands.

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643. Any besides the fourteen acres?—He held fourteen acres and some he got from Parsons.

644. He did not hold that direct from the Corporation?—Not then.

645. Do you say that all he then held was fourteen acres?—He was after giving up Parsons' lot, and making an agreement to have the leases put into one.

646. Did he make an agreement to get a lease of Taylor's?—Yes.

647. Was Taylor dead then?—Taylor went to America a long time before him.

648. There was a lot of 5A. 3R. 21P. under Parsons?—Yes.

649. And 14A. 3R. under Allen?—From Taylor; he got it from Taylor.

650. Taylor was the man who held from the Town Commissioners?—Yes; after his father's death.

651. And had not nineteen years of his—Taylor's—lease expired?—I cannot say the exact number of years.

652. He had a lease for thirty-one years?—Yes.

653. And had Parsons a lease for thirty-one years?—A lease for his life.

654. Yes; he was one of the old grantees?—Yes.

655. In what year did this man Fox go to America?—I have not got the date of it here.

656. How long was he gone when you got this lease from him?—Two or three years.

657. Were you doing business for him those two or three years?—Yes.

658. Was it by his directions that you applied to the Town Commissioners for this lease?—Yes; the agreement to give him the lease was made before he went away.

659. When?—As soon as he wished to prepare it.

660. When did Henry Parsons die?—In 1874.

661. Parsons was not dead when this lease was granted in 1868?—No; he came in and surrendered it; forty shillings an acre, I think, he gave for Parsons' land; Henry Parsons died on the 21st October, 1874; Fox bought from Parsons, and he came in then and surrendered his lease to the Town Commissioners; Fox surrendered Parsons' lease to the Town Commissioners, and he was paying rent from the year 1862, and so there was thirteen years' rent paid to the Town Commissioners that they had not any right to unless Fox surrendered to them.

662. Allen paid Parsons £60 for his lease in 1842, did he not; and he then gave up the lease to Fox. Was Allen Fox's uncle?—Yes.

663. From 1842 to 1862 I want to know who paid the rent to the Town Commissioners for the lease that was surrendered by Allen?—No rent was paid by anyone.

664. How much of that time was Fox holding from Allen?—I cannot tell you how long that was. It was after the uncle's death that Mrs. Allen gave it to her nephew.

665. And you applied to the Town Commissioners for this lease in 1868?—Mr. Fox before he went away made application to the Town Commissioners, and surrendered his lease, and the lease was to be granted to him.

666. How was it that it stood over till 1868?—I cannot say how that was. It was on the books that he was to get the lease.

667. Did you go to the town commissioners and ask for this lease to be granted?—I did.

668. In 1868?—Yes.

669. Have you continued to hold this land ever since for Fox?—Oh, not at all.

670. Who holds it now?—I got a letter from America, and before Mr. Fox died there——

671. Is he dead?—Yes.

672. When did he die?—About three years ago.

673. Up to the time of his death did you hold it?—After I gave it up to his cousin, Father Allen, he died in America. I held it till about 1872. I farmed it for him, and paid the rents to the town commissioners and to the Rev. Father Allen, and paid the debt he was in when he went away.

674. Did he pay you a commission?—Yes; he paid me £50 a year.

675. Was there any dispute between you and Phoebe Corry about some land?—Between her son and I.

676. What was it?—There was a lease made to her of a small portion of land—2A. 1R. 11P.—which is immediately outside the town. She sold a small plot of land to another party for £10, and she went to that party to sell a second lot. She came to me on the 4th May, 1863, and told me she was after being offered £10 by a certain party in town (who is dead since), but that she would have to give up possession of it at the time, and she did not wish to do that, as she had two cows. I then gave her £10, leaving her in possession as long as she lived; and if she lived after me, she was to make the best hand she could of it. I was not to go in until after her death, and I gave her £10 for her interest in the lease.

677. Was it a lease for thirty-one years?—Yes.

678. What was the date of her lease?—20th September, 1861. She was the widow of the town sergeant.

679. She got the lease in 1861?—Yes.

680. You gave her £10 for the reversion of her interest?—Yes.

681. What age was she then?—She lived up to sixty-five.

682. Did you tell the town commissioners?—No, nothing about it till her death, and I went in and took possession then.

683. Was there any dispute that was brought before the board between you and Phoebe Corry about the matter?—No. It was about the land; she was dead then.

684. It was between her son and you?—Yes. I claimed the land under this agreement, and there was another party who was to give them money, and the son or son-in-law went in and wanted to put me out of possession.

685. What was the decision of the town commissioners?—For me to pay the rent and hold the land.

686. And you hold it since?—I do.

687. You hold two lots?—Yes.

688. From whom did you get the other one?—It consisted of five acres, Irish plantation measure, on lease of thirty-one years, at £7 10*s.* a year. I laid out £73 7*s.* 4*d.* on that £7 10*s.* lot before I got anything from it; and on the other (Phoebe Corry's lot) I laid out £40 besides the amount I paid her for it.

689. That is not an answer to my question, and you know it. There was some land let to a man named John Allen; how did you get possession of that lot?—He owed me £30 when he went away, and he gave the lands up to me for the £30.

690. Did he give you an assignment of his interest?—He had no interest.

691. Was it not a freeman's lot?—But he was going away.

692. How many acres is there in that lot?—I suppose there is about four or five acres.

693. Is that man still living?—I never heard anything of him since he left the country.

694. Did Allen get a grant of that lot for his life?—I could not say.

695. Do you know whether he is living or not?—I am sure he is not. I never heard of him since.

696. Have you ever paid any rent for it?—I have.

697. How much?—£5 a year.

698. Who did you pay that to?—The town commissioners.

699. Did you get a lease of it?—I did.

700. From whom?—From the town commissioners. I think I got a lease, but I am not sure.

701. *Town Clerk.*—Mr. Hipwell got the lease, Mr. Duignan did not.

702. CHAIRMAN.—Allen paid no rent?

703. Mr. *Duignan.*—No.

704. Who holds it now?—Mr. Hipwell.

705. How much did Mr. Hipwell give you for it?—£30.

706. How long did you hold it after Allen went away before you sold it?—I think I had it somewhere about three years.

707. Is that the land from which Hussey removed the fences?—Yes, a portion of it.

708. Who gave him power to remove the fences?—Sixty or eighty years ago it was removed by Mr. Chambers. He held Hussey's farm.

709. Was the fence gone before you got the land from Allen?—It was.

710. Did Hussey occupy the land that was afterwards recovered by Judge Flanagan's order?—Hipwell has it.

711. Did not Judge Flanagan make an order that it belonged to the town commissioners?—Yes.

712. Was there not some lawsuit before Chief Baron Pigot?—Yes, as to land that was conferred on a man named Robert Francis.

713. Did you not get possession of that land?—Yes, I got possession of it after the row being about it.

714. When was that?—I could not tell you in what year.

715. Who occupies that land now?—Mr. Hanbury got it at £6 a year after the second trial. It was tried before Judge Monahan, and a compromise was come to, and Hanbury, who was then in occupation, was allowed by arrangement to remain in as tenant to the commissioners at a rent of £6 a year on a new lease for thirty-one years from 29th September, 1862.

716. How was it that you collected gas rents?—In May, 1872, the present town clerk was ordered to read the meters and give me the readings, and I was to collect the rents at five per cent.

717. Have you got that order?—It is on the books.

718. One man collects it for nothing, and you would collect it at five per cent.?—When I was collector every collection that I lodged I gave the name of the man who paid it. Now no one knows what is to be collected.

719. At all events this year the gasworks is a paying concern, the audited account shows it?—We wanted to have one person to read the meters and one to collect the gas rents. The land I had from Allen was leased in 1853 to Hipwell at a rent of £5 a year. It consists of five acres three roods, Irish plantation measure; that was the only lease the town commissioners made of that land.

720. No lease was granted to you?—No.

721. How many years did you hold it?—I could not have held it more than two or three years, because I had to go through Mr. Hipwell's land that he held in perpetuity to it.

722. Did you pay any rent for it during those years?—I could not swear that I did unless I had my books here.

JANUARY 11, 1877.

(Before the Chairman, Mr. CORBETT.)

Mr. TERENCE SHERIDAN examined.

723. CHAIRMAN.—You wish to be examined, and you are, I believe, the postmaster of Trim?—Yes; I am the postmaster of the town of Trim, and I object on principle to the letting of the corporation lands by public auction, because the demand is excessive and the supply limited.

724. You have been a town commissioner?—Yes.

725. For how many years?—I was connected with the Town Commissioners for about twenty-five years as auditor of the Commissioners and as chairman.

726. Were you the auditor before the appointment of a Government auditor?—Yes.

727. For how many years were you a Town Commissioner?—I could not say exactly.

728. When were you a Town Commissioner last?—Five years ago.

729. You say you were at one time chairman of the Town Commissioners?—Yes; I was chairman twice—for two years consecutively.

730. Were you a member of the Town Commissioners between the years 1840 and 1854?—No; nor for a long time after.

731. You were not a member of that body until after the passing and the adoption of the Towns Improvement Act of 1854?

732. I understand you to say in this document you have laid before me that you have some practical experience of the value of the town lands?—Yes, I have.

733. How—in what way?—As having myself held part of them.

734. What land did you hold?—I held part of the North Commons—part of Captain Mocler's land.

735. How much did you hold?—Ten acres.

736. What rent did you pay for that ten acres?—I paid the trustees 27*s.* 6*d.* per acre.

737. In what years did you hold the land?—In 1838, 1839, and 1840. Captain Mocler died in 1845 or 1846.

738. You gave up the land, then, before his death?—I gave it up in 1840.

739. Was that land partly pasture and partly arable land?—Yes.

740. Did you sublet any portion of it?—No; I did not.

741. Were you a yearly tenant?—Yes.

742. And was it re-let every year?—No, every seven years.

743. Did you bid for the land again in 1840?—Yes; I bade for it every year.

744. When Captain Mocler died his land in the North Commons, which you say was about twenty Irish acres, fell in, and, of course, the Town Commissioners took possession of the land and re-let it?—Yes.

745. How did they let it?—I think in four or five lots.

746. On leases for thirty-one years?—Yes.

747. Was it the same class of land as the rest of the North Commons that you got?—Yes; the lot that I got was a very fair sample—a lot by which you could estimate the value of the whole of them.

748. Was the land re-let immediately after his death?—Yes.

749. To whom was it re-let?—To Matthew Calwell by William Calwell, 4A. 1R. 35P., from January 1st, 1850, for a term of thirty-one years.

750. Was he a Commissioner?—*Town Clerk.*—He was.

751. CHAIRMAN (to witness).—Were you a Commissioner at the time?—No; I know it was let by competition. It was agreed to divide the lot into five parts—four lots of about four acres each, and the balance. It was subsequently agreed that a committee should retire to value the lots, and to select the names of the tenants. There were twenty-two applicants for the lands. The committee retired to value them, and announced that the highest offer was 40*s.*, and the lowest 36*s.* per acre.

752. Did the committee value the lots, on that basis, and at the next meeting were the names of the persons selected out of the twenty-two applicants read out to the Town Commissioners?—Yes.

753. Can you tell me whether any of those persons selected were Town Commissioners, and then present and voting?—David O'Leary was present as a commissioner at that meeting, James Keeley was also present as a commissioner; Richard Neville was a poor farmer.

754. Had he not some kind of a claim?—Yes; he was a tenant who occupied under Captain Mocler. Bryan Watters was present as a commissioner.

755. In fact all of them who got lots except Neville?—Yes.

756. Did O'Leary get 3A. 2R. 5P., at £7 1*s.* 3*d.*?—Yes.

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Mr. Terence Sheridan.

757. And Keeley, 3A. 3R. 5P., at £6 12*s.* 3*d.*?—Yes.
758. Neville, 3A. 2R. 35P., at £7 8*s.* 9*d.*?—Yes.
759. Watters, 3A. 2R. 5P., at £7 1*s.* 5*d.*?—Yes.
760. And Calwell, 4A. 1R. 35P., at £8 18*s.* 9*d.*?—Yes.
761. You say these lands were a fair sample of the North Commons?—I do.
762. For which you for what you held had paid at the rate of 27*s.* 6*d.* per acre?—Yes.
763. At the time they were let do you think they were worth more or less than they were let for to those people?—I think it was an excessive rent at the time. In fact, I may say the parties who took these lands had no other lands; they did not take the lands for the purpose of making any profit out of them.
764. You say you object to let land by competition?—I do; I have always objected to it.
765. What is your reason for objecting to it?—Because the demand is excessive, and the supply limited.
766. With regard to the reduction of rent—this is only the third instance which we have had of there having been any tenders for corporate lands. On the two previous occasions we heard of parties who then obtained lands surrendering their interests, and of an abatement then being made?—Yes, I remember that. The only case that I remember is Brennan's case. He was here before you; and he, in the most positive manner, contradicted the statements made by the town clerk. With regard to the cause of the rent reduction, we know the value of the land was much depreciated by the potato blight, and if the commissioners had taken this into consideration at the time they would not be singular as landlords. I say they would have been justified in making the reduction.

Mr. Thomas Kennedy.

Mr. THOMAS KENNEDY recalled.

767. CHAIRMAN.—Was this 8A. 2R. for which you pay £12 a year, let to your father originally, or to you?—There were seven acres let to my father at £2 1*s.* per acre.
768. Irish or English measure?—Irish. I pay £12 a year for this 8A. 2R.
769. You say that seven acres were let originally to your father whilst he was a Town Commissioner?—Yes.
770. And you held it by succession from him?—Yes.
771. He had a thirty-one years' lease of it?—Yes.
772. Did you get the additional land which you hold while you were a town commissioner?—No; I got it from Mr. William Burnell. I was not a town commissioner at the time.
773. That is the 8A. 2R. for which you now pay £12 a year?—Yes.
774. Is that lot of the same value as that you had from your father?—No; it was let to William Burnell, and he got a thirty-one years' lease.
775. How did you get it?—He gave it to me.
776. He surrendered it to you?—Yes.
777. When?—I do not know exactly. I think about ten years ago.
778. What did you give him for his interest in it?—I think about £150.

Mr. John Neary.

Mr. JOHN NEARY examined.

779. CHAIRMAN.—Have you any complaints to make about not getting some land to which you thought you were entitled?—No.
780. What is your complaint? Is it that you do not get a chance of bidding for any of the Corporation lands when let to others—because you do not hear about their being vacant?—Just so; and many another as well as myself in the town.
781. You would wish, I suppose, that the Corporation lands should be put up to public auction?—Yes.
782. You want some notice to be given, in fact, whenever such land is to be let?—Yes.

Mr. Patrick Donnevan.

Mr. PATRICK DONNEVAN examined.

783. CHAIRMAN.—Your name was mentioned to us the last time I was here as holding land from the Corporation?—Yes.
784. How long have you held land from the Commissioners?—I think about six years; I do not know exactly.
785. Is it part of Samuel Allen's lot?—It is.
786. I believe there were a good many people tendered for the land when you got it?—Yes.
787. It is one of the lots that were said to have been put up to public competition?—Yes.
788. How was it put up to public competition? Was it by advertisement in the newspapers or by handbills?—By handbills.
789. You have held the land ever since?—Yes.
790. You were not a Town Commissioner, I believe?—No, I was not.
791. Nor a relation of any of the Commissioners?—No.
792. What rent do you now pay per acre?—£3 per acre.
793. Was it not let to you in January, 1864, at £3 15*s.* per acre?—I do not know exactly. Mr. Malone and three Commissioners came down and saw it before I got it.
794. Why was it reduced?—Because it was all a lake. The three Commissioners went down and valued it.
795. It was six years after you got it, I believe, that it was reduced?—Yes. For three years I had no crops in it. The river got choked, and the land got all flooded over.
796. Do you know that another man offered £4 an acre for that land?—Yes.
797. And why did you get it?—Because he had land; he had land of his own.
798. Did the handbills by which it was advertised say the lands should not be let to any person who had land already?—Yes.
799. Would you like to let it to anyone else now?—I would give it up.
800. Have you ever been offered any money for it?—No; I keep a dairy, and it is useful for getting a bit of manure from it.
801. Were you in court the last day I was here, when a ratepayer named Henry Duignan said he would willingly give £3 15*s.* an acre for it now?—No.

Mr. Plunkett.

Mr. PLUNKETT recalled.

802. CHAIRMAN.—I want to know something more about the circumstances under which you hold the lands and house which were before referred to. You are rated, I see, at £17 for houses and gardens, and you appear only to pay 6*s.* 1¾*d.*?—No; I pay £11 2*s.* 4*d.*
803. You are not the tenant of the Corporation for the houses?—No; I am the tenant of Wharton. The property is in Chancery. I pay the head rent for Wharton.
804. I understood all the old grants were leases for lives, but Mr. Malone told us that the grant to Wharton is a lease for ever?—I cannot tell you what it is for. I recollect that some years ago the Corporation

put the matter into the hands of Mr. Ford to try the title, and he said that he could make nothing out of it.

805. CHAIRMAN (to Mr. *Christopher Duignan*).—Who was the original grantee?—I cannot tell you that.

806. That is one of the faults I have to find with you—that you are not acquainted with matters of this sort. You were appointed agent in 1843?—Yes.

807. You know, of course, it was your duty as agent to get a list of all town property, and to ascertain who were the parties holding grants for lives?—At the time the late town clerk was here, he had a list of all that. What happened to it I do not know.

808. Was Wharton the person whom O'Leary held under?—Mr. *Plunkett*—Yes.

809. And you do not know of anyone else?—No.

810. Did Mulvany get a lease for ninety-nine years from Wharton?—Yes.

811. Have you ever seen it?—No.

812. And did Macormac then get Mulvany's lease?—Yes.

813. Is he living now?—No.

814. How did it get into Wharton's hands?—I cannot tell you.

815. You hold from Macormac?—Yes; I bought the interest in the lease. I heard from Macormac that Mulvany had a ninety-nine years' lease.

816. Who was that lease from? Was it from the Town Commissioners?—No; from Macormac.

817. Mulvaney got Macormac's lease?—Yes.

818. And you had it from Mulvaney?—Yes.

819. For £75?—Yes.

820. That is the house you live in?—Yes.

821. What is the date of your lease?—I cannot tell you.

822. Have you got the lease?—Yes.

823. Will you be kind enough to fetch it for me to see?—I will try to find it.

Mr. DUIGNAN recalled.

824. CHAIRMAN.—Have you ever seen this lease to Mr. Westby Percival?—I did.

825. It is a lease of two houses in Trim the property of the Corporation?—Yes.

826. To Westby Percival?—Yes.

827. On lives renewable?—Yes.

828. And I see the present Duke of Leinster is one of those lives?—Yes.

829. And the only surviving life?—Yes.

830. Who occupies those houses?—A man named Lubie in one of them, and a man named Dalton in the other.

831. Did you ever hold these houses?—No; I held Dalton's house for a while.

832. Did not your brother hold one, and you the other?—He is the immediate landlord of Dalton.

833. And are you the immediate landlord of the other?—No.

834. How did your brother get possession of this house?—He bought the lease from Mr. Ralph Tew.

835. And have you dealt with these two houses in any way since Westby Percival's death?—Yes; I received the rent up to within the last five years. I think there is five years' rent due now. There is another portion of Percival's property—a portion of the Nitesbrook lands, about thirteen acres that belonged to Mr. Percival. Those houses in the town also belonged to him. Young Mr. Percival went away, and raised money on the property.

836. You know perfectly well I am only inquiring about the property of the commissioners and that we have nothing to do here with his own land?—No.

837. Do you say that Lord Dunsany is now the landlord of these two houses?—He is the man who receives the rent from the sub-tenants.

838. How did he get them?—He purchased them from the man (an attorney in Dublin) who advanced the money to Mr. Percival.

839. Is he the son of the Mr. Percival who died, and to whom the original lease was granted?—Yes.

840. And is he now abroad?—Yes.

841. He has disappeared?—Yes.

842. And you say Lord Dunsany purchased his interest in these houses from the solicitor who advanced the money to Mr. Percival?—Yes.

843. Did Percival ever come in and surrender his lease to the commissioners?—Never.

844. What do you say is Lord Dunsany's right?—He has the counterpart of this lease.

845. Has the question of Lord Dunsany's right ever been raised?—He came in to pay me the money, and I was told not to receive any money from him until these things were settled. I went to the solicitor of the town commissioners and he told me I should not refuse the money.

846. Did you not suggest that Lord Dunsany should be accepted as the assignee of Westby Percival?—I did not suggest to the commissioners.

847. Did you ever see any transfer or assignment to Lord Dunsany, or was any such ever produced to the commissioners?—Not produced that I heard of.

848. Did not the commissioners, therefore, pass a resolution to re-enter upon the holdings for the benefit of the ratepayers?—Not that I heard of.

849. Have you, on behalf of the commissioners, taken any steps to re-enter or claim possession?—I received an order from the commissioners to do so.

850. Have you done so, and if not, why not?—No answer.

851. When were you first told, and by whom, not to accept rent from Lord Dunsany or his agent for these premises?—By the commissioners at their meeting; I don't know the exact date.

852. Did you ever receive any money from Lord Dunsany or his agent?—No; because I would not be allowed to receive it.

853. Who was the last person that you received rent from for this place?—Mr. Vincent; the lease was made to Westby Percival who died. No one came in to surrender the lease. His son raised money on property, which included these houses, from a Mr. Vincent. Vincent paid head-rent for the houses after young Westby Percival disappeared. Lord Dunsany bought Westby Percival's interest in these houses from Mrs. Vincent. The last person whom I received rent from was Mr. Vincent, which was about six years ago. Lord Dunsany offered to pay the rent to me, but I was told not to receive any rent from him until the matter was settled.

854. What interest had you or your brother in these houses?—A man named Tew paid £4 1*s.* 6*d.* a year to Mr. Percival. My brother gave somewhere about £80 to Mr. Tew for one of the houses.

855. Has he since paid rent for it?—He has paid rent ever since to Mr. Vincent, and paid rent last year to Lord Dunsany.

856. What rent did he pay to Mr. Vincent and Lord Dunsany?—He paid the same rent.

857. Have you an interest in either of these houses?—I have no interest in them myself, and had nothing to say to them except to get the rent.

858. What rent did you receive last year from Vincent?—It is a lease in perpetuity.

859. In whose name were the proceedings taken to eject Dalton?—In my brother's name—in Hugh Duignan's name.

860. On whose authority?—His own. He set the house to Dalton who owed him six years' rent. It was only yesterday he was decreed for the six years' rent, and he is not able to pay 6*s.* let alone six years' rent. He is to get £5 for giving up possession in the month of November, in addition to not paying the amount of the decree. My brother bought from Tew, and he held from Westby Percival, and he now pays rent to Lord Dunsany.

861. Your brother has got a judgment in the

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Mr. Duignan.

court against Dalton?—Yes; he has got a decree for possession.

862. Is your bond for £400?—Yes.

863. And is it lodged in the Ulster Bank?—Yes.

864. Is it a bond with two sureties for £200 each—Yes.

865. When was the last bond executed?—About five years ago. I want to get a new man in one case.

866. Why; is one of them dead?—No.

867. Is he insolvent?—Yes.

868. And you have not yet got a new one?—No.

869. [The CHAIRMAN here stated that Mr. Vaughan, the valuer in Dublin, who had been employed by the Town Commissioners, and whom he had requested to attend here to give evidence both at the last adjourned inquiry and to-day, had sent an excuse on both occasions that he was too unwell to attend. He had, however, called at the Local Government Commissioners' Office at the Four Courts after the last adjournment on the 7th December, and had then made a statement relative to his valuation of the property of the Town Commissioners, of the substance of which the Chairman had had a note taken, which he would read to the Commissioners and ratepayers then present, as it had not been made in open court; and he considered it only fair that it should be read there before it was attached to the other notes of the evidence taken on this inquiry. It would, he said, be satisfactory to Mr. Malone to find that Mr. Vaughan considered the land which Mr. Malone had valued for the Commissioners to the railway company, and respecting which some question had arisen, realized its full value.]

Mr. Vaughan's statement was then read by the Chairman, and was as follows:—

"Edward Vaughan, of 12, Rutland-square, Dublin, stated that he had been called in by the Trim Town Commissioners with reference to making a valuation of their property. He had tendered an estimate for such valuation, but this estimate did not include a map of the estate. The valuation is not yet completed, though Mr. Vaughan states that he has surveyed the property for his own information. No definite or written instructions were received by Mr. Vaughan for the drawing out of a map, although it was several times mentioned in a casual way that the Commissioners would require one. Had the valuation been completed, Mr. Vaughan would have given with it a copy of the Ordnance Map, but he would not construct a new one without receiving extra payment for doing so. Possibly the Town Commissioners may have refrained from giving definite instructions on this point, as one of their number, Mr. Malone, being a surveyor and valuator himself, evidently desired to have the carrying out of the work. Thomas Kennedy, a Town Commissioner, rented a piece of land, consisting of eight and a half Irish acres, which would be equivalent to about 13A. 2R. 23P. English measure. This land is valued on the Poor Law valuation at £10 a year, or 25*s.* per acre. In Mr. Vaughan's opinion this was worth fully 42*s.* per acre. Kennedy pays £12 a year rent for this land. In addition to this, Thomas Kennedy rents another piece of land of about seven Irish acres, or 11A. 2R. 12P. English, which is rated at 30*s.* per acre. Mr. Vaughan's valuation for this is 50*s.* per acre. As a general rule, Mr. Vaughan's valuation of the corporate property is about 60 or 70 per cent. above that of the Poor Law valuation; but such a disparity (as in the case of Thomas Kennedy) between the rent received by the Town Commissioners and Mr. Vaughan's valuations does not in other instances exist. The property along the Kildalkey-road is estimated as under by Mr. Vaughan:—

L. Moore, valued at	. . .	60*s.* 0*d.* per acre.
B. Allen,	,, . . .	60*s.* 0*d.* ,,
M. Kelly,	,, . . .	50*s.* 0*d.* ,,
R. Brogan,	,, . . .	47*s.* 6*d.* ,,

"The Corporation, for the last mentioned estate, in Mr. Vaughan's opinion, are in receipt of nearly full value. For example, M. Kelly holds 4A. 3R. 11P. Irish measure, or 7A. 3R. 10P. English, for which he pays £11 17*s.* 6*d.* a year. Mr. Vaughan's valuation for this was £12 a year. Mr. Vaughan considers that the land sold to the railway company for £300 realized about its value. Mr. Vaughan's private opinion is that the transactions of the Trim Town Commissioners during the last four or five years have been straightforward, as the public eye has been brought to bear on them, but previous to that 'it was a different thing altogether.'"

WICKLOW.
Nov. 11, 1876.

WICKLOW.—NOVEMBER 11, 1876.

(Before Mr. CORBETT, Chairman, and Mr. EXHAM, Q.C.)

A certificate was read to the effect that Mr. Halpin, the town clerk, was unable to attend owing to illness.

Mr. John Chapman.

Mr. JOHN CHAPMAN examined.

1. CHAIRMAN.—You are the agent and collector of rents of the Town Commissioners?—I am.

2. How long have you been so?—Nearly six years.

3. The Town Commissioners are incorporated under the 9th George IV. cap. 82?—Yes.

4. Has the Towns Improvement Act ever been adopted here?—Never.

5. All the revenues of the Town Commissioners of Wicklow are derived from real property?—Yes, except the dog tax and a few other receipts.

6. Have they ever struck any rates?—No.

7. Have you got a book showing what the real property of the Commissioners consists of?—Yes (a book and printed rental handed in).

8. According to the printed rental of 1874 I see the rents were £1,243 3*s.* 11., and this year's rental is £1,235 4*s.* 5*d.*, which is correct?—Both are correct, it varies for every year, for there is always some small letting or place falling in.

9. How did that difference arise?—I think it was caused by the reduction of rent of a couple of holdings on the Murrough.

10. Point out these two holdings?—Those of James A. Travers, North-quay. They were £20 a year and reduced to £15, that is the rent now.

11. Has the rental been an increasing one during your agency, or a decreasing?—An increasing.

12. But there are cases in which the rent has been reduced?—About three or four cases.

13. You remember the property held by Colonel Gun Cuninghame?—Yes.

14. In the year 1874 that property fell in?—Yes.

15. What had his rent been? £3 13*s.* 10½*d.*?—Yes.

16. It became vested in the Commissioners in 1874?—Yes.

17. What did they do with it?—They let it to the tenants in occupation.

18. Did they let it to the highest bidder?—No.

19. Or by auction?—No.

20. Or by public tender?—There were advertisements put in the newspapers to the effect that the property was to be let.

21. Have you got the advertisement?—I have not, but the town clerk has.

22. You say that advertisements were put in to announce that the property was to be let?—Yes.

23. What tenders were sent in in consequence of that advertisement?—I don't think there were any tenders except two or three.

24. Mr. *Nolan* (Chairman of the Town Commissioners).—I think you are labouring under a mistake, because there were other tenders sent in. The occupying tenants all sent in tenders.

25. CHAIRMAN.—Did the occupying tenants all send in tenders?—Yes. All Colonel G. Cuninghame's tenants sent in tenders.

26. Did outsiders—those who were not tenants also send in tenders?—Yes; those are the two or three persons I referred to.

27. Was any of the property let to any but the tenants who had holdings under Colonel Gun Cuninghame?—No.

28. Was it all reset to old tenants?—Yes.

29. Where was the property situate?—In different parts of the Main-street and town.

30. Were there tenders for higher amounts sent in by others?—Only two or three, I think.

31. Did they tender to pay a higher amount than the tenants had paid?—Yes.

32. What did Cuninghame's tenants pay in the gross? Have I it right here, £167 12*s.*?—Yes.

33. Is it true that the aggregate of Griffith's valuation of this property amounted to £300 10*s.* 2*d.*?—I believe that to be correct.

34. Was the property relet to each of the tenants?—Yes.

35. Were all these tenants confirmed in their holdings?—They were.

36. What did the following tenants pay, and what do they now pay—Henry M'Phail?—£5 a year, and now £3 1*s.* 10*d.*

37. William M'Phail?—£5 a year, and now £3 4*s.* 4*d.*

38. P. Fox?—£6; and Miss Hamilton, his successor, now pays £3 8*s.* 9*d.*

39. Are all the new lettings on the property of Colonel Cunningham on leases for seventy-five years instead of yearly tenancies?—Yes.

40. Dr. G. Halpin?—£5 15*s.*, and 15*s.* for a yard, now £3 12*s.*, and £1 10*s.* for the yard.

41. Is he any relation to the Town Clerk?—No.

42. Joseph Fitzgerald?—£7, and now £2 12*s.* 9*d.*

43. J. Hepenstal?—£22, and his widow now pays £2.

44. J. Sullivan?—£12, and now £3.

45. J. Byrne?—£17 12*s.*; and his son-in-law, Robert Caldwell, now pays £7 10*s.* 6*d.*

46. John Wisdom?—£6 10*s.*, and now £3.

47. George Newman?—£6 10*s.*, and now £3.

48. George Smith?—£12, and now £3 4*s.* 4*d.*

49. William Williams?—He paid £6 a year, and it was set to a man named Maguire who is no connection to Williams, but he had been a tenant of that house before Williams took it, and had been for years, and his father before him.

50. How much does Maguire pay now?—£2 12*s.* 6*d.*

51. T. Ellis paid £6, and now £1 5*s.*, and the representatives of Dunn?—£20, and now £5 19*s.* 6*d.*

52. Mr. J. Chapman?—£30, and now £15.

53. Is that yourself?—It is; but I wish to mention that I did not get the whole of the plot that I had held from Colonel Gun Cuninghame.

54. Who got the other portion of it?—There were four back houses that I gave up to the commissioners to accommodate the adjoining tenants with a rere.

55. What did they let them for?—They did not put any rent on them separately, for they gave them as a rere to the front houses that were to be built. These houses were behind the front houses.

56. Were they given to them for nothing?—They were.

57. And although these front houses had been reduced in rent, these others were thrown in?—They were.

58. Who were the persons holding them?—They are now held by a Mrs. Dunne.

59. Has her rent been reduced from £20 a year to £5 19*s.* 6*d.*, and was she supposed to get your cottages at the back thrown in besides, which would be equivalent to £15 a year more?—Yes.

60. Then in fact not more than £15 a year is received by the Town Commissioners for what you paid £30 a year?—Not more; I told you that I gave up a portion of my former holding.

61. Mr. EXHAM.—Let us see those leases—your own lease for instance will show what reality there is in the transaction. In fact I want to see all the leases with the advertisements relative to the letting of this property; any tenders sent in by parties offering themselves as tenants; and all the books in reference to the transaction. It was stated that they would be procured if possible from the Town Clerk's house, where it was stated they were.

62. CHAIRMAN.—What was Griffith's valuation of the property that you yourself held under Colonel Gun Cuninghame?—I cannot tell exactly.

63. Mr. EXHAM.—I can; for it is here set down at £40 (reading from a document produced).

64. CHAIRMAN.—That is the 1874 rental. Is that the valuation of the premises for which you pay £15 a year now?—No; that is the valuation of all I held, including the four back houses.

65. Including that portion the use of which was given to Miss Dunne?—Yes.

66. What was the area given to her?—Four back houses, each about 16 feet square, two stories high, and with a yard of about 3 feet behind some of them

67. Then these houses were 64 feet in frontage, and 18 feet in depth?—Yes; including the 3 feet of yard.

68. Mr. EXHAM.—Were you also a tenant of Colonel Gun Cuninghame for those houses?—Yes.

69. What did you let these four houses for?—I had them let at 1*s.* 6*d.* a week each.

70. CHAIRMAN.—That will nearly make up the £15 reduction?—Yes.

71. Are all these houses pulled down now?—Not yet; but the building is going on in front, and they will be all pulled down.

72. And are they thrown into Miss Dunne's holding?—Yes.

73. Without paying anything?—Yes.

74. Who is Miss Dunne—is she connected with the Town Commissioners in any way?—No.

75. Neither the present nor the past?—Her father was a Town Commissioner about twenty years ago.

76. How many Commissioners are there amongst those whose names we have gone through?—There was not one at the time the leases were made.

77. Is Mrs. Hepenstal connected with any of them?—No.

78. The reduction in her case seems to be greatest of all, £22 to £2; were they asked to make it?—Not that I know of.

79. What was the value of the property she got?—I don't know.

80. Can you give me any idea why Mrs. Hepenstal pays now only £2 a year on a lease for what she formerly paid £22 as a yearly tenant?—No, I have no idea of it, but she covenanted to lay out £350 on it.

81. If it was put up to public competition what do you think it would have brought? What would you have given for it yourself?—I don't know, but she has since laid out a good deal of money on it, and improved it. When she got it, it was nothing but a tumbled down old house.

82. Mr. EXHAM.—Was she a yearly tenant then?—Yes.

83. And did she pay £22 a year for a tumbled down old house?—Yes.

84. CHAIRMAN.—Is Mr. J. Sullivan a connexion of any of the Town Commissioners?—No; he got his holding in a different way.

85. How is that?—A man of the name of Keely had the place before him and built the house on it; he died and his widow got into bad circumstances, and was ejected. J. Sullivan then took it from Colonel Gun Cuninghame.

86. At £12 a year?—Yes.

87. But that does not explain how he had it reduced to £3 a year?—The widow put in a tender at the expiration of the old lease on the ground that the house had been built by her husband, and that she had lost it by becoming hard up, and that she expected that the Commissioners would take her claims into their consideration.

88. Do you know what she tendered?—I don't think she named any amount, but she claimed the house as having been built by her husband, and that the Commissioners should give it to her. She and Sullivan then agreed on terms that he would give her a sum of money; and the Commissioners then gave it to Sullivan at the rent they would have given it to her for.

89. How much did he give her?—£75.

90. So that Sullivan paid the old tenant who had put in a claim for it £75 in order to induce her to withdraw that claim?—Yes, otherwise he would not have got it.

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91. Mr. EXHAM.—Do you mean to say that Colonel Gun Cuninghame got £12 a year for this property as a ground rent, for you say that Keely built the house that was on it, and they must therefore have paid the £12 a year for the ground rent?—I will explain that. Mr. Keely was a builder, and he had a house on the ground at that rent, but it was falling down, and Colonel Gun Cuninghame would not allow anything for repairing it. Keely then threw it down, and rebuilt it nearly all new, but it was on the faith of getting it at the ground rent when the lease would be out.

92. On whose faith?—He did it believing he would get it from the Commissioners.

93. What right had he to believe it?—I don't know.

94. CHAIRMAN.—Who is Mr. Caldwell who now holds for £7 10*s.* 6*d.* a year the property held by Byrne for £17 12*s.* a year?—He is a stamp distributor and excise officer.

95. Is he a member of the Town Council?—No, but he was at one time.

96. At that time?—He was, at the time the place was coming out of lease; but not at the time of the reletting, because it could not be let to him when a Town Commissioner.

97. You say it could not be let to him while he was a Town Commissioner. Did he resign for the purpose of getting this property let to him?—Well, not that.

98. Mr. *Nolan* (the Chairman of the Town Commissioners).—The custom house authorities required him to resign.

99. *Witness.*—I heard that there were complaints sent in about his being a custom house officer and a Town Commissioner at the same time, and that the authorities required that he should resign, and he did so at the time.

100. CHAIRMAN.—And he happened at the time to get this property at the reduced rent?—Yes.

101. Who were the Town Commissioners who did resign, and who had property relet to them?—William M'Phail, Henry M'Phail, Dr. George Halpin, and Mr. Caldwell.

102. Were those all?—Those were all!

103. Mr. EXHAM.—All I can say is that Mr. Caldwell's name appears on the town clerk's books as Commissioner on 25th March, 1874.

104. CHAIRMAN.—You say that two of them were re-elected, was it at the next election?—Yes.

105. Who were they?—William M'Phail and Dr. George Halpin.

106. And Henry M'Phail and Caldwell were not?—They were not.

107. Mr Exham has drawn my attention to the fact that Henry M'Phail, William M'Phail, and Dr. Halpin were present and acted at the meeting in April at the time when these leases were granted.

[Mr. EXHAM read the minutes of the meeting of Commissioners held in the town hall, Wicklow, on the 6th April, 1874, at which Henry M'Phail, William M'Phail, Dr. Halpin, Robert Caldwell, and John Chapman were present. There were sixteen present at the meeting in the morning, and it was adjourned by resolution until seven o'clock the same evening, when there were twenty present, including the above.]

108. CHAIRMAN (to *Witness*).—You were not a Town Commissioner?—No, my name is put down there as agent.

[Mr. EXHAM then read the resolution of the 6th April, 1874, as to the granting of leases to Henry M'Phail, William M'Phail, Dr. Halpin, and Robert Caldwell, who were Commissioners then present, and to Mr. Chapman and other tenants.]

[Mr. *Oakes* (Town Commissioner) said that the whole of the proceedings of that day were rescinded as the Commissioners found out that they were illegal.]

The CHAIRMAN directed the following note to be taken as a summary from the minute-book:—

"At a meeting, at which Henry M'Phail, William M'Phail, Dr. Halpin, and Robert Caldwell were present, held on the 6th April, 1874, it was arranged that they should each have leases of their premises for seventy-five years; also that these resolutions were not then acted upon in consequence of legal advice obtained to the effect that it was illegal to grant leases to any existing Commissioners. The case was submitted to counsel, and his opinion was that it was illegal to grant leases to existing Commissioners."

109. Do you know, as a matter of fact that these or similar resolutions to these were afterwards acted upon?—Yes.

110. CHAIRMAN (after referring further to the minute-book) directed the following note also to be made:—

"On the 15th of May, 1874, the resignations of Henry M'Phail William M'Phail, and Dr. Halpin having been received at a previous meeting, leases for seventy-five years were granted substantially upon the terms agreed upon on the 6th April, 1874, to each of those parties, and on the 19th May a similar lease was granted to Mr. Robert Caldwell, he having also previously resigned."

(To *Witness*).—I find that the total amount now received out of this property is £67 5*s.* 6*d.* per annum, whereas Colonel Gun Cuninghame had it let to nearly the same persons as his tenants at £167 12*s.* yearly?—Yes.

111. So that there is a loss of £100 a year?—Yes; but it might be right to inform you that in all those cases houses were either to be built, or old houses had been thrown down and newly built, or new houses had been recently built. And, moreover, the tenants had paid Colonel Gun Cuninghame a much larger rent on yearly lettings on the faith or expectation that when his own lease fell in, they would get their holdings from the Commissioners upon something like a ground rent. That was the clear understanding between the tenants of the property for thirty years, and the Commissioners. And as a lease was considered safe and its granting never doubted or questioned, the tenants built their houses feeling as certain of getting the lease as if they had it in their pockets.

112. But I am told there was only one new house built upon the property?—That is not the case. I built four new houses.

113. Mr. EXHAM.—Did you rebuild the old ones, or build them new from the foundation?—I built three small ones and one large one where there never was a house before.

114. That was while you were Colonel Gun Cuninghame's tenant?—Yes. I built them on the faith that the Town Commissioners would not take advantage of my expenditure at the expiration of the lease.

115. CHAIRMAN.—Do you mean to say you built these houses upon any direct promises from any of the Commissioners. If so name them?—No; but on the general understanding that existed between the tenants on the Corporation property and the Commissioners.

116. Mr. *Oakes.*—There is a resolution on the books to that effect.

117. If there is let it be produced. With whom do you say there was that understanding?—I don't think that there was any resolution to that effect, but it was believed and understood, and acted upon in all cases, that when the lease fell in new leases would be given to the under tenants.

118. Do you mean to say that these houses were built and this understanding acted upon without any assurance from the Commissioners or any person representing them that leases would be granted on the terms before stated?—I do.

119. Then if you had no assurance or understanding of the kind from the Commissioners or anyone acting for them, why do you say that the houses were built on the faith that a new lease would be given at nearly a ground rent?—I do not know, except that I always took it for granted.

120. Do you mean to say that there was an impression or understanding on your mind, and that of the other tenants, that you were to get the ground for which you were paying Colonel Gun Cuninghame rent as a yearly tenant at a reduced rent upon lease?—Certainly, at a reduced rent; but not in that way or shape, but at a fair rent—at a ground rent for those parties who had built the same as if they were going to build, and for those parties who were going to build for the first time at a ground rent.

121. But you were paying Colonel Gun Cuninghame £30 a year before you built these houses?—Yes, I lived on it and I built on it.

122. Then you paid him a ground rent in fact, and built four houses?—I did. I built on the open space feeling certain that the Commissioners would not take advantage of my toil when the old lease would expire, and that I would get the plot on the same terms as if I was only going to build then.

123. You might think you would not have any increased rent upon it after your outlay, but then you get it for half the sum you paid for it before you built at all?—But then I was getting nearly £16 a year for what I was giving up, which would bring it up and make it more than the rent I am paying the Commissioners.

124. In what year did you become the tenant of Colonel Gun Cuninghame at £30 a year ground rent?—About thirty or forty years ago.

125. Did you pay him £30 a year ever since?—Yes.

126. What houses did you build on it?—The house I live in, and I covenanted with the Commissioners to rebuild it, and I did rebuild it at a greater expense than if I were building a new one. I have built more than I covenanted to build, and I will build more.

127. What sum did you covenant by the lease to expend?—There was no covenant to expend money, but I laid out some hundreds of pounds.

128. Mr. *Swan* (to the Chairman).—Would you kindly ask him if it is not a fact that he let one of the small houses in the front street for £20 a year, and that the man who took it rebuilt the house himself or slated it?

Witness.—It is not.

129. CHAIRMAN.—Have you underlet any portion of the property for which you are paying £15 a year?—Yes, a portion of the front.

130. What do you get for it?—£20 a year; it is part of what I built.

131. Was it since 1874 or prior?—It was part of the house I built before Colonel Gun Cuninghame's lease fell in; but then I covenanted in the lease to raise the house to the height of the house I live in, and I have done that at my own expense.

132. Have you got £20 a year for it?—Yes.

133. Have you sub-let any other portion of that for which you pay £15 a year?—I have.

134. What part?—The part adjoining that.

135. For how much?—£10 a year.

136. Is there any building on it?—I raised it, put a new roof on it, put in new windows, and repaired it generally.

137. Was it built before 1874?—Yes.

138. And you repaired it since?—Yes.

139. Have you let that for £10 a year?—Yes.

140. Any other portion let?—No.

141. So that you are paid £30 a year for a portion of what you pay the Commissioners £15 a year, and have your own house to live in besides?—Yes.

142. What is the rateable value of the part of the house that you live in?—£24 a year.

143. Have you any other property under this seventy-five years' lease at the £15 a year?—Yes; there is another new house not yet finished.

144. Have you made up your mind as to what you will ask for that?—No; I have not.

145. What is the valuation of the £20 house?—£16.

146. And that of the £10 letting?—It is part of the other house I live in, and I set it to the man next door to extend his premises, and give him more room.

147. Can you give me the valuation of that which is not let, and of that which is not built on?—The old house was valued at £5 10*s.*, and I raised it to the height of the house I live in. I built another addition to the rere as large as the front and raised the front to the height of the house I live in. That I have not finished or let yet.

148. Is there any other property comprised in the lease of the Commissioners to you?—None.

149. Were there not some houses that were to be pulled down?—There are some on the lower road that are set to weekly tenants, but I was bound in the lease not to set them any more; they are to be used for stores to the front houses.

150. That is another part that you have not mentioned?—That is connected with the lease.

151. Are these parts of the property for which you paid the £30 a year?—Yes; part of them is let with the front house that I let at £20 a year. My tenant gets one of the houses which is on a line straight down from his house.

152. Part of this is connected with the house that you let in the front?—Part of it is gone with the house that is let, and part of it will go with the house that I am building, the other small portion is an appurtenance to my own house.

153. Mr. EXHAM.—It was therefore inaccurate for you to say that they were to be pulled down?—I gave them for the use of the dwelling-houses in front.

154. You had these let previously at 1*s.* 6*d.* a week each?—Yes.

155. It was covenanted that they were not to be let as dwellings, and they were not?—Yes.

156. How long is it since you had these houses let at 1*s.* 6*d.* a week each?—Up to the end of Cuninghame's lease.

157. CHAIRMAN.—But why was it that you were not to let them for dwelling-houses?—The agreement was that they should be allowed to be as out-houses for the front premises.

158. But what was the reason of that?—Because there was no rere to those in front.

159. Were they in a dilapidated condition?—No.

160. Why was it that the Commissioners objected to their being used any longer as dwelling-houses?—Because there was no rere to them, and they wished them for accommodation of the houses in the front street, and every one along the line was bound to do that.

(The Commissioners then adjourned for the purpose of looking at the house property referred to.)

On resuming Witness produced some leases.

161. Mr. EXHAM.—What leases are these?—The old ones that were made thirty or forty years ago; I went down and brought up my own old lease.

162. The CHAIRMAN said they had viewed the premises and that they were satisfied from their condition, the Commissioners had made a very proper stipulation with Mr. Chapman, that he should not use these back premises any longer as dwelling-houses.

163. CHAIRMAN.—What was the rental in 1873?—£1,108 19*s.* 11*d.*

164. Does that include the rental from the Murrogh?—It does.

165. Is that a large tract of land by the sea-shore, which includes the railway station? What rent do the Corporation get for it?—1*s.* a foot frontage ground rent for all that is let there.

166. What do they get for the herbage?—Nothing.

167. It looks very good pasturage for sheep?—There is very little grass grows on it, and the Commissioners have often considered whether they would let it for grazing purposes or not; but they determined to keep it for the public as a promenade. They would not get more than £8 or £10 a year for it for grazing, and they would not forfeit the promenade for that. The militia also use it as a training ground, and it is of as much value to the people of Wicklow as the Phœnix-park is to the citizens of Dublin.

168. I see that Mr. Francis Wakefield, of the Marine Hotel, has a fifty-nine years' lease at £6 19*s.* 6*d.* and another lease at £5 5*s.*, that is £12 4*s.* 6*d.*, while Griffith's valuation of the property is £65 10*s.* How do you reconcile that?—The rents are original ground rents; and Griffith's valuation includes the buildings on it.

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169. Was it not let in March, 1858, at £10 19*s.* 6*d.*, and ten years afterwards reduced to the present rent, £6 19*s.* 6*d.* How was that?—He applied for a reduction of the rent. It had then been turned into an hotel instead of a school, which it had originally been. I know that he gave such an explanation to the Commissioners as satisfied them that they ought to reduce the rent.

170. Who is Mr. William John Nolan?—He is dead.

171. But his representatives hold under a lease made in 1869 to William John Nolan for seventy-five years, at a rent of £15 15*s.*, and it is valued at £45 10*s.*?—Yes; that property is in the main street, near my own.

172. Was that a building lease?—There were old stores there, but he built a new store on the ground to the rere of that block.

173. Mr. EXHAM.—But at the time of the lease the valuation was three times more than the rent, so the buildings must have been there to make it valuable to that extent?—Yes.

174. Did Nolan hold from year to year before he got the lease?—I think he held from Lord Powerscourt before his lordship's lease fell in. I think that there was some property fell in from Lord Powerscourt in 1859.

175. CHAIRMAN.—I scarcely find a case in which Griffith's valuation is not three times the rent paid to the Commissioners?—Yes, in nearly every case the rent is for the ground merely, and the valuation is of the houses after they were built.

176. William Donagh, his place is valued at five times his rent?—That must have been the ground rent, and the valuation must have been for the buildings.

177. In 1867 a lease was granted to Mrs. Parker of house property, which was let at £3 a year, and valued at £20 a year. Explain why that lease was made?—It was originally an old preaching house, and the tenant afterwards threw that down and built another house.

178. I want to know how he got this house in that way?—That is the valuation of the present house—the one he built.

179. Mr. *Oakes* said that the building had been held by the Methodist minister, at a rent of 2*s.* 6*d.* a year; that it had since been pulled down and a new house built in its stead, and that it was on that new house the valuation had been made by Griffith.

180. Mr. EXHAM.—But take the whole thing, I find that Griffith's valuation of the property in 1873 was £4,098 11*s.* 10*d.*, and that was let by the Commissioners at £1,108 19*s.* 11*d.* the same year?—Yes.

181. Did Griffith's value represent the value of Colonel Gun Cuninghame's property at the time the lease fell in with the buildings as they then stood?—Yes.

182. Therefore at that time the existing buildings were there, which with the value of the ground represented the valuation of £300 12*s.* 2*d.*, whether they were out of repair or not, and the Commissioners let them at £67 5*s.* 6*d.* a year. Is that not the fact?—It is, but then the great bulk of these buildings had been built by the tenants.

183. CHAIRMAN.—I see the exact figures of Griffith's valuation for the Cuninghame lot on the 25th March, 1874, in which year the lands were relet, amounts to £324, and in every case, except two or three, the land and buildings thereon were let at a seventy-five years' lease. Is that not so?—Yes, it is.

184. Mr. EXHAM.—The extraordinary part of it is this: that in the few yearly tenancy cases they are let up to Griffith's valuation in every instance.

Mr. Francis Wakefield.

Mr. FRANCIS WAKEFIELD examined.

185. CHAIRMAN.—I see that the rent of a lease of the Marine Hotel on the Murrogh, which belongs to you, was reduced by £4 a year in 1868, ten years after the lease was granted?—That was because they had included in the measurements bits of land unnecessary for an hotel. The building was originally built for schools. A company was got up, and turned it into an hotel. These bits of land were entirely useless to it as an hotel. I lent and advanced over £3,500 to the company which came to grief, and I had a new lease made to me, being of course quite ready to give it up if I got my money back. I found when I came first to pay the rent that the old lease included a bit of land from front to back which was no use to me, and that I was also paying for other land, which would have been against the interests of the Commissioners to give me. I was determined to try the matter with them, and I proposed to give those bits up, and to have the ground measured straight up and down instead of across the Murrogh; they then consented to make the abatement in the rent and keep the ground, and the new lease was made.

186. Have you surrendered the part you say was useless?—Yes.

187. In 1873 you had not surrendered it?—I think I had.

188. When did you take it?—About seven or eight years ago.

189. Were you a Town Commissioner when the rent was reduced?—Yes.

190. Has the reduced rent been paid ever since?—Oh, yes it has been surrendered. It went right across the Murrogh.

191. Are you a tenant for any other property under the Commissioners?—Yes I am tenant for two yards, they are in fact a house and stable.

192. Have you not a lease for seventy-five years at £7 2*s.* a year made in 1846, of ground which Griffith valued at £14? At the time you got the lease were the buildings on it, that are on it now?—I have the lease but I built one house and a cottage since, which let for £14 or £15 a year. The house and cottage used to let for £32, and they now let for £22. The field I hold at over Griffith's valuation.

193. That you hold as a yearly tenant?—Yes.

Mr. John Chapman.

Mr. CHAPMAN'S examination resumed.

194. *Witness.*—You made a remark Mr. Chairman that all the yearly tenancies were up to the valuation or above it and that all the leases were under it; the reason of that is that in the case of the yearly tenancies there was nothing to be laid out upon them. While in that of the lease tenancies there was something to be built and money to be spent upon them.

195. CHAIRMAN.—"John Byrne, two cottages in Bath-street, valued at £20 a year." Were those two cottages put up by Byrne?—Byrne got that ground at 1*s.* per foot it was mere gravel ground.

196. What are the two cottages which he put up and are valued at £20 a year let at?—About £30 a year.

197. Mr. EXHAM.—The time that the lease was made to that man he got the ground and nothing else?—Yes.

198. That is what the Act of Parliament contemplated.

199. CHAIRMAN.—"John Ost (by Mrs. Owens), 23rd of March, 1869, ground on which fifteen slated houses are built, rent 5*s.* 3*d.* a year, Griffith's valuation is £18 10*s.* a year." Did she build these houses or were the houses there when she got the lease?—Every house on it she built.

200. Didn't you make any stipulation as to the class of houses that should be built? She must have built a very bad class of houses when fifteen slated cottages are only valued at £18 10*s.* a year, including ground rent?—They are a very bad class.

201. Well, it is not good management to let land on building leases for seventy-five years if the parties are not bound to put up a better class of house than that?—The whole of that end of the town was then nothing but old thatched cabins, and the Commissioners thought it good management to let it to people to build cottages at 6*d.* a foot.

202. But here, Mrs. Owens paid 5*s.* 3*d.* a year for ground upon which she put up fifteen cottages; that ground must have been let at 1*d.* or ½*d.* per foot?—I don't know; I think that rent is only for a front cottage.

203. Surely it is not in the interest of the town to encourage buildings of this kind?—No, and it is not done now.

204. The Commissioners are in this dilemma that they have let on lease for seventy-five years a plot of ground for 5*s.* 3*d.* a year, on which fifteen houses are built, which are valued at £18 10*s.*; and are described to us as being injurious to the public health and to that of the occupiers. If there were a building Act in this town that could not have been allowed?—On reference to an old printed list I find that the lease was granted by the old Corporation in 1841, and that it was a printer's mistake to insert "1859."

205. Mr. EXHAM.—What is the valuation of the ground which Mr. Newbold holds in the Main street?—Two dwelling-houses and yards at £28 and £16.

206. What is the rent?—£1 10*s.* per year.

207. That cannot be the one I mean?

Witness.—Look at "Abraham Newbold—dwelling-house, Main-street, lease seventy-five years, at £1 10*s.* a year."

208. Mr. EXHAM.—That is not it; this is a lease of the 7th of March, 1870?—Yes, that is the same.

209. It is not the same; the rent in this lease is £5 a year?—It is so.

210. Has the rent been reduced from £5 to £1 10*s.* per annum?—Yes, that is correct.

211. I think you will find it anything but correct. On what grounds has it been reduced?—I don't know on what ground.

212. Now listen to this, and let me know what justification there is for it. (Mr. EXHAM reads a lease of March, 1874, giving Mr. Newbold the premises comprised in the lease of 1870 at the rent of £5 a year, from the 24th of March, 1874, for seventy-five years, at the reduced rent of £1 10*s.* a year.) Now will you tell me on what grounds was that lease given to him, thus losing a rent of £3 10*s.* for the same premises?—The tenant applied to the Commissioners to have the rent reduced, and they agreed to do so, and I collected the new rent accordingly.

213. Mr. *Oakes.*—You will find it all in the books.

214. Mr. EXHAM.—Perhaps it is, but I want you to tell me what legal authority you have for dealing with the property of the public in this way?

Mr. *Oakes.*—We did it by a resolution. The property is vested in us, and we can deal with it as we think right.

215. Mr. EXHAM (to Mr. Chapman).—Is Mr. Newbold a solvent man?—Yes.

216. Do you mean to say that it is only worth £1 10*s.* a year?—That is only for the ground. Newbold built every stick and stone on it. He built on the front first, and he built on the rere; and if you were to see the place he was about to build upon, you would say that it would not have been worth 2*s.* a foot.

217. CHAIRMAN.—Did he build the house in conformity with the requirements of the lease?—He did, and he built another in the rere; and in consideration of that the rent was reduced from £5 to £1 10*s.*

218. Mr. EXHAM.—No; what was demised to him at £5 a year was the then existing dwelling-house, and what he covenanted to build were some privies, and that no building should be made on the premises without the consent of the Commissioners, &c.?—That is the lease of 1870, and it commences from the year 1864.

219. CHAIRMAN.—But what was the consideration that induced the Commissioners to cancel the lease of 1870 at £5 a year, and give him a new lease in 1874 at 30*s.* a year?—I don't know, unless it was that he applied to have the rent reduced as being too high, and they reduced it for him accordingly.

220. Is that a common case here?—No, I never heard of a similar case before.

221. Was the lease of 1870 surrendered?—I do not believe it was.

222. Mr. EXHAM.—There is a resolution of the 6th of August, 1874—"Proposed by Mr. Hayden, and resolved, that Mr. Newbold having surrendered his lease a new lease be made out for him for seventy-five years from 25th March, 1874, at £1 10*s.* a year reserved rent." No reasons are given why the old lease was surrendered, and in point of fact the statement is incorrect. Can you tell us anything about the passing of this resolution?—I cannot.

223. You have given him a reduction of rent by about two-thirds, and no reasons are assigned for it. Can you give any, why that was done?—I cannot.

224. I see here a lease was granted to John Hayden, of a plot of ground for building on, Kevan Terrod Road, from the 25th of March, 1855, for seventy-five years, at £6 10*s.* a year, with a covenant to build within a limited time, and I also see a marginal note by you—"Mrs. Meagher's rent reduced to £2 a year." Did he build on it?—No.

225. Did he sublet it to Mrs. Meagher?—I understood he assigned his lease to the nuns, and Mrs. Meagher is the superioress of the nuns.

226. Do you say that he assigned his lease to her, and that the Commissioners afterwards reduced the rent to her to £2?—Yes; but the lease is not surrendered, nor has a new one been granted.

227. But you say a new lease is about to be made?—Yes.

228. Has the consent of the Treasury been obtained for any of these leases?—Not for the building leases for seventy-five years. The consent of the Treasury is not necessary unless for a lease for ever, or for a longer period than the Act of Parliament allows. In some cases we applied to the Treasury, and they consented to our granting long leases.

229. For how long a period is it proposed to grant a lease to Mrs. Meagher?—I think that they intended to memorial the Treasury to give Mrs. Meagher a lease for ever, as the establishment is intended for educational purposes.

230. Are you receiving the reduced rent from Mrs. Meagher, although the old lease is the only one in force?—The lease has not been surrendered as yet, nor the new lease made, but I have been instructed to receive, and have received the new rent.

231. Do you mean that you have been receiving £2 instead of £6 10*s.*?—Yes.

232. Who instructed you to receive the reduced rent?—The Commissioners at their meeting. I hesitated to receive it, waiting until the lease would be perfected, and then the Commissioners passed the resolution authorizing me to receive it, and I have received the £2 a year for two years.

233. Mr. *Burkitt* (Solicitor to the Commissioners).—Do you recollect my telling you not to receive any rent from those parties; we feared you might create a tenancy from year to year, by which the Commissioners would be bound?—I cannot recollect.

234. CHAIRMAN.—Do you recollect going to Mr. Burkitt's office with Mr. Halpin to consult him as to the form of receipt which should be given to Mr. Hayden?—I don't recollect that; I recollect often speaking to him about it.

235. Do you recollect Mr. Burkitt giving you any caution about the rent which you were to receive from Mr. Hayden or his assignees?—Well, I don't recollect; he may have told me; we had a great many conversations about that and other things.

236. Did he caution you not to receive any reduced rent or any rent at all from the nuns?—I don't recollect.

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237. Had you any conversation with him relative to it?—Several times.

238. What was the effect of the conversation? What did you go to Mr. Burkitt to consult him about?—I think that the chief conversation that I had with Mr. Burkitt was when he had Mr. Hayden under or about to serve him with an ejectment for non-fulfilment of the covenant to build in his lease.

239. You knew that there was an intention to serve an ejectment upon Hayden for non-fulfilment of that covenant?—Yes.

240. When did you cease to receive rent from Mr. Hayden himself?—He paid rent up to March, 1874, and then the application was made to the Commissioners to have the rent reduced, and the lease transferred to the nuns.

241. Has he been a Commissioner for some time, and was he chairman of the Commissioners in 1875?—Yes.

242. Did you then receive instructions from Mr. Hayden or from the Commissioners to receive the rent from the nuns instead of Hayden, and to receive the reduced rent?—I did, from the Commissioners.

243. Had you any conversation with Mr. Burkitt after that?—No; I think it is two years ago.

244. Was it in the board-room you got the instructions?—Yes, from the Commissioners. I was present when the resolution was passed.

245. Was Mr. Hayden a Commissioner at the time?—Yes.

246. Was he chairman at the time?—No.

247. Listen to this:—"Proposed by Mr. Hayden and seconded by Mr. Smith, and resolved, that a lease of the land be given for ever to Ellen Meagher," &c., on behalf of the nuns, &c. Another resolution proposed by Mr. Hayden, seconded by Mr. Hamilton, was read, and it was resolved that a memorial be sent to the Lords of the Treasury asking their sanction to the granting of a lease in perpetuity to Ellen Meagher. Is that the property in question?—Yes.

248. And the Commissioner who makes that proposal is at the same time threatened with an action of ejectment for non-fulfilment of the covenants contained in his own lease?—Yes, when Mr. Hayden would be applied to by me for his own rent, he has asked me had I got the rent from the nuns, and I said not; and he has told me that if I would go and apply for it I would get it. I did not apply to them till the resolution was passed.

249. Why did you not apply to them before?—I told him that I was waiting till matters were arranged.

250. But you say that you received for two years £2 a year rent instead of £6 10*s*. Did you receive that from Mrs. Meagher on behalf of the nuns, or from whom?—From Mrs. Meagher.

251. Did you receive the rent from Mrs. Meagher?—I did.

252. Had you not been cautioned not to receive any rent from the nuns by the solicitor, Mr. Burkitt?—I don't recollect. He may have mentioned it to me if he says he did. I thought myself I would wait until the new lease was made, and I hesitated to call to take the rent.

253. Didn't you know that the new lease had never been sent forward to the Treasury?—I did; but then the Commissioners passed the resolution.

254. When Hayden told you that you had nothing to do but go and ask for the rent, did you go and ask for it?—I did not. It was in consequence of that resolution that you read that I first received the rent.

255. Did you know that the old lease was surrendered?—I knew that it was not.

256. In what form did you pass the receipt: to whom did you pass it?—I gave the receipt in name of John Hayden, the lessee, per Mrs. Meagher, and Mrs. Meagher asked me why I did not give it in her own name, and I told her that I would not do that until she got the new lease.

257. Mr. Exham.—I advise the Commissioners very strongly not to take any surrender of this lease from Mr. Hayden, or make a new one without proper advice. After to-day they cannot say they were not properly warned as to what they should do, and should not do.

258. Chairman.—Can you tell us in how many instances since you have been agent have the rents been reduced, exclusive of the cases on the Cuninghame property?—In very few, besides Travers's, Newbold's, Wakefield's, and the nuns, for Hayden's plot. There were a few cabins which were set at 2*s*. 6*d*. per month, and I suggested to the Commissioners to reduce them to 6*d*. per month, and let the parties repair them, and they agreed.

259. On the 4th May, 1876, Griffith's valuation of the property was £4,168 11*s*., and your total rental amounted to £1,243 7*s*. 11*d*.?—Yes.

260. The total acreage of the property is 189A. 2R. 2P.?—Yes.

261. Were you a Town Commissioner before being agent?—Yes.

262. How long?—Twenty-seven years.

263. During these twenty-seven years, were the rents reduced in many cases of existing leases—I don't mean where old leases fell in—were existing leases ever cancelled, and fresh leases granted at reduced rents?—I don't remember any case.

264. How many cases have occurred since you were appointed agent?—I don't know of any except those that have been before you.

265. You know that of Newbold's, which is an accomplished fact, and of Hayden's, which is not an accomplished fact: do you know of any others?—I do not, except the others I have also mentioned.

266. Has any old lease of considerable property fallen in during the last half-dozen years, except that of Colonel Gun Cuninghame?—Except that of Lord Meath.

267. When did that old lease of Lord Meath's fall in?—About eight years ago.

268. That was before you were agent, and while you were a Commissioner?—Yes.

269. Did Lord Meath hold much ground, and what did he pay for it?—£2 15*s*. 5*d*. half-yearly.

270. Did you let that for an increase of £250 a year?—Yes.

271. And is that all land, and all let in yearly lettings?—Yes; with the understanding that all lands wanted for building will be given up when called upon.

272. That is the portion to which I referred some time ago—land which seemed to be let above Griffith's valuation?—Yes.

273. And is that the only large property that has fallen in during the last ten years?—Yes; but there has been some small property.

274. Do you know what Lord Meath let that property for?—I don't know exactly; but I am sure the Commissioners get a great deal more for it than he got.

275. With regard to any of the other properties which have fallen in, do the Commissioners get more or less rents than the original lessees were getting for them from their under-tenants?—I don't know, except some yards on the Murrogh, and I don't know what the tenants were previously paying for them. I know that the head-rents the Commissioners were getting for them were very small, and I think it was represented to me by the tenants that they were paying less now than to the original lessees.

276. You think that they were paying more before than they are now?—I do.

277. What were the cases on the Murrogh in which the tenants now pay less to the Commissioners than they paid their previous landlord?—I think there are two cases; two yards of Travers's which were reduced to £7 10*s*.

278. Mr. Exham.—Do you know Mr. Fitzgerald, who has got one of the leases?—Yes.

279. How many houses did he build on the ground since he got the lease?—I am not aware. I don't think he built any.

280. Don't you know that he covenanted by his

lease now produced to build three houses within three years from 1874; and that the rent was to be 6*d.* per foot frontage in consideration of his building. Has he built them?—He has not.

281. CHAIRMAN.—Is it your business to see that the tenants who get their leases carry out their contracts?—No.

282. Whose business is it?—I think it is the clerk's.

283. Have you been receiving the 6*d.* per foot frontage rent from him ever since?—Yes.

284. Have you reported that the covenants in his lease have not been performed?—No: I have not.

285. In 1874, was a lease to be made to Mrs. Keely of her late husband's house?—Yes.

286. Mr. EXHAM.—Can you explain this resolution (reads resolution of 19th May, 1874, and also of 22nd May, 1874.) With respect to the premises leased to J. Sullivan, upon what principle was his tender offering to pay £5 a year rent, and to pay £75 to Mrs. Keely not accepted, and the tender offering to pay £3 a year, and a similar sum of £75 was accepted?—As well as I can recollect when the rent was fixed at £5 a year, he was to give a lesser sum. I think £50.

287. No. Here are the resolutions (reads resolution) of 19th May, 1874:—"Resolved that John Sullivan get his premises in the Main-street, at £5 a year and to pay Mrs. Keely £75." Then it was subsequently resolved on 22nd May, 1874, to rescind the resolution of the 19th of May, relative to the amount of rent, and reduce it to £3 a year, but he was still to pay the same sum to Mrs. Keely. Can you explain why the rent was reduced from £5 to £3?—I cannot.

288. The allegation is that the Commissioners made the lettings to the old tenants; John Sullivan was not an old tenant. Why then did they give it to him?—I don't believe they agreed to give it to him until he agreed to give the £75 to her.

289. CHAIRMAN.—The impression on your mind was that Sullivan at first offered to take the house for £5 a year, and to pay £50 to Mrs. Keely; and that the Commissioners afterwards agreed to reduce the rent to £3 a year, he paying Mrs. Keely £75. If that were so, in order to get Mrs. Keely £25 more, the ratepayers would lose £2 a year for seventy-five years. Is that not so?—They would have given it to Mrs. Keely for £3 a year, if Sullivan had not agreed to give the £75 to Mrs. Keely.

290. Mr. EXHAM.—Don't you now see that is a wrong impression for he was to pay her £75 under both resolutions?—Yes.

291. CHAIRMAN.—Do you receive any other moneys but the rents?—No.

292. What are the rent days?—The 25th March and the 29th September. There are some monthly rents. The great bulk of the rents is paid in March and September.

293. What is about the amount of your average outstanding arrears of rents?—I could tell what it was by looking at the account as it stood on the 31st of last December. My accounts are made up to that date for audit.

294. Then tell me what it was at that time to begin with?—(Books handed to witness.) On the 31st December, 1875, there was £1,576 1*s.* 6*d.* for the year's rent and previous arrears outstanding. There was collected £1,171 3*s.* 2*d.*; bad debts £1 14*s.* 6*d.*, and £403 3*s.* 10*d.*, arrears to be collected, carried forward to the next account.

295. Does £400 represent the average of arrears outstanding from year to year?—Yes.

296. Are the rents paid in by you to the treasurer?—Yes. There was a list of arrears brought before the Commissioners and it was resolved to consider it; but nothing has been done since.

297. Two half years' rent have accrued due since?—Yes. At the end of each year about £400 is what would be outstanding.

298. Cannot you collect them closer than that?—Well, a good many tenants hold on and pay one year within another; others have only a hanging gale.

299. How much of the arrears o £403 3*s.* 10*d.* do you think cannot be collected?—About £100. Some of it is sixteen years due, and has been regularly brought forward. I have given a list to have steps taken for their recovery, or to strike them off altogether.

300. Did you produce a list of uncollectable arrears to the Commissioners, and ask them to strike them off?—I did, and asked them to strike them off altogether or to take steps to enforce them, and one of them is a letting to the Connorree Mining Company, in respect of which there is £40 due. I also showed the list to Mr. Finlay, the auditor.

301. Are any of the Commissioners in arrear for their rents?—There are, but not in these that I have put down as really irrecoverable.

302. How much do those who are in arrear owe?—Some of them owe a couple of hanging gales.

303. Or more?—I don't think any of them owe more than three half years.

304. Why don't you make them pay?—I have applied to them frequently, but they won't pay me.

305. When you get this money, to whom do you pay it?—At once into the treasurer, the National Bank.

306. Mr. Finlay says in his first audit report of 1873 that you kept large balances in your hands, that he objected to the manner in which the funds were dealt with, and that he had recommended you to alter the system?—I wish to explain how that occurred. I was directed to pay the interest on the mortgages first, and then lodge the balance in the Bank. I used to lodge the money for that purpose in my own name; but that would be only a day or two previous to the interest on the mortgages coming due, and then I would give a cheque for the amount. I used to give a cheque on the 11th January for a half-year's interest on the mortgages; but on the 30th December there appeared to be so much in my hands, and I used to keep it to pay the interest I had. Mr. Finlay himself said I should lodge all my receipts to the credit of the Commissioners, and that they should give a cheque for the interest on the mortgages.

307. Have you adopted that course since?—Yes.

308. Is there any resolution limiting the amount you can hold in your hands?—None.

309. As a matter of fact, what is the largest amount you do hold in hand?—I don't keep any in hand; I lodge all I get in by the end of each month.

310. But I see you had £17 13*s.* in your hands, the Town Clerk had £65 16*s.* 2*d.*, and the Treasurer £519 2*s.* 2*d.*; how comes the Town Clerk to have so large a balance in hand?—I don't know.

311. What money does he receive? Do you pay him any money?—No. The £17 13*s.* I had in hand I lodged at the end of the month, but I don't know how the Town Clerk could have £65 16*s.* 2*d.* in his hands.

312. All you know is you don't pay him any money?—No.

313. How much do you receive on the half-yearly rent days?—I generally receive on these days about £250, but I pay it in the next morning. After the usual rent-days I pay in the next morning to get rid of it at once.

314. For how much do you give security?—£1,000.

315. With two sureties?—Yes.

316. Are the sureties living?—Yes.

317. What is the date of the bond?—At the time of my appointment, 1870.

318. Who has the bond?—The Commissioners or the town clerk have the bond.

319. On what mortgages do you pay interest?—On £12,000, which was borrowed in the year 1854 to lend to the Harbour Commissioners.

320. Is that the only mortgage on the estate?—There is another mortgage of £100. It is due to Mr. Goodisson; that was taken over from the old corporation.

321. What was the amount paid on it?—I don't

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know. It was some few pounds. I never had anything to say to it, and I don't know what was paid on it.

322. Have the Harbour Commissioners paid the interest of that £12,000?—No; the Town Commissioners borrowed the money on the security of their property, and they lent it to the Harbour Commissioners on the security of the tolls; but the tolls have never been collected under the Harbour Act. They did not get the desired depth of water, and consequently could not enforce the tolls.

323. Mr. Finlay, in his evidence before the Committee of the House of Commons, drew attention to it—that the first thing the Commissioners had to pay was £546 interest on the mortgage debt. Who are the mortgagees?—The trustees of Mr. T. C. Luscombe.

324. Is that the first charge—or do you know of any others that you pay interest on out of your receipts?—I know nothing of any other mortgages. I never paid interest on any of them.

325. Do you hold any other office besides that of agent under the Commissioners?—None.

326. What commission do you get?—Five per cent. on my actual receipts.

327. Mr. EXHAM.—I have been handed the opinion upon the case submitted by Mr. Burkitt to Mr. Gibson with reference to the bringing of the action against Mr. Hayden for breach of the covenants in his lease, and it is stated in the case that Mr. Hayden had sold his interest under the lease to the nuns. Is that a fact?—I have heard that it was so.

328. How much did he get for it?—I never heard the sum he got, but I believe from hearsay that he sold his interest.

329. Did you hear that before the resolution was put on the books to give the nuns a new lease?—Yes. Before his lease was cancelled.

330. Before the Commissioners directed you to take the reduced rent, did you hear that he sold his lease?—Yes; but I did not hear what he got for it.

331. But if he sold his interest he must have got money or money's worth for it?—I don't know as to that.

332. CHAIRMAN.—You said you refused to collect the rent until you were directed by the Commissioners to do so at the reduced rate, and that before the resolution to that effect was passed, you heard that Mr. Hayden had sold his interest?—Certainly I did.

333. Who paid for the leases to the different tenants?—Each owner paid for his new lease.

334. Now let us go through your expenditure. "New works and repairs including £50, flagging of the footway, £114 8*s.* 4*d.*"?—Yes.

335. Cleansing and watering the town, £15 10*s.* 6*d.*?—Quite right.

336. Cost of water supply, including cost of reservoir for the new waterworks, £245 10*s.*?—Quite right.

337. Has that reservoir been handed over to the Board of Guardians?—It has.

338. Have they repaid you for it?—No. It will take £300 to complete the work, and they will strike a rate for that amount.

339. I see that £143 3*s.* 1*d.* was paid for lighting the public lamps in 1875?—It would be more now.

340. Rent and taxes, £72 5*s.* 3½*d.* What is that? Is it head-rent?—Head-rent in some cases. We have to pay half the poor-rate and the ground rent.

341. Interest on bonds and mortgages, £543 11*s.* 6*d.*?—Yes.

342. Treasurer for interest advanced, £5 1*s.* 7*d.*?—That was charged by the National Bank, who acted as treasurer.

343. I cannot understand your ever being overdrawn?—That interest is charged when the Commissioners overdraw.

344. Then they do overdraw?—Yes.

345. You told me that the town clerk's salary was £50; I see that he only gets £40?—That was a mistake on my part. I thought it was £50 a year.

346. And the town sergeant £34?—Yes.

347. Agent's fees per centage, £58 11*s.*?—Yes.

348. I see you pay in respect of salaries £132 11*s.*?—Yes.

349. Printing, advertising and stationery, £29 15*s*?—Quite right.

350. Postage and receipt stamps, £1 9*s.* 4*d.*?—Yes.

351. Law expenses, £4 4*s.*?—That is right.

352. You began, I see, with a balance in your favour of £602 11*s.* 4*d.*, and you end with a balance of £460 6*s.* 6*d.*?—Quite right.

353. The town clerk had in hand £48 13*s.* 6½*d.*, you had £19 0*s.* 6½*d.*, and the treasurer £392 12*s.* 5*d.*?—Yes.

354. Does the town clerk give any security?—I don't know; he was town clerk long before I became connected with the Commissioners.

355. How many Commissioners have you?—Twenty and the chairman.

356. How many rated occupiers are there?—In 1874 there were 113 burgesses.

Mr. John Nolan.

Mr. JOHN NOLAN examined.

357. CHAIRMAN.—You are chairman of the Town Commissioners?—Yes.

358. How long have you been so?—Since last August.

359. Is this the first year in which you are chairman?—I was so before for two years.

360. How long have you been a Commissioner?—Since 1868.

361. What officers do you pay besides your agent, Mr. Chapman?—The town clerk and the town sergeant—that is all.

362. Had you not a sanitary inspector at £30 a year?—That was before the Sanitary Act of 1874.

363. What do you pay the town clerk?—£40 a year.

364. And what the town sergeant?—14*s.* a week.

365. What are the duties of the town sergeant?—He has to mind, dust out, and clean the town hall, to look after the corporate property, and see that there are no trespassers. He has to attend the fairs which are held here on the last Tuesday of every month for the purpose of keeping order, and seeing the cattle kept in their proper places.

366. Has he anything to do with the cleansing of the streets?—No.

367. Whom do you employ to do that?—In some cases they are cleansed by the road contractor, but latterly the Commissioners have found it necessary to try and keep them even partially clean.

368. Are the streets repaired by the Grand Jury contractor?—Yes.

369. To clean the footways is the duty of the Commissioners?—Yes.

370. Does the contractor clean the alleys and lanes?—No; it was let by contract, but it was found that it did not answer. Both the watering and cleansing of the streets was very badly done, and we found it necessary to employ men to do the work under the direction of the town sergeant, who is now responsible for the work to us.

371. Does he employ them?—He does, under the direction of the town clerk.

372. Is anybody employed to do it regularly?—No, only periodically and partially.

373. And not to your satisfaction?—Oh, no; not at all.

374. How often are fairs held here?—On the last Tuesday in every month, with the exception of the horse and cattle fair, which is held on the 12th of August.

375. Where are they held?—The cattle fairs are held on the fair green, and the horse fair on the Murrogh.

376. Do you receive any tolls from these fairs?—No

377. Were they not levied here once?—No, not in my recollection.

378. Mr. *Chapman*.—I wish to say that they were never levied in my recollection. It was not considered that it would be the Commissioners' interest to levy tolls if they wished to get up the fairs. And in order to get them established they looked upon it as best to offer inducements to owners of stock and buyers to attend fairs here, and they have now established some of the best fairs in the county.

379. CHAIRMAN.—But you don't make any profit by them?—No. When they were getting them up they put up placards, and advertised them in all parts of England and Ireland.

380. CHAIRMAN (to Mr. *Nolan*).—Do you keep the animals off the streets?—Well, I cannot say that. The pig fair is generally held in the street opposite this.

381. Is the town sergeant active in cleaning after them?—He is not expected to handle a brush; but he looks after the labourers.

382. Is the fair-green the property of the Commissioners?—Yes.

383. Have you any market?—No; we have no regular market. We have very good shops; the market-square is opposite this, but it is not used generally.

384. One of the gentlemen, when we were below viewing the premises we went to look at, said that you wanted a public market badly; do you think that?—I don't think we do. There are so many good shops that I don't think a market is necessary.

385. Mr. *Chapman*.—The Commissioners tried to have a market; they tried to induce parties to come here and sell their goods, and failed. All we could do was to prevent persons selling in the streets, but we could not make them come up here. We fitted up this place with scales, weights, and everything necessary, but we could not get them to come up here.

386. CHAIRMAN (to Mr. *Nolan*).—I understand that Mr. Wakefield applied to Lord Fitzwilliam for a piece of ground for a fair-green?—Yes; but there were many people thought we wanted other things more.

387. What else do you want more?—Water. We are about to get some very good water. We spent £300 in making a very large tank, but it has not been used up to this. There have been great discussions at the Rathdown Union as to whether a water supply ought to be carried out on a large scale or by this tank scheme.

388. Are the Poor Law Guardians of that union the sanitary authority?—Yes.

389. What is the population here?—I think it is but little under 4,000.

390. I see in 1874 that there is a certain sum of money expended on engineers, &c., were all these expenses incurred with reference to the water tank?—Yes.

391. What is your annual payment for Grand Jury cess?—I am not prepared to answer that.

392. You have got an income of from £1,200 to £1,300 a year from rents and certain small sums besides?—Yes.

393. "Railway company in lieu of surplus water, £10"—what is that?—The railway company laid a water pipe to convey water to their station through a portion of the corporate property, and for that accommodation we charged them £10 a year.

394. You get some small sums from the dog-tax?—Yes; £6 or £7.

395. Do you get anything from the sale of manure?—Scarcely anything. We have none to sell; because the streets are never swept. It is all left lying there.

396. I see you got only £3 last year; is that as much as you generally get?—Yes.

397. These, with a few trifling items, are the whole of your receipts?—Yes.

398. Why do you not get the police fines?—I cannot answer about the fines. We do not get any.

399. Why do you not apply to the Castle about them?—We will do so.

400. After paying £546 for interest on the mortgage have you not still got a surplus income of over £600 a year?—Yes.

401. How is that spent, besides paying the salaries you mentioned?—We supplement the county work, and flag portions of the town.

402. What are the poor rates and county cess?—The poor rate was 1*s.* 6*d.* in the £1 last year, and the county cess was 10*d.* in the £1 for each half year.

403. Mr. EXHAM.—Do they keep all the roads in repair?—They ought, but they would not flag the town unless they got something more. It is only within the last few years that we had a surplus at all.

404. But you have got a very considerable surplus now?—Yes, and we hope to increase it. It is only very recently that we have had any money to do anything with.

405. CHAIRMAN.—How is the town lighted?—With very good gas, at 7*s.* 6*d.* a thousand cubic feet. We have a very good company.

406. How many lamps are there?—I cannot tell exactly; but I think sixty-nine.

407. Do you pay by the lamp?—Yes, about £2 10*s.* per lamp all round.

408. I see that up to the 1st April, 1875, you paid £150 3*s.* for the lamps?—Yes; but we pay more now, as we have increased the number, and sometime before when coals were dearer we paid more.

409. How many public pumps have you?—We have some.

410. Maintained by the Commissioners?—Yes.

411. How many?—Two pumps and four fountains.

412. Is the water good?—Generally good.

413. Has it been analysed?—Yes.

414. By whom?—Professor Cameron and Professor Reynolds. It was found better than from most pumps. I drink it myself.

415. Do the guardians carry out the Sanitary Act properly since 1874?—We have not had experience enough yet.

416. Has there been much improvement within the last year?—I think it is in a satisfactory way towards improvement. Dr. Halpin, the sanitary officer, will be able to answer that question. In some cases I think that more might be done.

417. I see by the report in the last audit that Mr. Finlay, made some surcharges against you and Mr. Oakes, as well as other gentlemen?—Yes, very unfairly. He surcharged us with the sum of £10 each for our expenses in going to London in reference to our opposing a bill promoted by the Dublin, Wicklow, and Wexford Railway Company, and which seriously injured us.

418. Mr. Finlay says that he disallowed £2 17*s.* for the loan of a screen, which was put up here as a polling booth?—Yes.

419. Did the Town Clerk lend the screen?—Yes; he sent it up from his own house to the room here for the purpose of fixing up a polling booth.

420. What would be the worth of it if it was new?—Mr. Halpin, the town clerk, valued it at £10. I don't think he would get many to give him £3 for it.

421. Did he take it back to his house as soon as the election was over?—Yes, but he offered to lend it again.

422. At the same price?—Yes.

423. He also disallowed £3 for the services of Mr. Oakes, one of the Commissioners, at the election?—Yes.

424. What was Mr. Oakes paid that fee for?—I don't know, except for attending at the election.

425. How many hours was the screen here?—The greater part of three days. It had to be put up the day before the election, and was removed the day after.

426. Mr. Finlay also calls attention to the fact that the cheques that were drawn for £10 each by the Town Clerk, and handed by him to Mr. Oakes and Mr. Nolan, were signed by himself, but were not passed or signed at any meeting of the Commissioners, and that he therefore surcharged each of you with that

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Mr. John Nolan.

amount. Was that so?—Yes. We had not twelve hours to prepare to go off to London.

427. You wanted the money first?—We could not go to London without money. It was a little irregular because there was no time to call a meeting.

428. Then, in point of fact, the cheques were not signed at any meeting of the Commissioners?—Yes; and we had to bring the cheques to two other Commissioners at their own houses to be signed. It was on a Saturday, and we had to be in London by Monday morning.

429. I am glad to see that he says the rents were collected in a most satisfactory manner by Mr. Chapman. He notices here this case of Abraham Newbold's, and he tells us more about it than we knew before; that the plot of ground is not only valued at £7, but that he paid £7 a year for it to Lord Powerscourt: that it was subsequently reduced to £5, and that now it is £1 10*s.* a year. Is that so?—Yes. I made several suggestions as to the old houses being revalued, with a view of calculating the new rent with which they ought to be charged, but the Commissioners let them as you have heard.

Dr. George Halpin.

Dr. George Halpin examined.

430. Chairman.—I understood you to say that you pay a little more rent now than you did to Colonel Gun Cuninghame?—I only paid Colonel Gun Cuninghame £2 1*s.* a year on my original lease from him.

431. How does it appear in the schedule of the rents paid to Colonel Cuninghame that you paid him £5 15*s.*?—It is so stated; but I was badly treated in the matter. I had a lease from him which expired twelve or fourteen years before Colonel Gun Cuninghame's own expired. When it dropped, I went to him and said:—"I am about to build a new house, and I will pay you now in order that I may be able to go before the Commissioners in obtaining a new lease." He said, after some conversation, that if I would pay him more he would give me a new lease. The rent was then fixed at £5 15*s.*; but as soon as I paid him a gale or two he refused to give me any lease.

432. What was the term of your old lease?—Sixty-five years, or three lives.

433. Mr. *Oakes* (through the Chairman.)—Did you not commence to build on the faith of a resolution passed by the Commissioners, that they would give you a lease?—I appeared before the Commissioners and they told me that I would be safe in building, and that I would get the premises at a ground rent when Cuninghame's lease fell in.

434. Which of the Commissioners told you this, and when?—I cannot say now.

435. Chairman.—You pay them £5 15*s.*, the same as you lately paid Colonel Cuninghame, and you pay £1 10*s.* a year for the yard, instead of 15*s.* a year, which you paid him?—Yes; and I laid out about £800 on the same property.

436. I can quite understand that; and this was what you wanted to explain?—Yes; I cannot say that I consider I got any bargain by the plot, it is such an expensive place to build upon. Another member of my family took out a lease from Earl Fitzwilliam with double as large a frontage in a square plot, and he got it at £2 12*s.* a year for ninety-nine years, from Lord Fitzwilliam.

437. I understand that you are the sanitary officer for the Board of Guardians?—I am.

438. What is the sanitary condition of this place?—It is very much improved; but it could be more improved.

439. Is the water good?—It is not a bad drinking water.

440. Is the drinking water good?—It is; but sometimes it gets foul.

441. Is it fouled by sewage?—No; I don't know any place where sewage gets into the pumps or wells. We hope soon now to have the water from the new reservoir. Dr. Cameron gave it as his opinion that it was the best water he had analyzed in Ireland.

442. Is there much difficulty in supplying the poor people with water now?—In summer there is a scarcity of water. Most of the pumps were dry last summer, and they had to get the water from the river.

443. Is there any portion of the water supplied from the river?—There is. When the fountains and pumps run dry the inhabitants are very much dependent on the river. It is very much fouled by cattle going in and drinking about the place where people have to get water, and there are two schools above it; but that water is not used for drinking purposes—only for washing.

444. Have the guardians commenced the contract for the waterworks yet?—Nothing has been done by the guardians since they became the sanitary authority. Before the Sanitary Act of 1874 passed, we had more facility for carrying on the sanitary work than we have now. At that time the sub-sanitary officer had liberty to go about with a book in his pocket, and take down the names of parties, and issue summonses where he found a nuisance, but now he has to fill in a form and send it to the sanitary authority at Rathdrum, and await their reply before he can issue a summons.

445. Do you think the sanitary condition of the town would be improved if it were under the Commissioners, instead of the Board of Guardians?—No; I don't mean to say that, but I will explain what I do mean. In every district like this there is a dispensary committee, and I think it would be better to have the authority centred in the dispensary committee, who would be able to attend at once to applications, and who know the locality and the people, instead of having the sanitary work for the whole union discharged by the Board of Guardians of Rathdrum. I think that wherever there is a dispensary committee they should be the sanitary committee under the Board of Guardians, and have the power to act immediately, and in serious cases to order summonses, where the people did not comply with their orders. At present it is only after two or three meetings of the Guardians that an order is made to abate the nuisance, and before a summons can be issued for the petty sessions several weeks will have elapsed, and the nuisance is all this time continuing, and there is no means of remedying it.

446. We have been told that there is a great scarcity of privies and ash-pits in houses here?—There is; but the great want of all is yard accommodation, and that induced the Commissioners to throw in the small houses at the back of some of the front houses for yard accommodation.

447. Were any steps taken by the Commissioners before the Act of 1874 to remedy the sanitary defects you have been speaking of?—There were. The present sub-sanitary officer under the Board of Guardians was in the pay of the Commissioners as their nuisance inspector, and they did all that could be done at that time.

448. Were any privies or ash-pits then erected at their instance?—No; in some of the late leases covenants are put in to that effect. There are some of the houses without back entrances, and the people have to take out the contents of the privies and ash-pits through the houses by the front doors.

Mr. Robert Burkitt.

Mr. Robert Burkitt examined.

449. Mr. Exham.—You have been acting as solicitor to the Town Commissioners?—At times only. I prepared most of their leases.

450. Did you prepare all the leases in 1874, after Colonel Gun Cuninghame's lease had expired?—Yes.

Mr. Robert Burkitt.

451. Were you aware that these leases were granted at a less rent than the tenants had been paying to him?—No; I knew nothing at all about the original rents. I drew the leases from the resolutions and the maps—the resolution being signed by the town clerk as to the terms of the lease, the description of the premises, &c.

452. You knew nothing as to what passed at the meeting of the Commissioners?—I did not.

453. Had you known it, would you have advised them to execute the leases and to let the property without having publicly advertised it?—I considered that the resolutions that were given to me must have been considered by the Commissioners in accordance with the opinions of Mr. Gibson and Mr. Hemphill, which I obtained for and submitted to them.

454. What was the effect of those opinions?—Mr. Hemphill advised that they were trustees of the property, and had no right to grant any new leases without having the proposed new lettings duly advertised and put up for public competition. I read that opinion over for and left it with them.

455. Did you advise them to follow counsel's opinion?—Certainly, and cautioned them against acting in opposition to it.

456. Did they consult you afterwards as to their acting against counsel's opinion?—Certainly not. The next I heard of it was being ordered to prepare leases in conformity with the resolutions.

457. Were you ever consulted about their cancelling any lease that had been granted, and granting a fresh lease of the same premises at a lower rent?—I recollect being consulted on only one occasion and I told the Commissioners that they had no power to cancel a lease once made. I told them that when once they had executed a lease it was their duty to enforce the payment of the rent and performance of the covenants in it, until it was legally put an end to, and that they should not attempt to cancel it, and I cautioned them that they had no power to give a new lease where an existing one was in force.

458. Were you, after you gave them the opinions at all consulted about those matters until you were employed to have these leases drawn?—No.

459. What instructions did you receive from them?—To prepare leases for seventy-five years according to the resolutions.

460. Were the cases laid by you before counsel, on behalf of the Commissioners, and upon their verbal instructions as to the points on which they wished for counsel's advice?—Yes, certainly.

461. It is stated in the case submitted by you to counsel, that Mr. Hayden sold the property to the nuns about three years ago?—That statement was made to me by Mr. Halpin, the town clerk. We had a good deal of consultation about it in the first instance, for there was a question as to whether there was a breach of covenant in not building, for which I believed an ejectment could then have been maintained. I recollect a long conversation on that subject, and in the cases submitted to Mr. John Gibson, and afterwards to Mr. Edward Gibson, you will find it stated that the town clerk informed me that Mr. Hayden had sold his interest to the nuns. I recollect afterwards having a conversation with Mr. Chapman. At the time I was bringing an ejectment, and I cautioned Mr. Chapman relative to not receiving rents from the nuns, fearing that a tenancy from year to year might be created.

462. CHAIRMAN.—Do you know whether they ever put any of the property that fell in, up for public competition or public tender?—All I can tell you is this that I told them I considered they would not only be personally responsible, but that it would be an act of injustice to grant leases without doing so; and there was a day appointed by resolution upon which the public were invited to send in tenders.

463. Mr. EXHAM.—By the opinions of both those gentlemen, the Commissioners had fair warning that they were acting illegally in the way in which they were granting these leases.

464. CHAIRMAN.—Do you know anything of the circumstances under which the £12,000 was advanced to the Harbour Commissioners?—I ought to know something about that, inasmuch as there is £360 of taxed costs owing to me in connexion with that transaction. I recollect Mr. Chapman and some others coming to me, and I consented to give them a memorandum that I would forego my claim until the harbour was completed; for I would have done anything for the improvement of the town. But I may ask shall we ever see the harbour completed? And one thing I want to know is, have we any Harbour Commissioners? If ever there were Harbour Commissioners, there are none now. There is a gentleman who was at one time chairman of the harbour board, and he, with the secretary, receive the moneys paid as dues by the vessels coming into the harbour, but they have no more right to do so than any person in this room.

465. Was the whole of this £12,000 advanced to the Harbour Commissioners for improving the harbour?—Yes.

466. And how was it expended?—A great deal of it was spent upon the case of Killeen against the Harbour Commissioners, which occupied thirty-two days at trial in the Court of Exchequer before the late Chief Baron Pigot, and for which I paid something about £2,000 in fees. That suit went against the Commissioners, and Killeen got out of his contract and compelled the Commissioners to pay him without his performing it at all.

467. What security had the Commissioners from the Harbour Commissioners for this loan?—They have a mortgage for the first loan—a mortgage executed by the Harbour Commissioners to the Town Commissioners for £12,000, which was secured upon the tolls. It was thought that when the harbour was improved there would be a large income from tolls; but it is not half what was expected; and there is no prospect of any improvement until the harbour is improved. What is got does not do more than pay the interest, &c. on the last loan that was got from the Public Works Loan Commissioners. We had all to forego our claims before the Loan Commissioners would advance the money, £6,000; but after it was expended, no good resulted from the expenditure.

468. Is there anybody to check the accounts of these Harbour Commissioners?—They should furnish the accounts to the clerk of the peace of the county.

469. Is there no one to check the accounts, and see how they spend that money? Is there any auditor?—Their late chairman is the auditor; but there is not any board, legal or illegal now.

470. As far as you can judge, is there any chance of the Commissioners getting back either capital or interest from the Harbour Commissioners?—Not until the harbour is completed.

471. If the harbour were completed, would it be a paying concern?—No doubt it would pay all off in a few years. There is a feeling amongst certain classes in the town that their trade would be very much injured if the harbour were deepened and improved. They wish to keep the trade to the small class of vessels which they own.

Mr. RICHARD SWAN examined.

Mr. Richard Swan.

472. CHAIRMAN.—I see a statement by the auditor that you had applied to the town clerk before the audit to see some documents, and were refused?—It is the fact.

473. State the circumstances under which that occurred?—I called here on Saturday—the audit was on Monday—to examine some of the books and documents which the town clerk was bound, under the Act of Parliament, to leave open for inspection for seven days. I went to Mr. Halpin to ask him to let

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Mr. Richard Swan.

me see those documents, but he said he could not until Monday—the day the audit began. I brought the matter before Mr. Finlay, who censured Mr. Halpin for not having complied with the Act of Parliament. There is another matter I wish to speak of. It is with reference to the water question. It is at present before the Local Government Board and the Board of Guardians; but there are many who consider the money we are laying out for the supply of water is altogether too small for the town. There is no provision for flushing of the sewers, nor for supplying the Murrogh, with its 800 inhabitants and eighty houses, no provision for flushing the main sewers, or washing out privies or ash-pits, where the liquid matter is allowed to sink into the ground and create a miasma in our dwelling-houses. The proposed supply would not be more than 30,000 gallons in any one day—merely a supply for drinking and household purposes; but not for the other purposes I mentioned. There is no provision made here for getting rid of the contents of the cess-pools; and in many cases there are no privies, the houses being built back to back, in a way that would be really disgraceful to an African village. I wrote to the Board of Guardians, but they took no notice of my letter, and since then I have been in communication with the Local Government Board, and have expressed to them the same opinions very much more strongly. They have at present my letter under consideration. I see by the last meeting of the Guardians that the Local Government Board have called upon them to supply them with the specifications and estimate for the water supply.

Feb. 10, 1877.

FEBRUARY 10, 1877.

(Before Mr. Commissioner EXHAM, Q.C.)

Mr. Robert Halpin.

Mr. ROBERT HALPIN examined.

474. Mr. EXHAM.—You are secretary to the Town Commissioners, I believe?—I am.

475. Show me the minute book of the proceedings of the Town Commissioners for the year 1874. (Minute book produced.)

476. Mr. EXHAM reads—"Meeting held on the 2nd March, 1874. Fifteen Commissioners present, amongst whom were Mr. Henry M'Phail, and Mr. Robert Caldwell. 'Resolved—That the secretary and agent take possession of the buildings out of lease on the 25th March next, and that the parties be put in as caretakers at one penny a week until the plots are arranged.'" To what property had that resolution reference?—To the houses and premises in Gun Cuninghame's lease, which was to expire on the 25th March, 1874, and also as to a holding of Mrs. Galattie, in the Main-street (not in Gun Cuninghame's lease), but which was to be out of lease on that day.

477. You had a memorial presented to the Lords of the Treasury with regard to giving you leasing powers?—Yes; the resolution is as follows:—"Resolved—That the draft memorial to the Treasury for an extension of leasing powers be adopted." That was intended to be generally applied—not confined to Gun Cuninghame's property alone, but for all other properties.

478. Did the Treasury grant the prayer of your memorial?—No; we got an answer to say that each case would be considered upon its own merits, that they could not give a general order.

479. When the lease fell in on the 25th March was possession taken up from all the tenants, and were they all put in as caretakers?—They were, with the exception of two sub-tenants, and the landlord got possession of the houses, and gave them up. That was Mr. Caldwell who got possession from his under tenants himself and he then gave us possession, and we put them into the two houses.

480. It was stated on the last occasion that the Commissioners sat here that there was a public advertisement inviting tenders for these several premises, and that tenders were received for all of them?—Yes.

481. Mr. EXHAM reads—

"The next meeting was held on the 6th April, 1874. There were sixteen Commissioners present, amongst whom were Mr. Henry M'Phail, Dr. Halpin, and Mr. Robert Caldwell. Twenty-nine applications for premises were received, amongst others, from Mr. Chapman, Mr. William M'Phail, Dr. Halpin, Mr. Henry M'Phail, and Mr. Robert Caldwell. The following tenders, amongst others, were given in and read—Tender dated the 2nd of March, 1874, from Mr. John Chapman, in the following terms—'GENTLEMEN, I beg to apply to become your tenant for my holding, viz., the house I live in, and those lately built by me in the Main-street and on the Quay upon such terms as you may consider right. There are four houses on the Quay also held by me, which I have set to tenants, but I am not applying for them. I am only applying for what I live in and what I built.

'Your obedient servant,

'JOHN CHAPMAN.'

'TENDER of MARY DUNNE of the 25th March, 1874.

'GENTLEMEN,—As the term of my present lease will expire on the 25th March, and you are to become the future landlords of my holding in the Main-street, Wicklow, I trust to receive that justice expected from a public body, and the required time for re-building extended to tenants of the Corporation of Wicklow; and my new lease with a rear to the quay added, as all tenants of the Main-street have received or expected from the 25th March, 1874.'

'APPLICATION from Mrs. HEPENSTAL.

'Wicklow, 2nd March, 1874.

'To the CHAIRMAN and COMMISSIONERS of WICKLOW.

'GENTLEMEN,—I beg leave to apply to become your tenant for my house and premises, as my time from Lieutenant-Colonel Gun-Cuninghame will expire on the 25th instant. I am willing to pay such rent as you consider fair, and trust it will be your pleasure to give me the benefits, and second the rule on the town property, viz., giving the tenant in possession the preference.

'I remain your obedient servant,

'JULIA HEPENSTAL.'

'Mr. CALDWELL'S PROPOSAL.

'27th February, 1874.

'GENTLEMEN,—As Colonel Cuninghame's interest in the premises I hold under him will terminate on the 25th March next, I request to become your tenant, under lease from that date. Previous to the late Mr. Byrne getting possession of the dwelling-house from the late Mr. Keely, he paid him £105 for his interest therein, and has since laid out a good deal on house and premises. In the rere, a stable, barn, and cow-house have been built, and in front, under the Mall, two dwelling-houses, one of which was subsequently burnt, and had to be re-roofed. It is my intention to raise the walls of the dwelling-house, put on a new roof, new floors, windows, &c., which will cost at least £200. I now beg to remind the Commissioners that in conjunction with Mr. Byrne, we have built forty-three substantial dwelling-houses on your property, considerably enhancing the value of same. Seventeen of these have been built within the past seven years. I therefore consider I may fairly claim a lease of the premises applied for, viz., the dwelling-house and premises, and the two houses under the Mall, which I built about twenty-three years since, upon such just and reasonable terms as your Board may determine.'

Margaret Flynn sent in an application for the same premises in the following terms:—

"28th February, 1874.

"GENTLEMEN,—The house and premises as held by my late husband for many years, under the late Mr. James Byrne, and by me, since his death, I learn falls into the hands of the Commissioners on the 25th March next. I beg to offer myself as tenant for them upon such terms as may be considered fair and reasonable. My husband expended in money and labour a considerable sum in keeping the premises in repair, also building, which I hope the Commissioners will take into their consideration, as our late landlord contributed nothing towards the expenditure.

"I am, gentlemen, your obedient servant,

"MARGARET FLYNN."

482. Mr. EXHAM to Mr. *Halpin*.—Do you happen to know what rent she paid Mr. Caldwell as sub-tenant?—I could not say with certainty. No lease was made to her.

Mr. EXHAM reads:—

"APPLICATION of Mr. HENRY M'PHAIL.

"GENTLEMEN,—I beg to apply to you for a lease of my holding in the Main-street, Wicklow, comprising the dwelling-house, out-offices, and small yard or passage, to the South-quay. I also request you will give a small portion of the yard adjoining that of Dr. Halpin on the opposite side, as accommodation with a house in the street is so very badly wanted.

"Your obedient servant,

"HENRY M'PHAIL."

'TENDER of Mr. WILLIAM M'PHAIL.

'Mr. William M'Phail applied for a lease of his house which he occupied in the Main street, on fair and reasonable terms; and he would also thank them to give him some additional rear accommodation.'

'APPLICATION of COLONEL GUN-CUNINGHAME.

'7th March, 1874.

'May I ask of you to ascertain from the Town Commissioners whether they will grant to me or to the trustees of the Cuninghame estate, a renewal of the lease and if so upon what terms.'"

483. Mr. EXHAM to Mr. *Halpin.*—Did you give any reply or state whether it would be renewed upon any terms?—I did not give him any written answer, but I gave a verbal one to him, saying that the Town Commissioners would not entertain any application from him.

484. Were all those tenders read at the morning meeting?—They were.

485. Was the meeting adjourned?—Yes; until seven o'clock in the evening.

486. Who were present then?—There were then sixteen Commissioners present, including Messrs. Henry and William M'Phail, Mr. Caldwell, and Dr. Halpin, and also Mr. Chapman, and it was then

"Resolved—That Joseph Smith get a seventy-five years' lease of his premises in the Main street, from the 25th March, 1874, at 2*s.* 6*d.* per foot frontage. Mr. Smith and Miss Hamilton, to compensate Miss Mullen.

'Resolved—That William M'Phail get a seventy-five years' lease of his premises in the Main street, from the 25th of March, 1874, at 2*s.* 6*d.* per foot frontage. Mr. M'Phail to raise the roof and build in conformity with the adjoining houses.

'Resolved—That Henry M'Phail get a seventy-five years' lease of his premises in the Main street, from the 25th March, 1874, at 2*s.* 6*d.* per foot frontage. Mr. M'Phail to raise the roof and build in uniformity with the adjoining houses.

'Resolved—That Dr. Halpin get a seventy-five years' lease of his premises in the Main street, from the 25th March, 1874, at 2*s.* per foot frontage.

'Resolved—That Miss Dunne get a seventy-five years' lease of her premises at 2*s.* per foot frontage, the plot to be built on within three years from 25th March, 1874, in accordance with all the building regulations on the books, the house to correspond in height with the adjoining houses, the rear to extend as in the adjoining premises to the South-quay, the window looking into Mr. Chapman's hallway, to be built up when required.

'Resolved—That John Chapman get a seventy-five years' lease of his holding, at a rent of 2*s.* per foot frontage, from 25th March, 1874, the house to be made uniform with adjoining houses; the Doctor's-lane, to be widened at the lower end.'"

The meeting was then adjourned until the next day the 7th April, when there were eighteen Commissioners present (and Mr. Chapman), amongst whom were Messrs. Henry and William M'Phail, Dr. Halpin, and Mr. Caldwell, and it was—

"Resolved—That Robert Caldwell get a lease for seventy-five years' of his premises in the Main street, from the 25th March, 1874, at 2*s.* per foot frontage.

'Resolutions were also passed for the granting of leases to John Sullivan, John Maguire, and Mr. Richard Ost.

'Resolved—That the meeting adjourn until the next day.'"

487. Who was present on the 8th April, 1874?—Twenty Commissioners, amongst them Messrs. Henry and William M'Phail, Mr. Caldwell, and Dr. Halpin, and it was

"Resolved—That Miss Mullen get £60 compensation for giving up her house and premises on South-quay, for yard accommodation for Joseph Smith and Miss Hamilton, the whole amount of £60 to be paid by Joseph Smith and Miss Hamilton in proportion to the extent of ground given to each of them, the material to be the property of Mr. Smith and Miss Hamilton.

'Another resolution was passed giving Thomas Fitzgerald a lease at 6*d.* per foot frontage. It was also

'Resolved—That Mrs. Hepenstal get the two houses in Market-square, at 1*s.* per foot frontage, on lease for seventy-five years from the 25th March, 1874, to be re-roofed, and otherwise improved within three years, with some provisions as to passages.

'Resolved—That the meeting adjourn until the following evening at seven o'clock.'"

Next evening at seven o'clock the adjourned meeting was held. Twenty Commissioners present, amongst whom were Messrs. Henry and William M'Phail, Dr. Halpin, and Mr. Caldwell, and it was—

"Resolved—That Robert Caldwell get a seventy-five years' lease of his two houses under the Mall, from the 25th March, 1874, at 1*s.* per foot frontage.

"Resolved—That Dr. Halpin get his yard on South-quay as yearly tenant at the yearly rent of £1 10*s.* from 25th March, 1874.

"Resolved—That the meeting do adjourn until the following evening at seven o'clock."

488. What is the next entry?—

"Meeting of the 10th April, 1874, held. Eighteen Commissioners present, including Messrs. Henry and William M'Phail, Dr. Halpin, and Mr. Caldwell, and it was adjourned until the 13th April when there were present, nineteen Commissioners, including Messrs. Henry and William M'Phail, Mr. Caldwell, and Dr. Halpin, and it was—

"Resolved—That the houses in the rear of Mr. Chapman's and Mrs. Dunne's plot, now used as dwelling houses, shall be no longer used as such, but that the aperture shall be built up with lime and stone, to be used by the present tenants as outoffices and stores only, and that the wall be newly dashed and left in a presentable condition, and that the old roof next the forge be taken down, and that no forge be allowed on the premises."

489. Mr. *Chapman.*—Those are the premises where I had the small houses let at 1*s.* 6*d.* a week.

490. Mr. EXHAM reads from book—

"The next meeting is held on the 14th April. Present, fifteen Commissioners, including Messrs. Henry and William M'Phail, Mr. Caldwell, and Dr. Halpin, and the record of those gentlemen being present as Commissioners, is signed by Mr. John Oakes, as chairman.

The next meeting is held on the 15th April. There were sixteen Commissioners present, including Mr. Henry M'Phail and Mr. Caldwell; Mr. William M'Phail and Dr. Halpin were not present.

"Resolved—That, having consulted with Mr. Burkitt, that Mr. Burkitt draw up a full case and get the opinion of Mr. Hemphill. The minute is signed by Mr. Oakes as chairman."

491. To Mr. *Halpin.*—What was the next thing done?—Nothing was done from that until the 23rd April when there was a committee meeting of the whole body held at which there were five present, Mr. Henry M'Phail and Mr. Robert Caldwell and three others. Mr. Burkitt attended professionally, and read Mr. Hemphill's opinion, and it was

"Resolved—That, having heard the case and opinion read, a special meeting of the Town Commissioners be called to lay the same before them."

492. What is the next entry?—27th April, 1874—

"A special meeting of the Town Commissioners was held this evening to receive counsel's opinion on the case submitted to them. There were fifteen Commissioners present. Mr. Burkitt attended professionally. Messrs. Henry and William M'Phail were both present. Dr. Halpin was not, and it was

"Resolved—That Mr. Burkitt be requested to attend the meeting of the Commissioners, and,

"Resolved—That this meeting do adjourn until to-morrow evening at seven o'clock, to reconsider the lettings made during the last fourteen days.

"(Signed) JOHN OAKES, Chairman."

493. What is the next?—28th April, 1874.

"An adjourned meeting of the Commissioners held this evening. Twelve Commissioners present. Mr. Burkitt attended professionally. Proposed by John Nolan, and seconded by W. J. Nolan—

"'Resolved—That John Oakes act as chairman for the residue of the year.'

"Resignations were read from Henry M'Phail, William M'Phail, Robert Caldwell, and Dr. Halpin resigning their seats as Commissioners. The requisite notices of meeting to fill up the vacancies were prepared. Mr. Caldwell's resignation, which is marked 'read' by the town clerk is in these terms—

"'Wicklow, Saturday, 25th April, 1874.

"'DEAR SIR,—Having heard counsel's opinion read last night I beg to tender my resignation as a Town Commissioner, and at the same time to inform you that it is not my intention to act as a Commissioner further.

"'I am, dear sir, yours truly,

"'ROBERT CALDWELL.

"'To the Chairman of the Town Commissioners, Wicklow.'"

"Resolved—That this meeting do adjourn till Monday the 11th May next. That an advertisement be inserted in the local papers to the effect that the Commissioners will on that occasion entertain tenders for the amount of rent which the tenderers propose to give for the different holdings lately come into their possession owing to the lease of Colonel Cuninghame having expired on the 25th March, 1874.

"(Signed) JOHN OAKES, Chairman."

494. Was this ever inserted, and where is it?—On Saturday the 9th May the advertisement was inserted in the public newspaper, as follows—

"Town Hall, Wicklow,
"April 30, 1874.

"The Town Commissioners of Wicklow will, at their adjourned meeting to be held on Monday, the 11th day of May, 1874, at eleven o'clock A.M., at the Town Hall, receive sealed tenders stating the amount of rent that each person proposes to give for the different holdings lately come into the possession of the Commissioners by the leases to Colonel Cuninghame having expired on the 25th of March last.

"Tenders to be lodged with the secretary at or before ten o'clock A.M., on the 11th day of May, 1874, and marked on the outside, '*Tender for premises.*'

"By order, ROBERT HALPIN, Secretary."

WICKLOW.
Feb. 10, 1877.
Mr. Robert Halpin.

495. Were the vacancies filled up, and when?—On the 4th May it was resolved that John Kelly Twomey be elected a Town Commissioner in place of Dr. Halpin, who had resigned. On the 11th May it was resolved that Dr. Taylor, Thomas Smith, Joseph Collins, and Dr. L'Estrange be elected Commissioners in place of Robert Caldwell, Henry M'Phail, William M'Phail, and John D. Smith who had resigned. The meeting then adjourned to the 15th May.

496. What took place at that meeting?—There were fifteen Commissioners present, and it was

"Resolved—That Henry M'Phail's tender for premises in the Main-street, at 2*s.* 6*d.* per foot frontage be accepted, the premises to have rear down to South-quay, term seventy-five years' lease from 25th of March, 1874.

"Resolved—That William M'Phail's tender for premises in the Main-street, at 2*s.* 6*d.* per foot frontage be accepted, the premises to have rear down to South-quay. Term seventy-five years' lease from 25th March, 1874.

"Resolved—That Dr. Halpin's tender for premises in the Main-street be accepted, at 2*s.* per foot frontage; the premises to have rear to South-quay. Term seventy-five years' lease from 25th of March, 1874."

497. Mr. EXHAM.—Will you show me those tenders [Produces William M'Phail's tender, as follows]:—

"I propose to take a lease of my house and premises in the Main-street of Wicklow, measuring in front twenty-six feet eight inches, at the yearly rent of 2*s.* 6*d.* per foot frontage. I have expended in or about the sum of £500 on building. I also propose to pay £1 10*s.* for thirty feet frontage of the Bath-house premises, to wall in as a yard for the accommodation of my dwelling-house."

Mr. *Halpin.*—The latter part of his tender was refused.

498. Mr. EXHAM.—Have you got Mr. Henry M'Phail's second tender?—Mr. *Halpin*—I have not got it, and according to my recollection Mr. Henry M'Phail did not send in a second tender, but stated that he would let his first tender stand for the second.

499. Mr. *Henry M'Phail.*—I am under the impression that I did send in a second tender in the same terms as the first.

500. Mr. EXHAM.—Let me see Dr. Halpin's second tender. [Dr. Halpin's second tender was produced.]

"GENTLEMEN—I propose to pay you for the plot on which my house and out-offices are built, the rent already named by the unanimous vote of your Board, that is at the rate of 2*s.* per foot. I also propose to pay, and accept of the terms named for my yard, that is £1 10*s.* per year."

501. Mr. *H. M'Phail.*—I also proposed to pay £1 10*s.* a year for a yard, but I was refused it.

502. Mr. EXHAM.—At the same meeting resolutions were adopted for accepting Miss Hamilton's, Mary Ann Dunne's, and Mr. Chapman's tenders, subject to the resolutions of the 6th April, 1874. A tender was given in by Margaret Flynn, of the 11th May, 1874, for the house which she held for the last twenty-three years, proposing to pay £5 a year for it; and if the Corporation required any alteration in the improvements of her house, she was willing to do anything they might suggest, and hoped if that were so, a reduction might be made in her rent as was usual in such cases. She had paid £6 a year previously for it. (To Mr. *Halpin*).—Was that read at the meeting?—It was.

503. Was it complied with?—No.

504. Who got it?—Mr. Caldwell.

505. At what rent?—£2 2*s.* a year.

506. Mr. EXHAM.—A tender was received from J. Wisdom, proposing to become their tenant for the house and premises in his possession on the Mall, for which he had paid rent for forty years. What rent did he pay?—He had paid £6, and he got it at £3.

507. A tender was also read from George Lewman, proposing to become tenant of his premises at the rate of rent they had already decided upon, or he would comply with whatever regulations they might make. What rent did he pay?—He paid £6 10*s.* before, and he got it for £3. Those last two were yearly tenancies, and the parties were bound to keep them in repair.

508. On the 19th May a meeting was held, at which there were fourteen Commissioners present, when it was resolved—"That Robert Caldwell's tender and proposal for premises in the Main-street, and for two houses under the Mall be accepted, viz.:—for premises in Main-street £5 5*s.* per annum, and for the two houses under the Mall £2 2*s.* per annum; the premises in Main-street to have rear to High-street, in which Mr. Caldwell lately built two houses." The result of all this is, that in May, 1874, you gave nearly all these persons lease according to the resolutions of the 8th April, 1874. On the 22nd May, it was resolved—"That John Sullivan get his premises in the Main-street, at £3 per annum, and to pay Mrs. Keely £25 now, £25 in six months, and £25 in twelve months.

509. Mr. H. *M'Phail.*—I wish to call your attention to the fact that the best building plots on Earl Fitzwilliam's estate can be had for 2*s.* 6*d.* per foot frontage. I also desire to mention that the Corporation have allowed their property to be taken from them. I refer to what are called the Burgess Plots.

510. Mr. EXHAM.—How have they allowed property to go out of their hands?

511. Mr. *M'Phail.*—I cannot tell you how, but that they have done so is the fact. When there was a notice, some five or six years ago, to sell one of the Burgess Plots in the Landed Estates Court, the Commissioners never attempted to interfere, but allowed the thing to be done.

512. Mr. EXHAM.—How is that?

Mr. *Halpin.*—We had no title to it at all; we examined all the leases, and we could not find any trace of it.

513. Mr. *Chapman.*—We made every inquiry we possibly could, and we could not trace it out as being corporate property. It belonged to Lord Rossmore.

514. Mr. *Halpin.*—The way the matter stands is this:—There are isolated plots scattered here and there between the corporate property, and which may have belonged to us two hundred years ago, but we have searched the books one hundred and sixty years back and we can find no trace by which we could establish a right to them, or show that they had ever been ours.

515. Mr. EXHAM (at the request of Mr. *Swan*).—Who is the tenant of these Burgess Plots at present?

Mr. *Chapman.*—I am.

516. Mr. EXHAM.—From whom do you hold them?

Mr. *Chapman.*—Colonel Cuninghame. He holds various plots in the town.

517. Mr. EXHAM.—There is one other matter which we are particularly desirous of having fully explained; it was very late in the day on the last occasion when it was introduced, and it was not sufficiently sifted, I mean the loan to the Harbour Commissioners.

518. Mr. *H. M'Phail.*—There is no such body as a harbour board at all.

519. Mr. EXHAM.—This is a very important matter, and it is the principal thing that brought me down. Who receives the dues?

520. Mr. *H. M'Phail.*—That is the very thing we want to know.

521. Mr. *Halpin.*—I can give you every information on the subject.

522. Mr. EXHAM.—Very well; then we shall examine you with reference to the Harbour Board.

523. Mr. *Halpin* then stated—I am the secretary to the Harbour Commissioners. I first produce a list of mortgage and other debts, amounting in the year 1874 to £28,696 18*s.* 8*d.*

DEBTS DUE ON HARBOUR OF WICKLOW.

	£ s. d.	£ s. d.	£ s. d.
Mortgage due Town Commissioners,	8,000 0 0		
Interest on same, at 4 per cent., to 5th December, 1874,	6,400 0 0		
		14,400 0 0	
Mortgage due Town Commissioners,	4,000 0 0		
Interest on same, at 5 per cent., to 10th November, 1874,	2,700 0 0		
		6,700 0 0	
			21,100 0 0
Mortgage due London Loan Commissioners,	3,000 0 0		
Interest on same to 11th November, 1874,	£600 9 7		
By cash paid,	265 9 7		
	335 0 0		
		3,335 0 0	
Mortgage due London Loan Commissioners,	3,000 0 0		
Interest on same to 4th November, 1874,	£436 8 9		
By cash paid,	136 8 9		
	300 0 0		
		3,300 0 0	
			6,635 0 0
Amount due Robert Halpin from 1858 to 1869,	–	–	275 0 0
Amount due Robert Burkitt, taxed costs,	–	331 16 7	
Less amount paid by Harbour Commissioners,	–	60 0 0	
			271 16 7
Amount due the following Harbour Commissioners, advanced personally for Harbour purposes:—			
John Perrin,	–	37 14 9	
William Nolan,	–	37 14 9	
William Nolan, junior,	–	37 14 9	
James Nolan,	–	37 14 9	
John Edwards,	–	37 14 9	
John Chapman,	–	37 14 9	
Thomas Doolittle,	–	37 14 9	
Edward Doolittle,	–	37 14 9	
John Parker,	–	37 14 9	
Joseph Pim,	–	37 14 9	
Thomas Gregory,	–	37 14 9	
			415 2 1
			£28,696 18 8

There is a mortgage debt due from 1854 to the Town Commissioners of £12,000, and interest. That £12,000 was borrowed on the corporate estate, with the consent of the Treasury to lend to the then Harbour Commissioners. They lent it to them in 1854, and took a mortgage on the tolls in expectancy when the works would be finished, as provided by the 5th and 6th Vic., c. 111. In 1854, Mr. Brett, the county surveyor was our engineer, and we advertised for contracts. (I have been secretary to the Harbour Commissioners from the commencement to the present), and made a contract for £8,500 for completing the works to an extent sufficient to entitle us to the tolls. These tolls were estimated at £1,500, which was ample to pay the loan and interest if the work had been done. The contractor went on slowly and badly, and not at all in accordance with the specifications, the result of which was that an action had to be taken against him for breach of contract, and there was a long and protracted trial. Killeen, of Malahide, was the name of the contractor. The trial lasted in the Court of Exchequer upwards of thirty-one days, and we spent over £3,000 upon it. Afterwards we had a Chancery suit which cost upwards of £1,000 more. This suit was brought by Killeen against the Commissioners personally. The £12,000 was all gone, and he sued them individually, and made them personally liable, and they paid sums out of their own pockets amounting to £1,400 ; then another £6,000 was got from the Government for the harbour, but no good results followed, and the harbour is still in a defective state.

524. Mr. EXHAM.—Is there a Harbour Board now?—No.

525. How long is it since there was a Board?—Since 1872 there has been no Board. The harbour is now in the hands of the Government mortgagees, the Public Works Loan Commissioners. The tolls and dues are received by me, and accounted for to the Government on foot of the £6,000 loan.

526. Are the dues regulated by an Act of Parliament?—They are not. We had a decision in the Queen's Bench which laid down that the dues which are received are fair and legitimate, and lawful for moorage and quayage, but there are no tolls under the Harbour Act, as the harbour was never sufficiently deepened to entitle us to collect dues. We merely charge for moorage and quayage—in fact for the use and occupation of the property.

527. They say you never completed the harbour, and therefore you cannot get the dues?—Just so.

528. Mr. *Chapman.*—The clause in the Act said there should be a certain depth over the outer bar before tolls could be levied. That depth has not been attained.

529. Mr. *Halpin.*—We cannot levy the tolls under the Harbour Act, because the harbour has never been deepened to the required depth.

530. Mr. EXHAM.—Is there any great anxiety here to deepen the harbour?—There would be if we had the means.

531. You say there has been no Board since 1872?—Yes.

532. Was there any gentleman acting on the last Board who had never taken the oath?

Mr. *Halpin.*—Not one. They were all duly qualified, and took their declarations. The moorage and quayage dues are received by me as their secretary. The accounts are furnished annually to the Loan Fund Commissioners, who are the mortgagees of the estate, and who have a prior claim to the Town Commissioners.

533. Mr. EXHAM.—Was priority given to the Government Loan over yours?—There was. They would not lend the £6,000 otherwise until the Town Commissioners had foregone their claim.

534. Who audits the accounts?—Mr. Wakefield, the late chairman.

535. What right has Mr. Wakefield to audit them?—As the trustee of the mortgagees.

536. Mr. *M'Phail.*—Mr. Halpin is Mr. Wakefield's agent.

537. Mr. EXHAM.—Who is Mr. Wakefield, and by what authority does he audit the accounts?—He was the last chairman of the board, and he is trustee for the mortgagees.

538. By what authority do you now receive those dues?—Under an Act of Parliament.

539. Who authorizes you under the Act?—The mortgagees.

WICKLOW.
Feb. 10, 1877.

Mr. Robert Halpin.

540. Have you any letter of authority?—I have not. Mr. Wakefield is the trustee, and he is acting for the mortgagees.

541. Who authorizes Mr. Wakefield to examine the accounts?—The Public Works Loan Commissioners who lent the money. He has authority from them to examine the accounts.

542. Did you ever see any document from them authorizing him to do so?—I did.

543. If you take an action against any person for these tolls what authority can you show for doing so. Have you any power of attorney or written authority?—The Loan Commissioners have the power.

544. Do you say that you are in possession as agent for them?—Yes.

545. Were you appointed by them?—I was.

546. By letter?—Not by letter; verbally.

547. Tell me the name of the person who appointed you?—Why the secretary, Mr. Willink; he told Mr. Wakefield.

548. Did you hear him?—I did not.

549. Then in point of fact, you are collecting them by the authority of Mr. Wakefield?—I am collecting them by the authority of the Loan Fund Commissioners.

550. You never got verbal or written authority from them?—I was with them in London, and got authority.

551. Give me the name of the person who authorized you to receive those tolls on behalf of the Loan Fund Commissioners?—Mr. Barnes their solicitor, gave me authority to collect those fees.

552. Have you a power of attorney from him?—I have not.

553. When did he give you this authority?—In London in 1874.

554. Are you receiving the tolls ever since, and does Mr. Wakefield audit the accounts?—Yes.

555. And what do you do with the money?—I send it to the mortgagees.

556. What commission is allowed you for collecting the dues?—Ten per cent. I had £30 in hands in December, 1875. Since then £60 has been laid out on the new quay wall.

557. Who authorized you to expend this money?—I have the Commissioners' instructions to keep the quays in perfect repair.

558. Have you a harbour master?—We have.

559. What salary does he receive?—£30 a year.

560. Who enters into the contract for repairing the walls?—I do.

561. Does the harbour master receive the tolls?—Some of them and hands them to me.

562. Do you charge ten per cent. on what he receives?—I do.

563. Then it appears to me as if you and the harbour master were just doing what you like between you. Have you any verbal or written direction since you saw that gentleman in London, with regard to the way you were to manage the harbour affairs?—(No answer).

564. I shall take care to put on our notes the way this matter is being managed by your acting as is alleged here?—I don't care what people do, for there is nothing to be made by it.

565. Mr. *Oakes*.—Will you ask who Mr. Wakefield has his authority from?

566. Mr. EXHAM.—You may make your mind easy as all about it can be found out, but I cannot pursue the inquiry any further. (To Mr. *Halpin*).—Who looks after the harbour now?—I do and have done so for the last twenty-five years. The Loan Fund Commissioners are in possession of the harbour as mortgagees and I am acting as their agent with their authority.

This closed the inquiry.

APPENDIX—PART II.

APPENDIX No. 1.

[The following document was accidentally omitted from the Appendix to the Waterford Report in Part I.]

1875.—Report of the Board of Trade.—Waterford Improvement Bill.

By this Bill the Corporation of Waterford seek to obtain various powers in connexion with their borough, and among them sundry powers with respect to certain dues which appear to have been known as water bailiff's fees.

Clauses 74 to 79 of the Bill are as follows :—

74. The Corporation may, if they think fit, and upon such terms as may be mutually agreed upon, appoint the Harbour Commissioners to collect the water bailiff's fees, and to account for them to the Corporation.

75. From and after the passing of this Act, the fees, dues, or charges taken or continued to be taken within the Port of Waterford by the water bailiff, or his deputy or deputies duly authorized in that behalf, shall be estimated, levied, and taken in British currency, and shall be the fees, dues, or charges following and none other (that is to say)—

One penny per ton upon all vessels discharging or lading cargo of whatsoever kind within the Port of Waterford.

76. The Corporation and the water bailiff shall have, with respect to the collection and recovery of the fees continued or authorized by this Act, and with respect to the vessels and persons liable to the payment thereof, similar powers of recovery, removal, control, levy, distress and sale, to the powers conferred on the Corporation and water bailiff respectively, or either of them by the Police Act, or upon the Harbour Commissioners in respect of dues leviable by them under the Act 9th and 10th Vict., c. 292.

77. Unless or until the Corporation shall otherwise determine, the water bailiff's fees, as and when received by the water bailiff or his deputy or deputies, shall be payable and paid by him or them to the treasurer, or shall be otherwise accounted for to the Corporation in accordance with the provisions in that behalf of the Municipal Corporation Acts, and shall be carried to the borough fund.

78. The Corporation may from time to time, as and when they think fit, make and give effect to arrangements or agreements with the Harbour Commissioners as to the collecting of the fees, dues, or charges known as the water bailiff's fees, or any part or parts thereof, and as to the application thereof.

79. Nothing in the foregoing sections or in the Act contained shall affect or alter the anchorage dues levied by the Corporation within the port.

The following is an extract from the Report of the Royal Commission of Inquiry into Local Charges upon Shipping (presented to Parliament in 1855) :—

Description of Dues and Charges Levied by the Municipal Corporation of Waterford.

1. Tonnage Dues :

One penny, late Irish currency, per ton of registered tonnage.

2. Anchorage Dues :

Vessels not exceeding 100 tons register, 2*s.* 6*d.* late Irish currency, equal to 2*s.* 4*d.* present currency. Vessels exceeding 100 tons register, 5*s.* late, equal to 4*s.* 8*d.* present currency.

In addition, vessels, principally colliers, requiring beams and scales, pay 3*s.* 8*d.* (4*s.* late currency) for use of the set.

All foreign ships pay double.

In the case of steamers plying between Waterford and New Ross and Dungannon, the foregoing charges have been commuted for a yearly payment of £20 for each steamer.

Gross amount of tonnage and anchorage dues levied in 1852, £850 19*s.* 10*d.*

The Municipal Corporation of Waterford have been, from very remote times, possessed of the office of water bailiff, and as appurtenant to it were entitled to levy a considerable number of ancient dues and fees. They have not, of late years, enforced the payment of any other dues than those above mentioned.

By an arrangement made with the Harbour Commissioners, these dues are collected by them and applied, in the first instance, to defraying the expense of a quay and river police, of lighting the quays, and some other matters closely connected with the harbour, the surplus, if any, forming part of the Waterford borough fund.

The expenses thus defrayed by the Harbour Commissioners nearly absorb the whole revenue derived from these dues; the amount that went to the borough fund (out of which is paid the water bailiff's salary of £75 a year) in 1852 was £40.

The dues are claimed within that part of the river Suir which is within the borough of Waterford, and they are in practice levied throughout.

No differential dues were charged on foreign vessels in 1852.

The Waterford Steamship Company have addressed to the Board of Trade a memorial which is printed in the Appendix.

These dues do not appear to have, at any time, received the sanction of the Legislature; and having regard to the fact that they are a tax upon shipping, the Board of Trade would suggest that the dues should not be legalized until provision can be made for their application to shipping purposes.

This would be in accordance with the principle, generally adopted in modern legislation, of authorizing taxation on shipping or on goods carried in ships only where the taxes levied are to be applied to shipping purposes.

T. H. Farrer.

Board of Trade, April, 1875.

Appendix.—Representation from the Waterford Steamship Company.

In the year 1869 a memorial was sent to the Board of Trade applying for their interference relative to an impost on shipping trading to this port, named water bailiff's fees, levied by order of the Town Council under, as they alleged, authority of a charter of King John, confirmed by various other Royal charters. To that memorial the Town Council replied through the town clerk, and in their reply gave a schedule of fees settled in 1660, and which schedule contained an item of 1*d.* per ton on goods landed, in return for which the water bailiffs were to furnish planks and stages. This they state to be the water bailiff's fees, which are now levied on the *ships* and *not* on the *goods*, although when that change took place, or by whose authority it was made, they now profess themselves unable to state.

The result of that memorial and reply, and of the negotiations consequent thereon, was an agreement

App. No. 1.

Report on Waterford Improvement Bill.

between the Town Council and the Harbour Commissioners that three-fourths of the fees should be at the disposal of the Harbour Commissioners for shipping purposes, and the remaining one-fourth be paid over to the Town Council for the general advantage of the borough.

In order to promote harmony between the two great co-operative bodies of the town, your memorialists did not object to this arrangement, although they then thought, and still consider, that dues paid by shipping should be at the disposal and under the sole control of the harbour authorities. In the Bill now being promoted, called the Waterford Improvement Bill, however an attempt is made to obtain powers to levy these dues, *to apply them wholly to borough purposes*, should it so please the Town Council, and by embodying them with the borough fund, to make them liable to the debts of the Corporation. In Waterford there are no dues levied upon goods for harbour purposes, and your memorialists therefore respectfully submit that shipowners have thereby an additional claim that the dues paid by shipping should be applied solely to their use, and be under the control of the harbour authorities. Your memorialists do not object to paying the dues if so applied, and they therefore respectfully ask that the Board of Trade will intervene on their behalf, and either insist upon all sections relative to imposts on shipping being expunged from the Bill; on its being so framed as will place those dues at the disposal of, and under the control of the existing harbour authorities, for your memorialists would object to the Town Council being permitted to receive and expend them even although on shipping, as it would in fact create two governing bodies with concurrent jurisdiction; all the clauses relating to imposts on shipping should be expunged from the Bill, or if power to levy these be taken, they shall be under the control of the proper harbour authorities, to be expended solely for the benefit of shipping.

In which case your memorialists do not make any objection to their imposition, as they consider that the income so levied is required for the improvement of the port, and for furnishing accommodation to the shipping frequenting it.

For the Waterford Steamship Company, Limited.

WILL. MALCOMSON, Chairman.

Waterford, 8 March, 1875.

App. No. 2.

Belfast. Officers and Salaries.

APPENDIX No. 2.

BOROUGH OF BELFAST.

LIST OF OFFICERS AND SALARIES.

	£	s.	d.
J. H. Otway, Q.C., Recorder,	500	0	0
Alex. Cathcart, Recorder's Crier,	10	0	0
W. C. Cunningham, Clerk of Peace,	200	0	0
Dr. Hodges, Borough Analyst,	180	0	0
James Guthrie, Town Clerk,	600	0	0
A. W. Calcutt, Town Clerk's Assistant,	170	0	0
Do. Registrar of Cemetery,	80	0	0
J. J. Montgomery, Borough Surveyor,	650	0	0
J. C. Bretland, Assistant Surveyor,	275	0	0
John Wakefield, Do., Do.	225	0	0
James Millar, Surveyor of Highways,	150	0	0
James Munce, Clerk (Surveyor's Office),	120	0	0
H. M'C. Woods, Accountant,	350	0	0
W. Blackburne, Accountant's Assistant,	120	0	0
R. M'Bride, Do.	120	0	0
E. S. W. De Cobain, Cashier,	300	0	0
George Reilly, Superintendent Fire Brigade,	250	0	0
James Sinclair, Street Inspector,	130	0	0
J. M'Kittrick, Do.,	150	0	0
John Coulter, Petty Sessions Attorney,	150	0	0
J. M'Lean, jun., Do.	150	0	0
A. Woods, Clerk of Markets,	250	0	0
H. Crawford, Assistant Do.,	160	0	0
William Davey, Inspector of Provisions,	117	0	0
Samuel Browne, M.D., Consulting Sanitary Officer,	300	0	0
C. Scott, Executive Sanitary Officer,	200	0	0
George M'Cann, Superintendent of Cemetery,	100	0	0
Thomas Dickson, Parks Superintendent,	100	0	0
Thomas Carothers, Car Inspector,	90	0	0
D. Duff, Do.	90	0	0
J. C. Moorhead, Deputy Superintendent Fire Brigade,	50	0	0
F. W. Moneypenny, Apprentice,	60	0	0
H. O. M'Cormick, Do.	60	0	0
W. G. Morrison, Do.	40	0	0
Robert Meyer, Do.	40	0	0
J. Morrow, Sergeant at Mace,	78	0	0
W. Kilpatrick, Do.	58	10	0
J. Johnston, Hall Keeper, &c.,	65	0	0
J. Tannahill, Hall Porter,	41	12	0
Alice Kerr, Charwoman,	23	8	0
John Stewart, Caretaker (Coroner's Court),	13	0	0
Brigade Force,	76	0	0
R. F. Drill, M.D., Borough Coroner,	Paid by Fees.		
Total,	£6,892	10	0

App. No. 3.

Belfast Corporation Gas Accounts.

APPENDIX No. 3.

BOROUGH of BELFAST CORPORATION GAS ACCOUNTS, for the Year ending 30th June, 1876.

ABSTRACT of the ACCOUNTS of the BELFAST CORPORATION GAS WORKS for the Year ended the 30th June, 1876, showing the Receipts and Expenditure under the several heads during that period.

No. 1.—CAPITAL ACCOUNT.

RECEIPTS.	£	s.	d.
To Loans on Mortgage,	468,754	0	0
Perpetual Annuities,	2,245	14	11
„ Purchase-money of the Shankill Property,	140	0	0
	£471,139	14	11

EXPENDITURE.	£	s.	d.
By Expenditure to June 30th, 1875,	439,804	5	0
ADDITIONAL OUTLAY.			
By Cost of Conveyance of Works, Mortgage Stamps, &c., and Commission on Loans,	3,249	12	9
„ New Buildings, Machinery, and Extension of Works, including Quay Wall, Experimental Works, and Square Sett Paving,	1,476	2	6
„ New Mains,	5,128	4	5
„ New Services,	584	16	6
„ New Meters,	1,144	11	4
	£451,387	12	6
„ Balance,	19,752	2	5
	£471,139	14	11

I certify the foregoing to be a true abstract of the Receipts and Expenditure of the Capital Account of the Belfast Corporation Gas Works for the year ended the 30th June, 1876.

Dated this 30th day of September, 1876.

R. SIMMS, Auditor.

No. 2.—Revenue Account.

Receipts.	£ s. d.	£ s. d.	£ s. d.
To Sale of Gas,		75,813 18 8	
Less Discounts,	4,794 1 8		
,, Bad Debts,	284 9 8		
		5,078 11 4	
			70,735 7 4
,, Public Lighting, and under Agreements,			8,928 9 2
,, Rental of Meters,		4,115 11 6	
Less Discounts,	6 9 11		
,, Bad Debts,	17 0 8		
		23 10 7	
			4,092 0 11
,, Residual Products:— Sales of Coke and Breeze, less labour, &c.,		15,358 17 11	
Used of Coke for Furnaces, &c., in Carbonization,		6,144 0 9	
			21,502 18 8
,, Sales of Tar,			2,109 7 6
,, ,, Ammoniacal Liquor,			479 16 6
,, Rents,			45 7 6
,, Gas Rents recovered (formerly written off as bad),			7 8 5
			£107,900 16 0

Expenditure.	£ s. d.	£ s. d.
By Coals, including Dues, Carriage, Unloading, and all expenses of depositing same on Works,		48,910 6 11
,, Purification and Sundries, including labour, £630 19s.,		1,552 8 9
,, Salaries of Engineer and Assistant,		692 14 2
,, Wages (Carbonizing),		5,298 2 3
,, Repairs and Maintenance of Works and Plant (including renewal of Retorts), Machines, Apparatus, Tools, Materials, and Labour,		5,026 6 5
,, Residual Products used in Carbonization and for Engines,		6,144 0 9
By Distribution of Gas— Salaries of Chief Inspector, Inspectors, and Clerks in Department,		898 15 0
Repair, Maintenance, and Renewal of Mains and Service Pipes, including Materials, Laying and Paving, and Labour,		1,094 2 4
Repairing, Renewing, and Refixing Meters,		1,290 0 11
By Public Lamps—Lighting and Repairs,		2,181 0 6
,, Rents, Rates, and Taxes— Rents,		155 0 0
Rates and Taxes,		2,588 15 0
By Salaries of Cashier, Accountant and Clerks, Office-keepers, and Messengers,		1,379 15 10
,, Salaries of Collectors,		545 0 0
,, Stationery and Printing,		156 0 7
,, General Establishment Charges and Incidental Expenses,		318 11 5
,, Audit Fund,		42 0 0
,, Law Charges,		461 12 11
		£78,734 13 9
By Balance carried to Net Revenue Account,		29,166 2 3
		£107,900 16 0

I certify the foregoing to be a true abstract of the Receipts and Expenditure of the Revenue Account of the Belfast Corporation Gas Works for the year ended the 30th June, 1876.

Dated this 30th day of September, 1876.

R. Simms, Auditor.

No. 3.—Profit and Loss Account.

Net Revenue.

Dr.	£ s. d.	Cr.	£ s. d.
To Balance from last year's Account,	13,915 1 5	By Interest on Purchase Money and Loans for the year ending June 30th, 1876 (less Bank Interest, £551 9s.)	21,216 13 1
,, Revenue Account,	29,166 2 3	By Balance—consisting of Balance from last year's Account, £13,915 1 5	
		Net Profit on Year's Working, 7,949 9 2	
			21,864 10 7
	£43,081 3 8		£43,081 3 8

I certify the foregoing to be a true abstract of the Profit and Loss Account of the Belfast Corporation Gas Works for the year ended the 30th June, 1876.

Dated this 30th day of September, 1876.

R. Simms, Auditor.

No. 4.—Balance Sheet.

Dr.	£ s. d.	Cr.	£ s. d.
To Balance from Revenue Account,	21,864 10 7	By Cash at Bankers,	21,639 12 0
,, Capital Account,	19,752 2 5	,, Value of Stocks in hand,	6,849 4 11
To Sundry Amounts due for Interest to June 30th, Legal Costs, &c.,	3,374 3 6	,, Accounts due for Gas, £7,762 7 9	
		,, Accounts due for Meter Rent, 969 18 6	
			8,732 6 3
		,, Sundry Accounts for Coke, Tar, &c.,	1,607 15 11
		,, Sundry Accounts for Service Pipes,	263 0 5
		,, Sundries—consisting of Council Lamp Account (£4,048 5s.), Harbour Lamp Account (£290 16s. 4d.), &c.	4,519 6 4
		,, Half-year's Taxes unexpired carried forward,	1,379 10 8
	£44,990 16 6		£44,990 16 6

I certify the foregoing to be a true Balance Sheet of the Account of the Belfast Corporation Gas Works for the year ended the 30th June, 1876.

Dated this 30th day of September, 1876.

R. Simms, Auditor.

App. N 4.

Belfast. Moneys Borrowed, amounts paid off, and balances now due.

APPENDIX No. 4.

Borough of Belfast.

STATEMENT, prepared by H. M'C. Woods, showing the TOTAL AMOUNTS BORROWED by the Corporation under the powers of their several Local Acts, AMOUNTS PAID OFF, and the BALANCES NOW DUE, exclusive of Gas Loans.

	Amounts borrowed. £ s. d.	Paid off. £ s. d.	Now due. £ s. d.
On Police Rate—Acts 1845 and 1846:—			
Primary Mortgages,	199,376 13 2	87,131 13 2	112,245 0 0
Award Act, 1864:—			
Secondary Mortgages,	119,081 12 6	86,081 12 6	33,000 0 0
James Keyland—purchase-money,	980 0 0	980 0 0	
Total on Police Rate,	£319,438 5 8	174,193 5 8	145,245 0 0
On General Purposes Rate—Act 1873:—			
For one-third cost of Antrim Road District Sewers,	3,860 0 0	1,460 0 0	2,400 0 0
For one-third cost of Newtownards Road District Sewers,	6,119 0 0	*528 4 6	5,590 15 6
Paid,	£ s. d. 737 8 3		
Less Interest on Principal to 1st November, 1876,	209 3 9		
Paid off,	£528 4 6*		
For one-third cost of Windsor District Sewers. On account of £3,698 to be borrowed,	2,500 0 0	—	2,500 0 0
For Permanent Paving of Streets,	17,600 0 0	420 0 0	17,180 0 0
Total on General Purposes Rate,	£30,079 0 0	2,408 4 6	27,670 15 6
On District Sewers Rates—Acts 1865 and 1866:—			
On Crumlin and Old-park Roads District Sewers Rate,	1,300 0 0	780 0 0	520 0 0
On Antrim Road District Sewers Rate,	3,680 0 0	978 0 0	2,702 0 0
On Newtownards Road District Sewers Rate,	6,119 0 0	*528 4 6	5,590 15 6
Paid,	£ s. d. 737 8 3		
Less Principal and Interest to 1st November, 1876,	209 3 9		
Paid off,	£528 4 6*		
On Windsor District Sewers Rate, on account of £3,698 to be borrowed,	2,500 0 0	—	2,500 0 0
Under Public Parks Act, 1869:—			
On Borough and Parks Rates,	4,000 0 0	—	4,000 0 0
On Cemetery and Burial Rate Act, 1866:—			
For Purchase and Completion of Cemetery,	25,000 0 0	15,800 0 0	9,200 0 0
Total of all Moneys Borrowed, Paid off, and now Due,	£392,116 5 8	194,687 14 8	197,428 11 0

12th December, 1876.

STATEMENT at foot showing the purposes to which the LOANS on the POLICE FUND were applied.

	£ s. d.
The total Moneys Borrowed as per the Award Act, 1864, were	284,640 0 11
Less difference between the £200,000 mentioned in Act and the amount then borrowed, £199,376,	623 6 10
	£284,016 14 1

	£ s. d.	
Of this there was applied to New Street purposes,	179,030 0 9	
To the purchase of Market Rights, the erection of New Markets, and improvements therein,	99,391 3 7	
Miscellaneous Expenditure,	5,595 9 9	
		£284,016 14 1

APPENDIX No. 5.

App. No. 5.
Abstract of the Accounts of the Borough of Belfast.

ABSTRACT of the ACCOUNTS of the TOWN COUNCIL for the Year ended the 31st December, 1875, showing the Receipts and Expenditure under the several heads during that period.

POLICE FUND.

RECEIPTS.

Nature of Receipt.	Amount. £	s.	d.
Balance in hand 1st January, 1875,	2,431	19	7
Police Rate, including Bounty from Government in lieu of Rate,	34,833	1	4
Markets,	9,223	7	5
Weights and Measures Adjusting Account,	156	13	3
Slaughter House,	528	5	0
Fines—Petty Sessions, &c.,	3,063	16	8
Licenses,	282	8	0
Rent Account,	69	8	9
Fire Account,	359	14	3
Income-tax,	54	5	11
Lighting Account,	36	0	0
Interest,	165	18	4
Law Costs,	0	12	6
Burial Ground,	2	0	0
House Account,	90	15	6
Miscellaneous,	59	3	7
Street Improvements,	83	17	8
Treasurer—overdrawn per Bank Pass Book,	2,002	17	8
Cheques issued—No. 5, 38, 40, 3896—unpaid at Bank,	83	14	1
	2,086	11	9
	£53,527	19	6

EXPENDITURE.

Nature of Expenditure.	Amount. £	s.	d.
Police Rate—refunded,	14	18	10
Commission to Collectors,	495	8	5
Markets,	2,897	17	5
Weights and Measures Adjusting Account,	71	16	4
Slaughter House,	348	10	9
Fines, Stamps on Committals, &c.,	166	17	6
Car Inspectors,	185	19	6
Rent Account,	12	18	8
Fire Account,	1,810	17	3
Interest on Mortgages,	6,515	15	9
Income-tax,	54	19	2
Lighting Account,	7,288	13	0
Advertising, Printing, and Stationery,	119	1	1
Law Costs,	1,124	5	2
Sanitary Account,	24	8	8
House Account,	731	2	0
Salaries,	375	10	0
Superannuations,	202	2	6
Miscellaneous,	649	10	6
Constabulary,	15,160	15	11
Slaughter House (erection of),	40	12	7
Market Improvements,	2,991	0	10
Street Improvements,	5,835	9	2
Municipal Buildings,	1,571	12	0
Sinking Funds Account,	4,829	10	0
Balance in hands of Cashier,	8	6	6
	£53,527	19	6

Signed only for Balance due to the Belfast Banking Company, on Police Fund Account, say Two Thousand and Two Pounds, Seventeen Shillings, and Eight Pence sterling.

A. JOHNS, Treasurer.
R. SIMMS, Auditor.

BOROUGH FUND.

RECEIPTS.

	£	s.	d.
Balance in hands of Treasurer, 31st August, 1874,	6,041	15	10
Borough Rate:			
Amount of outstanding Rate on 31st August, 1874, £1,381 3 4			
Amount of Assessment, 1st January, 1875, as per Schedule 4, 5,897 16 6			
7,278 19 10			
Amount collected within the period of this Account—			
Arrears, £403 11 5			
Rate, 5,511 9 3			
£5,915 0 8 —	5,915	0	8
Irrecoverable Rate struck off, 99 14 7			
6,014 15 3			
Amount of Rate uncollected 31st August, 1875, 1,264 4 7			
Miscellaneous—			
R. Wingfield, esq., Dog Licenses, 1874, 233 17 7			
J. Guthrie, esq., for Corporate Seals, Pawnbrokers' Certificates, Burgess Lists, &c., 17 19 0			
Councillor Campbell, fine on resignation of office, 12 10 0			
	264	6	7
Interest from Treasurer on Bank Account,	140	12	0
PUBLIC PARKS ACCOUNT.			
Ormeau Park—			
From Sale of Timber, £21 18s. 6d.; Garden Produce, £34 17s. 8d., 56 16 2			
John Browne, one year's rent of Slob Land, to 1st August, 1874, £15 0 0			
A. Taggart, balance of Rent for Grazing of Surplus Ground, Grass-cutting of Park, and Rent of Lodge, to 1st Nov., 1874, 85 0 0			
Same, on account Grazing of Surplus Ground, Grass-cutting of Park, and Rent of Lodge, to 1st November, 1875, 77 10 0			
177 10 0			
Falls Park—			
Mrs. Drain, for Grazing, 25 0 0			
234 6 2			
	259	6	2
	£12,621	1	3

EXPENDITURE.

	£	s.	d.
Borough Rate:			
Refunded,	2	0	4
Schedule 6:			
Salaries and Allowances to Officers, £2,749 9 6			
Commission to Collectors of Rate, 103 9 6			
	2,853	9	0
Schedule 9:			
Deputy Assessors at Elections, 18 18 0			
Attendance at Revision, 2 2 0			
Advertising and Printing, 22 4 1			
Burgess and Tax Lists, 60 17 8			
Rent of Premises for Elections, and fitting up Polling Booths, 52 3 8			
Rate Books for making out Burgess Lists, 12 10 0			
	168	15	5
Contingent Expenses:			
Books, Stationery, Advertising and Printing, 285 9 11			
Miscellaneous, 511 2 5			
Weights and Measures, 8 16 0			
	805	8	4
Public Parks Account, as per Schedule,	3,309	10	5
Sanitary Account, as per Schedule,	723	7	6
Balance in hands of Treasurer, as per Bank Pass-book, 4,743 12 6			
Cash, 14 17 9			
	4,758	10	3
	£12,621	1	3

Signed only for Balance due by the Belfast Banking Company, say Four Thousand Seven Hundred and Forty-three Pounds Twelve Shillings and Sixpence Sterling.

8th November, 1875.

A. JOHNS, Treasurer.
R. SIMMS, Auditor.

App. No. 5.

Abstract of the Accounts of the Borough of Belfast.

General Purposes Fund.

Receipts.

Nature of Receipt.	£ s. d.	Amount. £ s. d.
Cash in hands of Cashier, 1st January, 1875,	52 0 10	
Cash in hands of Treasurer on Malicious Injuries Account,	883 12 1	
		935 12 11
General Purposes Rate,		46,005 0 3
Special Rate,		58 3 8
Interest,		51 14 3
Commissioners of Public Works—Loans,		5,000 0 0
Income Tax,		4 2 3
Permits from sundry persons as guarantees to repair streets or other works on removal of hoardings,		1,415 0 0
Miscellaneous,		1 0 6
Storeyard Account — Materials charged to sundry works,	£20,302 9 11	
Less amount as per contra,	17,157 6 3	
		3,145 3 8
Ballymacarrett Account—Sundry persons for making crossings, &c.,		7 8 6
Scavenging—For manure and road scrapings,		2,679 18 3
Repairs of Streets—Sundry persons for repairs,		711 17 7
Special Works—Sundry persons for flagging footways, &c.,		442 4 11
Estimated Works—Sundry persons for making new streets,		478 18 6
Permanent Paving—Loans,		9,800 0 0
Ordered Works, from Owners of Property,		1,544 11 7
Crumlin and Old Park Roads District Drainage Sewerage Rate,		201 18 7
Antrim Road District Drainage: Personal Accounts — Sundry owners of property, their one-third cost of sewers,	£102 12 4	
Sewerage Rate,	603 9 10	
		706 2 2
Newtownards Road District Drainage: Personal Accounts — Sundry owners of property, their one-third cost of sewers,	£2,704 9 6	
Sewerage Rate,	824 6 9	
Commissioners of Public Works —Loan,	5,000 0 0	
Miscellaneous,	0 17 1	
		8,529 13 4
Treasurer, overdrawn, as per Bank Pass Book,	4,252 19 11	
Cheques No. 6,702, 6,704, and 6,706 issued—unpaid at Bank,	76 8 7	
		4,329 8 6
		£86,047 19 5

Expenditure.

Nature of Expenditure.	£ s. d.	Amount. £ s. d.
Balance due to Treasurer, 1st January, 1875,		8,260 2 2
General Purposes Rate refunded,		16 16 2
Commission to Collectors on General Purposes Rate,		663 0 1
Ditto ditto Special Rate,		0 6 8
Special Rate refunded,		1 4 2
Malicious Injuries,		28 14 0
Interest,		57 11 10
Law costs,		137 4 3
County Antrim General Purposes Account,		16,817 16 0
County Down General Purposes Account,		678 19 0
Constabulary,		1,082 18 3
Salaries,		1,282 5 10
Advertising, Printing, and Stationery,		245 6 1
Interest on Mortgages,		297 3 0
Mortgage Account paid off,		400 0 0
Commissioners of Public Works,		68 7 2
Income Tax,		3 6 0
Permits refunded,		1,381 10 0
Miscellaneous,		156 4 1
Storeyard Account—Materials purchased,	£17,157 6 3	
Ballymacarrett Account,		3,092 3 1
Scavenging,		10,504 17 3
Repairs of Streets,		12,126 6 8
Special Works,		1,282 18 5
Estimated Works,		1,029 5 7
Permanent Paving,		9,823 14 8
Ordered Works—Expended on Works,		977 15 8
Crumlin and Old Park Roads District Drainage: Commission to Collector of Rate,	£3 0 5	
Interest on Mortgages,	35 15 0	
Mortgage paid off,	130 0 0	
		168 15 5
Antrim Road District Drainage: Commission to Collectors of Rate,	£9 1 0	
Interest on Mortgages,	164 1 0	
Loans paid off,	386 0 0	
Contractor—Balance of his Contract,	50 0 0	
		609 2 0
Newtownards Road District Drainage: Expended on Sewers,	£856 16 1	
Contractor, on Account,	9,859 1 10	
Brick supplied to Contractor,	3,020 15 2	
Commissioners of Public Works,	68 7 2	
A. M'Clintock, esq., perfecting Mortgages,	11 10 0	
Commission to Collector of Rate,	12 7 4	
		13,828 17 7
Treasurer—Malicious Injuries Account,		936 7 11
Cash in hands of Cashier,		89 0 5
		£86,047 19 5

Signed only for Balance due to the Belfast Banking Company, on General Purposes Fund Account, say £4,252 19*s.* 11*d.*; and for Balance due by the Belfast Banking Company on Malicious Injuries Account, say £936 7*s.* 11*d.* sterling.

(Signed), A. Johns, Treasurer.
R. Simms, Auditor.

Burial Fund.

Receipts.

	£ s. d.	£ s. d.
Balance in hands of Treasurer, 31st August, 1874,	1,829 5 1	
Cash,	43 16 0	
		1,873 1 1
Burial Rate—		
Amount of Rate outstanding 31st August, 1874,	575 0 10	
Amount of Rate struck 1st January, 1875,	2,948 18 2	
	3,523 19 0	
Amount thereof collected within the period of this Account,	2,871 11 5	2,871 11 5
Irrecoverable Rate struck off,	24 18 7	
	2,896 10 0	
Amount uncollected 31st August, 1875,	627 9 0	
Rent Account—		
From Mr. Burrowes, half year's Rent of Beetling Mill, to 1st January, 1875,		25 0 0
Formation of Vaults,		106 5 0
From Treasurer—Interest on Bank Account,		11 14 6
,, Sundry persons—Purchase-money of Proprietary Ground,		1,197 3 4
Fees for opening of Graves, &c.,		411 0 0
Grazing on Surplus Ground, Stamps on Interest Receipts, Sale of Hay, Grass, and Flowering of Graves, Formation of Jewish Ground,		169 6 10
Commissioners of Income Tax—Received from Sundry persons on Interest paid,		6 6 7
		£6,671 8 9

Expenditure.

	£ s. d.	£ s. d.
Commission to collectors,		44 1 10
Rent Account and Rectorial Rentcharge,		83 16 10
Interest on Mortgages, due 5th October, 1874,	405 0 0	
Interest on Mortgage, due 5th April, 1875,	355 4 2	
		760 4 2
Advertising, Printing, and Stationery,		112 16 9
Formation of Vaults, Brick, Wages, &c.,		190 14 1
Shrubberies and Roads,		219 10 1
Drainage, Piping Tiles, and Wages,		21 16 6
Grave Digging, Wages,		401 10 8
Salaries,		180 8 4
Miscellaneous, Water Piping, Plumbers' Work, Auditing of Burial Fund Accounts for 1874, Painting, Materials, &c.,		142 15 8
Taxes—Half year's County Cess on Surplus Ground, Poor-rate,		15 17 6
Building for the temporary reception of the Dead, on account of Contract,		832 0 0
Amount transferred for Payment of Loans,		2,446 14 9
Paid Commissioners of Income Tax,		7 1 10
Balance due by Treasurer, as per Bank Pass Book,		1,211 19 9
		£6,671 8 9

Signed only for Balance due by the Belfast Banking Company, say £1,211 19*s.* 9*d.* sterling.

A. Johns, Treasurer.

8th November, 1875.

APPENDIX No. 6.

App. No. 6.

Contributions to County Antrim Grand Jury.

Contributions to County Antrim Grand Jury from 1865 to 1875, inclusive.

	£	s.	d.
The Year 1866,	6,309	1	9
,, 1867,	4,435	13	5
,, 1868,	5,732	12	10
,, 1869,	6,229	14	10
The Year 1870,	7,382	17	10
,, 1871,	8,883	0	7
,, 1872,	9,608	1	0
The Year 1873,	12,168	0	3
,, 1874,	14,568	0	6
,, 1875,	16,817	16	0

APPENDIX No. 7.

App. No. 7.

Statement of Dr. Browne, Consulting Sanitary Officer, Belfast

Statement of Dr. Samuel Browne, Consulting Sanitary Officer, Belfast.

I am intimately acquainted with the sanitary condition of Belfast. I commenced the practice of my profession here in 1843. In 1848, along with the late Dr. Malcolm, I instituted an inquiry into the sanitary state of the town, and in unison with a number of other gentlemen, formed a sanitary committee to watch over the health of the inhabitants.

The Town Council took the matter up, and, through its police committee, carried out the various important suggestions that were made to them in 1849 and 1850; and again in 1853–54 I was appointed medical officer of health, under the Council. In 1854, when the suit in Chancery was instituted against the Corporation, I resigned my office, and in doing so strongly recommended the Town Council to carry out the operations of the several Acts then in existence for promoting the public health. These recommendations the Corporation partially observed by having some sanitary inspectors employed in inspecting and removing nuisances. In 1862 I became a member of the Corporation, and in 1864, on my motion, a sanitary committee of the Council was appointed to superintend and regulate all sanitary operations. Of that committee I was a member and the present mayor was chairman. We had an inspector and five assistant inspectors of nuisances, being one for each ward of the borough, and there cannot be any question that the committee and their officers did a large amount of work and effected a considerable amount of good.

In December, 1874, the Public Health Act of that year was put in operation in this borough, and the staff of officers was remodelled under the sanction of the Local Government Board.

A consulting sanitary officer, an executive sanitary officer, and nine sanitary officers and six sub-sanitary officers were duly appointed.

As consulting sanitary officer I attend my office at the Town Hall every day to advise and co-operate with the executive and sub-sanitary officers. I also attend all meetings of the sanitary committee, and every week make a report on the public health. I also attend the meetings of the Town Council when required. I draw up monthly the portion of the sanitary report which relates to the amount of zymotic diseases and the mortality from these complaints; and at the end of every quarter I give a report on the health of the town.

As consulting sanitary officer I have charge also of carrying out the Adulteration of Food and Drugs Act, and have for the present the services of the market inspector, who gives a portion of his time to obtaining samples of food and drugs for analysis. I have suggested a better arrangement for the services of such an officer, and I hope soon to have the work more efficiently performed as the committee have the matter under consideration.

The Artisans' and Labourers' Dwellings Act has recently been put in action here, and a scheme, on my representation, has been prepared affecting one of the worst localities in the borough. When it is seen how this scheme will work, other unhealthy localities will be reported on; and thus, in a short time, it is hoped that great improvements will be effected.

The Act for the regulation and inspection of bake-houses is carefully observed, and the inspection of graveyards, school-houses, and slaughter-houses, is regularly carried out, with a close and prompt attention to the abatement of every nuisance reported on by our several sanitary officers or by any ratepayer.

The executive sanitary officer has drawn up a statement of his duties and work, and also of the sub-sanitary officers, which is handed in. The sanitary officers report on any nuisances they may observe, and daily make a return to the consulting sanitary officer of any infectious diseases newly entered on their books.

Having thus far defined my duties, I may be permitted to say that the sanitary committee and Town Council are ever desirous of meeting my views and attending to my suggestions. In my department everything works harmoniously and pretty satisfactorily.

In any future legislation, I would respectfully suggest a change in the names designating the several officials in towns, viz.:—

Consulting Sanitary Officer, either "The Medical Officer of Health," or "Superintendent Medical Officer of Health."

Executive Sanitary Officer, "Head Sanitary Inspector."

Sanitary Officer, "District Medical Officer of Health."

Sub-sanitary Officers, "Inspectors of Nuisances."

I think this would be more in accordance with the duties these officers perform, and would be better understood by the public.

Samuel Browne,
Consulting Sanitary Officer.

The sanitary staff have had the following works executed by the owners of property from 1st January, 1876, till 1st December, 1876:—

3744 Streets and lanes were inspected for sanitary regulations.
20 Houses provided with backyards and necessary accommodation.
2668 Feet of pipe drain laid connecting house drains with street sewers.
103 House drains constructed.
85 Privies and ashpits erected, and 204 rebuilt.
12 Water-closets erected, and 27 repaired.
1372 House drains cleansed.
148 Stench-trap grates put in house drains.
810 Yards retiled, and 67 repaired.
30 Walls cemented to prevent offensive matter soaking into adjoining premises.
80 Back passages cleansed.
45 Houses provided with water-spouts.
6 Pools of stagnant water abated, and 3 accumulations of offensive matter removed.
32 Roofs repaired.
8 Houses closed up which were unfit for habitation.
3 Chimneys raised to abate smoke nuisances.
11 Cesspools cleansed.
6 Open and offensive drains cleansed.
1980 Houses whitewashed.
3 Open houses closed up.
4690 Privies and ashpits cleansed.
252 Houses fumigated and whitewashed where contagious disease occurred.

App. No. 8.

APPENDIX No. 8.

Joint Report of the Sanitary and Improvement Committees.

Joint Report of the Sanitary and Town Improvement Committees to be presented to the Council.

Your committees have conferred with the consulting sanitary officer as to the desirability of putting the Artizans' Dwellings Act into force in the district between Hercules-street and Smithfield, referred to them by resolution of the Council.

Annexed to this report is copy of one from the consulting sanitary officer on the subject, which is based upon a division of the district into three portions, in which the Act might with advantage be applied.

An official representation has also been made by him, under the provisions of the Act, as to the houses in district No. 1, as shown on the map.

Your committees have reason to believe that an improvement scheme for same can be carried out at a comparatively moderate cost, viz., under £10,000. And they recommend the Council to declare the district referred to an unhealthy area, and to authorize your committees to have a scheme for its improvement prepared and to be submitted to the Council for confirmation.

Such scheme will effect a great improvement in a populous district of the town, and enable the Council to try the working of the Act on a comparatively small scale, before entering upon more extensive changes.

John Browne, Chairman.

Dated 20th September, 1876.

Appendix to the foregoing Report.

To the Sanitary and Improvement Committees.

Town Hall, Belfast,
18th September, 1876.

Gentlemen,—I herewith beg to submit a copy of the representation I am about to make through you to the Town Council, and which refers to the unhealthy area which comprises Smithfield-court, Smithfield-place, Ritchie's-place, Hudson's-court and entry.

I am also prepared to make a representation to the Town Council of the areas bounded by the rear of Hercules-street, West side, rear of Barry-street, Smithfield, East side, and Torren's-row, within which areas there are several streets in a bad sanitary condition from narrowness, want of light, and ventilation, and many houses unfit for human habitation from their sanitary defects, and which come within the provisions of the "Artizans' and Labourers' Dwellings Improvement Act," while there may be several tenements interspersed among them which are in a better state; hence there will be greater difficulty and expense in the reconstruction and re-arrangement of these areas than of that on which I have prepared my representation to the Town Council.

I have the honour to be, Gentlemen,

Your obedient Servant,
Sam. Browne, L.K.Q.C.P.I., &c.,
Consulting Sanitary Officer.

Sanitary Department, Town Hall,
18th September, 1876.

To the Town Council of the Borough of Belfast.

Gentlemen,—Having carefully examined the houses in Smithfield-court, Smithfield-place, Ritchie's-place, Hudson's-court and Hudson's-entry, I beg to report that they are unfit for human habitation, and that diseases indicating a generally low condition of health have from time to time been prevalent in the area comprising these courts, entries, and streets, and that such prevalence may reasonably be attributed to the closeness, narrowness, and bad arrangement of the streets, and to the want of air, light, and ventilation, or proper conveniences for the houses within said area.

And I further represent that the evils connected with the houses, courts, entries, and streets, and the sanitary defects of said area cannot be effectually remedied otherwise than by an improvement scheme for the re-arrangement and reconstruction of the streets and houses contained therein.

I have the honour to be, Gentlemen,

Your obedient Servant,
Sam. Browne, L.K.Q.C.P.I., &c.,
Consulting Sanitary Officer.

Appendix to Representation to be submitted to the Town Council on the unhealthy area comprising Smithfield-court, Smithfield-place, Ritchie's-place, Hudson's-court and entry.

This area has 86 houses, inhabited by the labouring class, and has a population of 378 individuals, among whom there have occurred in the five years ending December, 1875, 228 cases of sickness and 64 registered deaths. These figures show a ratio of sickness of 12 per cent. per annum and a death-rate of 34 per thousand, while the average death-rate of the entire borough for the same period was 27·27.

App. No. 9.

APPENDIX No. 9.

Report by Mr. Montgomery.

Report by Mr. Montgomery, Borough Surveyor, on 13th February, 1875, embracing a summary of his Original Report in 1866, upon the Drainage of Belfast.

I have carefully reconsidered the whole question of the Drainage of Belfast, and I am not able to suggest any material improvement in the scheme which I designed in the year 1866, and which is clearly described in the accompanying report and plan published in that year.

This scheme was afterwards referred to an engineer of the highest authority in matters of this kind, Sir J. W. Bazalgette, K.C.B., who reported his general approval of it, and I advise that his services be still retained in conjunction with mine.

That project embraced three great objects, viz.:—

I. The removal of all sewage and other impurities from the River Lagan and the other streams which flow through the town, by means of intercepting sewers discharging below the Twin Islands.

II. The utilization of the collected sewage by irrigation, or such other means as might ultimately be proved to be successful; thus preventing the pollution of the shores of the Lough, and injury to the Harbour and Docks.

App. No. 9.

Report by Mr Montgomery.

III. The impounding of the storm waters of the Pound Burn and Blackstaff, in regulating reservoirs constructed in the higher portions of their courses—*e.g.*, in the Forth River Valley—so as to abate the occasional flooding of certain streets, and to economise the water for the millowners and the public.

Division No. I.—The first object was to be attained by forming three great intercepting sewers—two on the County Antrim side of the Borough, and one on the County Down side.

The greater portion of the Borough, on the Antrim side, lies sufficiently high to be drained by gravitation, and to effect this a *High Level Sewer* was to be constructed through the Plains, by Lower Crescent, the Workhouse, Cullingtree-road, Millfield, North Queen-street, or York-street, to the North end of Twin Island West, discharging, for the time, into the deep water and strong current there.

The other portion of the Antrim side of the Borough, not being drainable by gravitation, was to be drained by a *Low Level Sewer*, from Linfield-road, by Basin-lane, Cromac-street, Corporation-street, to the Pumping Station near the New Docks, where the sewage would be raised by steam pumps into the High Level Sewer.

The Down side would be drained by an Intercepting Sewer commencing ultimately near Rosetta, and continued by Ormeau-road, Lagan Village, Short Strand, through the Harbour Commissioners' lands, to the deep water of the Old Channel, at Twin Island East.

The cost of these three sewers, and the works in connection with them, would amount now to £200,000.

Division No. II.—The cost of utilizing the sewage cannot be estimated until some decision be arrived at as regards its disposal.

Division No. III.—The cost of the regulating reservoirs may be taken as £100,000.

I do not think that the carrying out of any one or two of the three great divisions, viz. :—the Intercepting Sewers, the Utilization, and the Regulating Reservoirs —would give entire satisfaction ; and I must say here —that, in my judgment, the disposal of the sewage is the first thing to be considered. Suppose all these sewers were in operation, and all the sewage of Belfast were discharged at the entrance of the New Channel, it might be found anything but satisfactory. The alternative of conveying the sewage for miles down the Lough—as was once suggested—is hardly a question for the present time. Recent attempts at utilizing the sewage of large towns have been somewhat discouraging. Glasgow is now making another effort to find out what can be done.

The flooding of certain parts of Belfast arises from several causes—*e.g.*, in some streets, from the great flow of sewage during excessive rain-fall, in sewers which happen to be then closed by the pressure of the tide against the valves of the sewers.

In other streets, extraordinary tides rise through the sewers which have no valves, and which cannot have valves, owing to the sewers being the outlets of streams.

Again, some streets drain directly into the Blackstaff and Pound rivers, and during great floods the river water forces its way through their sewers, on to the low streets adjacent.

There is no doubt that if the beds of these streams were lowered, and the submerged weirs and obstructions, erected by millowners and others, were removed, the flooding could be greatly diminished. Of late years the flooding has been much abated by lowering the bed, where allowed by the millowners, and by constructing four overflow culverts where sanctioned by them.

The streams will never be in a satisfactory state, so long as they contain weirs, and that manufacturers foul them with refuse or warm and impure water.

It must be borne in mind that all these questions are exercising the powers of the ablest thinkers of the day. Nearly every great town has its drainage difficulty; and no town situated like Belfast has yet made an approximation to the solution of the problem. Legislation has long been promised in aid of local efforts, but if something must be done in anticipation, let it be something least likely to be affected by future enactments and further experience.

The High Level Sewer would be the work of most general use, *as an instalment*, and the least costly, if the co-operation of the Harbour Board could be secured. It would materially assist in keeping down the flooding in the lower parts of the town—as at Corporation-street, Dock-street, &c. It would also make us more easy about the vicinity of North-street, Smithfield, &c., which was frequently flooded until of late years, and where there has been great difficulty in keeping the flooding down. It is quite true that, in consequence of the various sewers, overflows, and other works, executed by the Town Council, the flooding is very much less than it was years ago, but still, the town grows so fast, that all such contrivances may not be able to cope with the ever-increasing volume of sewage. This High Level Sewer would cost about £60,000, and a rate of 2*d.* in the pound would fully defray this expense.

J. J. Montgomery.

13*th February*, 1875.

APPENDIX No. 10.

App. No. 10.

Report of the Improvement Committee.

Appendix to the Report of the Improvement Committee, December 29th, 1875.

Return of the Principal Work of the Borough Surveyor's Department during the year 1875.

The most important work executed during the year was the drainage of the chief part of the county Down side of the borough. The cost of the system of drainage just completed there was about £22,000, and the length about 19,524 feet. This makes the third drainage district recently completed, and the whole sum expended on the three districts was about £40,000.

The permanent paving of Corporation-street, Garmoyle-street, part of Victoria-street, and Townhall-street, has been completed, at a cost of nearly £13,500.

The macadam roads have been maintained in fair condition at a cost less than usual, in consequence of the permanent paving recently executed. Next year the saving will be more apparent. The paved highways have also been regularly repaired.

The total length of streets and roads maintained and repaired by surveyor's department is ninety-one miles, of which forty-three miles are macadam.

A weighbridge has been erected at Rosetta school-house, which has reduced the cost of material.

A large number of men have been employed in preventing flooding, from the Blackstaff and other streams, by keeping the courses clear. This work, together with the four large overflow sewers, has proved most successful in preventing the streams flooding the town recently, when so many other towns were inundated.

The public sewers have been properly maintained and cleansed, and several have been reconstructed.

A large number of new footways, channels, &c., have been formed and flagged in the principal roads and streets, *e.g.* :—Duncairn-street, Clifton-street, Cliftonville-road, Donegall-street, Donegall-quay, Lombard-street, Townhall-street, Wilson's-court, North-street, Great Victoria-street, New Lodge-road, Crumlin-road, Ormeau-road, Antrim-road, Linenhall-street, Grosvenor-street, Whitla-street, Cromac-street, Great

App. No. 10.

Report of the Improvement Committee.

Patrick-street, Bedford-street, Donegall-square, south, Adelaide-street, Gilford-street, North Queen-street, Albert-bridge-road, Lagan Village-road, Short strand, Church-lane, Dublin-road, Little May-street, Donegall Pass, Friars'-bush-road, Shankill-road, and Lagan Bank-road.

Crossings have been formed on Lisburn-road, Crumlin-road, Duncairn-street, Lagan Village-road, Whitla-street, and Newtownards-road.

Several new carstands have been, and are being, formed.

The bridges in Great Victoria-street and North Howard-street have been considerably improved and widened.

Number of streets sewered and paved at cost of owners under the direction of the borough surveyor,	79
Number of houses and buildings of which plans were approved,	1,269

STREET IMPROVEMENTS.

Considerable portions of ground having been obtained for widening the following streets, the works have been carried out, viz. :—

Old Lodge-road and Peter's-hill—a very important improvement is nearly completed here, the old buildings being removed and the streets very much widened, under the Provisional Order recently obtained; the outlay on this work will be about £6,000, a considerable portion of which will be repayable. Great Victoria-street, at and near the bridge; New Lodge-road, Crumlin-road, Ormeau-road, North-street, Antrim-road, Duncairn-street, Lagan Village-road, Short-strand, Church-lane, Dublin-road, North Queen-street, Little May-street, Donegall-quay, and Bedford-street.

The following works have been completed, or are in progress on the Corporate property, viz. :—

Grain market, new buildings and paving, at a cost of £2,000. New slaughter-house for sheep. Sand-quay improvements. Flax and pork markets, new buildings. Gasworks, new quay and painting manager's house. Mortuary chapel in borough cemetery. New yard and buildings for scavenging department. Heating and ventilating borough courts, cells, &c., and sundry improvements at municipal buildings. Ormeau Park skating pond. Falls Park, renewal and alteration of buildings and other works.

The markets and corporate property have been kept in repair.

Seats have been erected along the chief suburban roads.

Plans have been prepared for improving the lighting of the principal thoroughfares, and the work is proceeding.

There are also a great many works and duties of a miscellaneous character, which it is not necessary to refer to.

J. J. MONTGOMERY.

29th December, 1875.

App. No. 11.

APPENDIX No. 11.

Correspondence between Dr. Dorrian, Roman Catholic Bishop of Belfast, and the Town Clerk.

COPY of CORRESPONDENCE between Dr. DORRIAN, Roman Catholic Bishop of Belfast, and the TOWN CLERK, and material portions of the RESOLUTIONS of the CEMETERY COMMITTEE thereon, extracted from the Report of the said Committee to the Town Council, dated 1st April, 1869.

Belfast, January 20, 1869.

DEAR SIR,—You may recollect that I applied to you some time ago for information as to the power which the Roman Catholic bishop will have over the ground in the new cemetery intended for the burial of members of his flock.

A bishop is not at liberty by the rules of his church to consecrate any such ground unless the right to protect it from desecration is secured to him.

As this matter deeply affects the interests of my people, I write again to respectfully solicit some information as to your earliest convenience, and I beg to remain,

Dear sir, very truly yours,

✠ P. DORRIAN.

James Guthrie, esq.

Resolved—That the printed rules, as approved by the council, be forwarded to the Rev. Dr. Dorrian, and that his attention be called to the 26th section of the Act 19 & 20 Vic., chap. 98, and that he be requested to furnish to this committee what addition he proposes to have made to these rules, so as to give the right to prevent the desecration which he appears to apprehend.

Brooklyn House, Hollywood,
February 15, 1869.

MY DEAR SIR,—On receipt of your letter of 2nd inst., enclosing a copy of the Rules for the Regulation of the Cemetery, and also a resolution of the Cemetery Committee, I have set about making inquiries to enable me to supply the information your committee have asked of me in that communication.

In reference to the Act of Parliament to which my attention was called (26th sec. of 19 & 20 Vic., cap. 98), I beg to say that I was aware that this section, with some other things embodied in it, gives to the bishop the right to consecrate certain ground for the interment of certain persons. But I drew the attention of the committee to the fact that a bishop cannot consecrate such ground unless he shall be also able legally to inhibit its being used for the interment of those to whom the Church refuses Christian burial, and other things of a like nature.

This is not a question of controversy or of personal opinion, but of the liberty to be interpreted as conferred by the Act on every religious denomination, and I am anxious to come to an understanding with your committee, so that no doubt may be hereafter raised when, perhaps, it might be too late for both your committee and for the Catholics concerned.

Then in reference to the addition—that is the right I seek to protect the ground from desecration if it shall be consecrated—I only seek such arrangement as has been made elsewhere under similar circumstances in England and Ireland.

I shall give but two examples. In Liverpool the portion of the cemetery set apart for Catholics has been consecrated by the bishop, he having first received the security to which I refer under the sign and seal of the Home Secretary, with payment also of a small fee to the clergyman for each service. In Limerick, in Ireland, the Corporation have leased to the parish priests of the city the burying ground, at a rent of £60 per year, and the Corporation pay £30 a year to the clergyman who performs the service at the funerals of the poor.

The Corporation have also made known their perfect willingness to do the same to the Protestant or any other religious denomination, should ground be required by them.

Now either of the above arrangements affords the security which I am bound by the rules of our Church to have in regard to any ground I should at any time consecrate for the above purpose, and I hope that your

committee will make some such reasonable arrangement about the Belfast Cemetery.

There are some other points, but they are of minor importance, and can be easily postponed.

I have the honour to remain, my dear sir,

Your faithful servant,

✠ P. Dorrian.

James Guthrie, esq., Town Clerk.

Resolved—That in reply to the letter of Dr. Dorrian, the Town Clerk be instructed to write that the rules for the regulation of the cemetery have already been approved of by the council, and that the committee, having considered his suggestions, regret they cannot comply with same.

Your committee ask for authority to employ counsel to represent them before the Privy Council on the hearing of the above memorial, and that the Mayor and a deputation from this committee should also attend.

Report of the Cemetery Committee presented to the Council on the 19th day of July, 1869.

A deputation from your committee, acting under the instructions given by the council, attended by counsel before the Privy Council on 23rd June, at the hearing of the memorial presented to the Lord Lieutenant, praying that an order might be made that the public portions of the Shankill and Friars' Bush burying grounds should be absolutely closed against future interments. It was further sought to have future interments in the proprietary portions of these grounds, and also in the Old Poor House burial ground regulated by the Orders of the Privy Council made in the year 1858.

The council are aware that in the year 1867, when Dr. Knox held a preliminary inquiry into the condition of the existing burial grounds and the proposed allocation of the new cemetery, much discussion took place as to the portion to be allotted for the use of the Roman Catholics. It was hoped that the concessions then made, and the construction of the sunk fence separating the Catholic and Protestant portions of the ground at an expense of £480, would have removed all grounds of complaint on the part of Bishop Dorrian, and that there would be no further controversy on the subject. But at the beginning of the present year a correspondence took place with the bishop, which has been duly reported to the council, in which he claimed as a condition precedent to the consecration of the Roman Catholic ground, that he should be invested with the right to inhibit the interment there of any person who, in his judgment, was not entitled to be interred in consecrated grounds. Your committee were of opinion that they had no right to invest Bishop Dorrian with any such authority, and the council confirmed their decision.

At the hearing before the Privy Council the Corporation were represented by Mr. Macdonagh, Mr. May, and Mr. Andrews; Mr. Butt and Mr. Kernan appeared for Bishop Dorrian.

Mr. Macdonagh stated to the Privy Council the ground upon which the Corporation asked to have an order made pursuant to the prayer of the memorial. Mr. Butt, on the part of Bishop Dorrian, objected to the closing of Friar's Bush until arrangements were made to give the bishop such control over the Roman Catholic portion of the new cemetery as would induce him to consecrate it according to the usages of the Roman Catholic Church; or, in case no such agreement could be come to, until time had been given to enable the Catholics to provide a cemetery of their own. Counsel for the Corporation submitted that by the plan which had been sanctioned by the Lord Lieutenant a fair proportion of the ground had been allotted for the use of the Roman Catholics, and that as the governing body having the control and the responsibility of the management of the cemetery the Corporation could not legally confer any such power or authority upon the bishop of any church. Although the members of the Privy Council who were present appeared to acquiesce in this view, and to be quite satisfied as to the propriety of closing the present public grounds, they granted an adjournment to give the parties an opportunity of coming to an agreement.

On the 29th of June the following rules were submitted to your committee as carrying out Bishop Dorrian's views:—

Rules proposed to the Town Council on conditions to be annexed to the allotment of a portion of the Burial-ground as a place of Roman Catholic Interment, and to be at all times hereafter observed in relation to same:—

I.—The portion of ground allotted shall at all times hereafter be and continue to be dedicated as a Roman Catholic burying-ground, and no part of it shall be ever applied to, or used for any purpose inconsistent with such dedication.

II.—For the better and more effectually securing of the above, no portion of the ground so allotted shall ever be used for any purpose unless with the assent and approbation of the person for the time being exercising functions of Roman Catholic bishop in the place where such burial-ground is situated, and no interment shall take place within the limits of the ground so allotted except upon a certificate from such bishop, or such person as he may from time to time appoint; and all grants of rights of burial made by the burial board within the grounds so allotted shall be made subject to the above conditions.

III.—There shall be at all times appointed a sufficient number of grave-diggers and other necessary attendants for the care of the ground so allotted to Roman Catholics; and no person shall be so appointed except with the approbation of such bishop.

IV.—Out of the funds received by the burial board for interments on this portion of the burial-ground shall be allotted the remuneration of a Roman Catholic clergyman attending the burials therein; and the burial board shall also provide a suitable and sufficient chapel within the limits of such allotted ground for the celebration of the rights of burial according to the rules and usage of the Roman Catholic Church.

V.—That no soil shall be carted off or removed outside the consecrated portion of said grounds without the consent in writing of said bishop for the time being.

Accompanying these rules a copy was sent of an opinion given by Mr. Butt to the effect that the Court of Queen's Bench would grant a writ of mandamus to compel the Corporation to "make all such arrangements as according to the rules of the Church on conditions precedent to consecration;" and that the rules which he had settled carried out the conditions which the bishop regarded as essential rules and principles of his Church.

Your committee felt bound to decline voluntarily to adopt these rules, and upon consultation with counsel they were advised that they had acted rightly in doing so. Upon the further hearing before the Privy Council Mr. Butt submitted that time ought to be allowed before the order for closing Friar's Bush takes effect, to enable Bishop Dorrian either to memorial the Lord Lieutenant, or to apply to the Court of Queen's Bench for a mandamus. After some discussion the Privy Council fixed the 25th of November next as the date from which their order is to take effect with respect to the public portion of Friar's Bush; and the 1st of August with respect to the other grounds, including the proprietary portion of Friar's Bush.

[Here follows a copy of the order in the matter of the closing of the Belfast burial-grounds.]

Your committee did not wish to enter into any controversy with Bishop Dorrian as to the propriety of the claim so put forward on his behalf; they endea-

App. No. 11.

Correspondence between Dr. Dorrian, Roman Catholic Bishop of Belfast, and the Town Clerk.

voured to be guided throughout by the plain meaning of the Act of Parliament as interpreted by their legal advisers. The Corporation as the burial board are bound to retain, and are responsible for the management, direction, and control of the cemetery, and are to make rules and regulations for that purpose. It is obvious that unless expressly authorized to do so the burial board cannot divest themselves of this authority, or delegate to the Roman Catholic bishop the power which he seeks for; and further, that to apply any portion of the fees received for interment in this public cemetery in payment of a Roman Catholic priest for performing service would be a clear misapplication of the fund.

App. No. 12.

APPENDIX No. 12.

The Belfast Banking Company to the Corporation of Belfast.

The Belfast Banking Company to the Corporation of Belfast.—Conveyance.

This Indenture, made the 16th day of November, 1875, between the Belfast Banking Company (hereinafter called the Company) of the one part, and the Mayor, Aldermen, and Burgesses of the borough of Belfast (hereinafter called the Corporation) of the other part. Whereas, by the 30th section of the Belfast Borough Act, 1868, the Corporation were empowered, with the consent, in writing, of the owners and lessees of the lands adjoining to a certain foot passage running at the rear of the Belfast Bank, between Donegall-street and North-street, in the said borough of Belfast, to close and stop up such passage, and to convey the same in exchange for another passage or for other land of equal value, to be used either for enabling the Corporation to widen the adjoining street or for the formation of another public passage in lieu of the one so closed; and whereas, by an agreement bearing date the 31st day of March, 1875, and made between the Corporation of the one part and the Company of the other part, it was agreed, amongst other things, that the Corporation would, for the considerations therein mentioned, forthwith pass a resolution to close and stop up the said passage, and would, when required, convey to the Company the ground or soil of such passage. And that in consideration of the closing and stoppage of the said passage and of the agreement for the conveyance to them of the ground thereof, the Company would convey, by way of exchange to the Corporation, for the use of the public, and to widen a portion of North-street aforesaid a strip of ground eight feet six inches in width, being the front portion of the Company's premises in North-street aforesaid, then or lately in the occupation of Greenhill Brothers, and would also procure Patrick M'Guinness to convey to the Corporation the strip of ground fronting the building erected by him in North-street aforesaid and coloured yellow on the plan endorsed on said agreement in order that the same might be dedicated to the public use as part of the said street. And whereas the Corporation, with the consent of the Company, who then were, and still are, the owners and lessees of the lands adjoining said foot passage on the 1st day of April, 1875, duly passed a resolution to close and stop up the said passage; and whereas, by indenture bearing equal date herewith and made between the said Patrick M'Guinness of the first part, the Company of the second part, and the Corporation of the third part, the said Patrick M'Guinness, at the request and by direction of the Company, and in consideration of £300 paid to him by them, did grant unto the Corporation and their successors the said strip of ground situate on the east side of North-street, in the town of Belfast aforesaid fronting the building lately erected by him. To hold unto the Corporation and their successors for ever as part of the street called North-street; and whereas, the Corporation are satisfied that the said two strips of ground respectively conveyed to the Corporation by the said hereinbefore recited indenture of equal date herewith, and by these presents are of equal or superior value to the said foot passage; and whereas, the Corporation have required the Company, pursuant to the said hereinbefore recited agreement to convey to the Corporation said strip of ground in front of the premises of the Company in North-street aforesaid. Now, this indenture witnesseth that for further effectuating the said agreement of the 31st day of March, 1875, on the part of the Company and in consideration of the premises, they, the Company, do, by these presents, grant unto the Corporation and their successors, all that the said strip of ground, eight feet six inches in width, being the front portion of the Company's premises in North-street aforesaid, lately in the possession of Messrs. Greenhill Brothers, and coloured pink upon the map or plan hereupon endorsed and which said premises are situate in the borough of Belfast, in the barony of Upper Belfast, and county of Antrim. To hold unto the Corporation and their successors, to the use of the Corporation and their successors henceforth for ever as part of the street called North street; and the Company do hereby for themselves their successors and assigns covenant with the Corporation and their successors that notwithstanding any matter or thing by them done, omitted, or knowingly suffered, they, the Company, now have power to grant the said premises hereinbefore expressed to be hereby granted unto the Corporation and their successors in manner aforesaid free from incumbrances, and that all the said premises shall be quietly entered into, held, and enjoyed by the Corporation and their successors in manner aforesaid without any interruption by the Company or any person claiming through, or in trust, for them, and further, that the Company and every person having or claiming any estate, right, title, or interest in or to the said premises through or in trust for them will at all times hereafter at the cost of the Corporation, their successors, or assigns, execute and do every such assurance and thing for the further or more perfectly assuring all or any of said premises to the use of the Corporation, their successors and assigns as by them shall be, reasonably required. In witness whereof, the Company have hereunto affixed their common seal, and the Corporation have hereunto affixed their corporate seal the day and year first herein written.

Present when the common seal of the Belfast Banking Company was hereunto affixed,
Hugh Bingham, Belfast Bank, Belfast.
Alex. Mackae, Belfast Bank, Belfast.

Directors present when the seal of the Company was affixed, (*Seal.*)
E. H. Clarke.
A. Johns.

APPENDIX No. 13.

App. No. 13.

Mr. Black's Statement of Taxation.

STATEMENT prepared by MR. BLACK to show particulars of TAXATION, and how applied.

—	Local Acts.	Taxing Powers.	Rates Levied in 1875.	Amount of Rate Levied.
				£ s. d.
POLICE RATE,	8th & 9th Vic., cap. 142 (1845). 9th & 10th „ 294 (1846). 10th & 11th „ 254 (1847). 13th & 14th „ 108 (1850). 16th & 17th „ 114 (1853). 27th & 28th „ 198 (1864). 36th & 37th „ 199 (1873).	*Maximum*, 1*s.* 8*d.* in the £1 on valuations not exceeding £20. *Maximum*, 3*s.* 4*d.* in the £1 on valuations exceeding £20.	1*s.* in the £1 on valuations not exceeding £20. 2*s.* in the £1 on valuations exceeding £20.	36,713 0 3
GENERAL PURPOSES RATE,	28th & 29th Vic., cap. 183 (1865). 31st & 32nd „ 117 (1868). 36th & 37th „ 199 (1873).	*Maximum*, 2*s.* in the £1 within the lighted and watched district, and 1*s.* 6*d.* in the £1 on all other property.	2*s.* in the £1 within the lighted and watched district, and 1*s.* 6*d.* on all other property.	49,418 12 9
DISTRICT SEWERS RATE,	28th & 29th Vic., cap. 183 (1865). 31st & 32nd „ 117 (1868). 36th & 37th „ 199 (1873).	—	Crumlin and Old Park Roads district at 3*d.* in the £1. Antrim Road district at 7*d.* in the £1. Newtownards Road district at 10*d.* in the £1.	1,810 4 7
BURIAL RATE,	29th & 30th Vic., cap. 113 (1866).	—	1½*d.* in the £1.	2,947 14 8
BOROUGH RATE,	Municipal Corporations Act,	*Maximum*, 3*d.* in the £1.	3*d.* in the £1.	5,895 9 5

—	Application of Rates.	Collection of all Rates.	Mode and Cost of Collection.	Observations.
POLICE RATE,	Payment of Constabulary, lighting, interest on and repayment of loans, miscellaneous charges, &c.	90·36 per cent. of all rates was collected in 1875. 8·29 per cent. was allowed for discount on ratings valued at £8 and under for rate paid in January, vacancies, &c.	Five collectors, one for each ward, who receive 1½ per cent. on amount collected.	Landlords rated up to £8, and discount of 25 per cent. allowed if paid within a month.
GENERAL PURPOSES RATE,	Repairs and scavenging of streets, portion of cost of Constabulary, contribution to counties of Antrim and Down, interest on and repayment of loans.	1·35 per cent. was uncollected at end of 1875.	—	Landlords rated up to £8, and discount of 25 per cent. allowed if paid within a month.
DISTRICT SEWERS RATE,	Amount required for payment of interest, and sinking fund for repayment of loans.	—	—	Landlords rated up to £8, and discount of 25 per cent. allowed if paid within a month.
BURIAL RATE,	Repayment of loans and interest thereon, &c.	—	—	Landlords rated up to £8.
BOROUGH RATE,	Salaries of municipal officers, expenses of burgess roll, and elections, &c.	—	—	Landlords rated up to £8.

APPENDIX No. 14.

App. No. 14.

Discrepancies between the Rated and Letting Value of House Property.

ILLUSTRATIONS of DISCREPANCIES between RATED and LETTING VALUE of HOUSE PROPERTY under Griffith's Valuation of 1860.

Initial Number.	Ordnance Valuation.	Rent.	Observations.	Initial Number.	Ordnance Valuation.	Rent.	Observations.
	£ s. d.	£ s. d.			£ s. d.	£ s. d.	
1	65 0 0	275 0 0	Let on Lease.	15	80 0 0	200 0 0	
2	90 0 0	160 0 0	Do.	16	105 0 0	290 0 0	Let on Lease.
2*a*	90 0 0	275 0 0		17	180 0 0	340 0 0	
3	26 0 0	48 0 0		18	48 0 0	126 0 0	
4	35 0 0	90 0 0	Do.	19	70 0 0	190 0 0	
5	55 0 0	90 0 0		20	35 0 0	122 10 0	
6	106 0 0	200 0 0		21	28 0 0	50 0 0	
7	120 0 0	200 0 0		22	33 0 0	55 0 0	
8	65 0 0	200 0 0	Do.	23	45 0 0	80 0 0	
9	68 0 0	200 0 0	Do.	24	44 0 0	120 0 0	
10	72 0 0	200 0 0	Do.	25	22 0 0	60 0 0	
11	115 0 0	250 0 0	Do. and large fine paid.	26	22 0 0	60 0 0	
				27	22 0 0	60 0 0	
12	65 0 0	180 0 0		28	40 0 0	80 0 0	
13	63 0 0	180 0 0		29	67 0 0	120 0 0	
14	180 0 0	400 0 0					

App. No. 15.

APPENDIX No. 15.

Belfast. Opinion of Mr. May, Q.C., as to the Blackstaff and Pound Burn streams.

EXTRACT from the OPINION of GEORGE A. C. MAY, Esq., Q.C., as to the Blackstaff and Pound Burn.

With respect to the other question of the nuisance occasioned by the pollution of the streams.

Sufficient powers are given by the Act of 1850 (so far as concerns the Pound Burn), and by the Sanitary Acts, but under the circumstances of this case, I do not think these powers would be found available. These streams appear by general consent to have been converted into public sewers. The sewers constructed by the Town Council run into them, and it is stated that in fact no other means exist of discharging the sewage of part of the town. It would be very difficult to treat individuals as guilty of a nuisance, because they use these watercourses as sewers; and with respect to the return of heated water to the streams, probably that of itself would not constitute a nuisance, but the waters being polluted are rendered additionally offensive by being heated. However, if it could be shown that the return of heated water to the river increased the nuisance materially, I think that might constitute a public nuisance, and be capable of being remedied either by indictment or otherwise. But such an act as this does not seem to be a nuisance, within the meaning of the Sanitary Acts. Upon the whole, such a case as the present seems to fall within the 22nd section of the Nuisances Removal Act, 1855. The only effectual remedy would be that suggested in the case, the construction of an intercepting sewer. But this it seems would be attended with very considerable expense.

Upon the whole I fear the Town Council will find it very difficult, if not impossible, by legal proceedings directed against individuals, to enforce any abatement of the existing evils. They are the result of a long continued state of facts connived at by the public, and it would be very difficult to induce a jury to find a verdict against any particular individual.

I fear that the only relief to be hoped for is from particular legislation on the subject.

GEORGE A. C. MAY.

App. No. 16.

APPENDIX No. 16.

Belfast. List of Members of Town Council.

LIST of the MEMBERS of COUNCIL for the year 1876, and their Professions or Occupations, with Amounts of their Valuations.

ALDERMEN.

Name.	Profession or Business.	Valuation. £	s.
James Carlisle,	Linen Manufacturer,	*3,534	15
Sir John Savage,	Do.	1,189	10
William Mullan,	Wholesale Grocer,	630	15
Bernard Hughes,	Flour Merchant and Baker,	669	0
John Preston,	Flax Merchant,	1,347	0
Henry Whitaker,	Apothecary,	356	0
Sir Robert Boag,	Knight,	144	0
Edward P. Cowan,	Wholesale Wine and Spirit Merchant,	193	0
Thomas G. Lindsay,	Warehouseman,	1,460	0
James A. Alexander,	M.D.,	20	0

COUNCILLORS.

Name.	Profession or Business.	Valuation. £	s.
Samuel Lawther,	Ship Owner and Merchant,	120	0
William Harvey,	Contractor,	64	0
Robert Kelly,	Solicitor,	20	0
George H. Carse,	Gentleman,	116	10
E. H. Thompson,	Linen Merchant,	180	0
Daniel Dixon,	Ship Owner and Timber Merchant,	391	0
James Henry,	Builder,	254	0
Robert Thompson,	Linen Merchant,	*1,380	0
John Caruth,	Flour Merchant,	96	0

COUNCILLORS.

Name.	Profession or Business.	Valuation. £	s.
John Suffern,	Gentleman,	150	0
Robert Stewart,	Linen Merchant,	130	0
James H. Haslett,	Druggist,	228	0
W. Q. Ewart,	Linen Manufacturer and Merchant,	3,567	10
W. H. Braddell,	Gunmaker,	103	0
John Oulton,	Flax Merchant,	202	0
James Adams,	Baker,	560	0
John Greenhill,	Grain Merchant,	145	0
David Corbett,	Wholesale Grocer and Spirit Merchant,	254	0
John Hamill,	Gentleman (*since dead*),	740	0
James A. Henderson,	Newspaper Proprietor,	245	0
John Rogers,	Wire Merchant,	223	0
John Browne,	Timber Merchant,	866	5
Thomas Gaffikin,	Linen Merchant,	192	0
George G. Bingham,	Commission Merchant,	88	0
James Fraser,	Provision Merchant,	70	10
James Jenkins,	Gentleman,	48	0
R. D. Bates,	Solicitor,	47	0
William Gregg,	Iron Merchant,	592	0
James Hart,	Textile Manufacturer,	43	0
Thomas H. Browne,	Timber Merchant,	599	0
		£21,258	15

Forty Members give an average of £531 9*s.* 4*d.* each.

* Limited Liability Company.

App. No. 17.

APPENDIX No. 17.

Trim. Names of Town Commissioners.

NAMES of TOWN COMMISSIONERS for TRIM for the year 1876, with their Qualifications and Occupations.

	£	s.	d.
John Francis O'Reilly, Chairman, Doctor of Medicine,	29	0	0
John Bracken, Baker,	15	0	0
James Blake, Grazier and Cattle Exporter,	13	0	0
John Gogarty, Grocer and Spirit Merchant,	15	0	0
Patrick Gelsinan, Grocer and Spirit Dealer,	15	0	0
Thomas Kennedy, Miller and Grazier,	60	0	0 and 15	10	0
Harcourt Lightburne, Sub-Sheriff and Attorney-at-Law,	20	0	0 ,, 9	5	0
Patrick Malone, Civil Engineer,	23	0	0 ,, 5	0	0
James Plunkett, Hardware and Spirit Merchant,	17	0	0 ,, 2	0	0

APPENDIX No. 18.

TRIM.

Towns Improvement (Ireland) Act, 1854. Number of Commissioners, 9. Number of Burgesses, 96. Population in 1871, 2,195. Acreage within Municipal Boundary, 154A. 2R. 15P. Rateable value of Buildings and Lands, £2,006 15s. No rates levied.

ABSTRACT of the ACCOUNTS of the TOWN COMMISSIONERS of TRIM for the Year ended the 30th April, 1876, showing the Receipts and Expenditure under the several heads during that period.

RECEIPTS.

	£	s.	d.	£	s.	d.
To Rents of property of Town Commissioners,				658	19	6½
Gas rents collected,	379	18	10			
Sales at gas works,	17	16	0½			
				397	14	10½
Ouncel tolls,	11	4	5			
Cranes—Corn,	9	3	4			
,, Butter,	1	18	9½			
				22	6	6½
Fines at Petty Sessions,	10	12	5			
,, Town Court,	5	11	3			
				16	3	8
Dog tax,				4	18	6
Building stone,				5	8	8
Hire of ladders and barrows,				0	14	6
Hire of Assembly Room,				0	5	0
Lodgment to credit of town funders under Auditor's surcharge,				12	19	0
Miscellaneous receipts,				2	4	6
				£1,121	14	9½

EXPENDITURE.

	£	s.	d.	£	s.	d.
By Balance due to Treasurer at commencement of the year,				39	6	8
Salary of Town Clerk and Weighmaster,	60	0	0			
Cleansing, including salary of Town Sergeant,	100	0	1½			
Clothing for Town Sergeant,	4	11	8			
Gas Works:—	£	s.	d.			
Stokers,	77	8	10			
Coals,	331	2	1			
Repairs, meters, lime, &c.,	103	2	7			
Rent,	11	8	0			
				523	1	6
Agent's fees on:—						
Rents of property,	32	17	0			
Gas rents,	4	7	5			
Building stone,	0	5	0			
				37	9	5
Rent and taxes:—						
Rent of Town Hall,	20	0	0			
Quit-rent,	4	1	9			
Poor Rates and County Cess,	30	1	0¼			
Income-tax,	4	12	11			
				58	15	8¼
General expenses, including printing, stationery, and sanitary works,				97	15	5
Town clock,				4	6	8
Election expenses,				1	1	0
Interest on loan of £2,400, less income tax,				103	19	0
Interest on overdrafts,				10	4	9
Expenditure for pumps, disallowed by Auditor,				9	0	0
Total expenditure,				1,010	5	2¾
				£1,049	11	10¾
Balance in hands of Treasurer at close of year,				57	16	2
Balance in hands of Town Clerk at close of year,				14	6	8¾
				72	2	10¾
				£1,121	14	9½

I certify the foregoing to be a true abstract of the Receipts and Expenditure of the Town Commissioners of Trim for the year ended the 30th April, 1876.

THOMAS COLLOT, Local Government Auditor.

Dated this 18th day of November, 1876.

APPENDIX No. 19.

TRIM.

LIST of LANDS or TENEMENTS, the Property of the Town Commissioners, of which Leases have fallen in since 1840; Names of Parties to whom re-let; the Rents and Terms for which Leases made, and the Rateable Value on each, by Griffith's Valuation, stating if any of the Parties to whom Leases made were, at the time, or shortly before, or since, Members or Officers of the Municipal Body, or in any instance nearly related to such Member or Officer.

Denomination of Lands and Tenements of which Leases have fallen in since 1840.	Names of Persons to whom re-let on Lease.	Rents, per Annum. £ s. d.	Term of Lease, and whether sanctioned by the Lords of the Treasury.	Poor Rate Valuation. £ s. d.	Whether Town Commissioners, or nearly related, or Officers of Town Commissioners.	Whether let or sub-let to, or by a Town Commissioner, or parted with for a valuable consideration.
Malthouse at Athboy-gate,	Allen, Bridget,	0 1 0	Lives of the Queen (Vic.), Prince Albert, and the Prince of Wales, or lives renewable *for ever*.	10 0 0	Non.	Non.
Plot of Ground in High-street.	Atkinson, George,	2 0 2	Lives of Marquess of Kildare, Earl of Bective, and Thomas Parsons, and *for ever*.	12 10 0	Non.	Non.
Common Lands, 4th Division.	Allen, Benjamin,	12 4 0	For 31 years from the 29th Sept., 1859.	8 0 0	Non.	Non.
Common Lands, 7th Division, and Corporation Land, North.	Allen, John,	14 0 0	For 31 years from 29th Sept., 1861.	7 5 0	Non.	Non.

LIST of LANDS or TENEMENTS, the Property of the Town Commissioners, of which Leases have fallen in since 1840; Names of Parties to whom re-let; the Rents and Terms for which Leases made, and the Rateable Value on each, by Griffith's Valuation, stating if any of the Parties to whom Leases made were, at the time, or shortly before, or since, Members or Officers of the Municipal Body, or in any instance nearly related to such Member or Officer—*continued.*

Denomination of Lands and Tenements of which Leases have fallen in since 1840.	Names of Persons to whom re-let on Lease.	Rents, per Annum.	Term of Lease, and whether sanctioned by the Lords of the Treasury.	Poor Rate Valuation.	Whether Town Commissioners, or nearly related, or Officers of Town Commissioners.	Whether let or sub-let to, or by a Town Commissioner, or parted with for a valuable consideration.
		£ s. d.		£ s. d.		
Common Lands, South, .	Byrne, Eliza, . . .	11 19 0 being 25*s.* per acre.	For 31 years from 25th March, 1852.	17 10 0	Non.	Non.
Common Lands, 3rd Division.	Brennan, Bernard, .	14 5 0	For 31 years from 29th Sept., 1860.	8 10 0	Town Commissioner.	Leasehold interest sold to Michael Kelly for £40 sterling. *Rent afterwards reduced.*
Corporation Lands, North,	Brogan, Richard, . .	15 13 10	For 31 years from 29th Sept., 1859.	8 5 0	Non.	Non.
Common Lands, North, .	Bailey, Patrick, . .	17 18 9	For 31 years from 29th Sept., 1850.	26 10 0	Non.	Non.
Ditto, . . .	Battersby, James, . .	6 6 0	For 30 years from 25th March, 1848.	6 0 0	Non.	Non.
Ditto, . . .	Battersby, James, and Fagan, William.	5 6 4	For 31 years from 29th Sept., 1860.	6 0 0	Non.	Non.
Ditto, . . .	Brogan, John, . .	16 6 6	For 31 years from 29th Sept., 1855.	12 0 0	Non.	Non.
Common Lands, South, .	Blake, Thomas, . .	4 9 1	For 31 years from 25th March, 1856.	6 0 0	Non.	Non.
Corporation Lands, North,	Byrnell, William, . .	12 0 0	For 31 years from 29th Sept., 1859.	10 5 0	Non.	Non.
Common Lands, South, .	Blake, Daniel, . .	4 7 10	For 31 years from 25th March, 1856.	4 15 0	Non.	Non.
Commons, 7th Division, South.	Blake, Daniel, . .	5 18 5	For 31 years from 29th Sept., 1860.	3 15 0	Non.	Non.
Corporation Land, North, 2nd Division.	Blake, Thomas, . .	8 10 0	For 31 years from 25th March, 1867.	9 5 0	Non.	Non.
Corporation Land, North, 1st Division.	Blake, James, . .	10 10 0	For 31 years from 25th March, 1867.	5 10 0	Non.	Non.
Corporation Land, North,	Carleton, Joseph Glenville.	9 5 11	For 31 years from 25th March, 1848.	7 15 0	Town Commissioner.	Non.
Ditto, . . .	Ditto, . . .	9 5 0	For 31 years from 29th Sept., 1859.	10 10 0	Ditto, .	(*A field added in new Lease.*) Sub-let a portion to John Bracken. Old Lease of first portion not run out. A less rent placed on letting. A field, *now sub-let, added.*
Commons, 7th Division, .	Corry, Phœbe (now C. P. Duigenan).	5 15 11	For 31 years from 29th Sept., 1860.	6 10 0	Non.	Parted with for money lent to Lessee by C. P. Duigenan, Agent of the Town Commissioners, *for his own account.*
Ditto, . . .	Corry, John, . . .	6 18 9	For 31 years from 25th March, 1872.	7 0 0	Non.	Non.
Common Lands, North, .	Calwell, Matthew, . .	7 5 2½	For 31 years from 25th March, 1846.	9 0 0	Town Commissioner.	Parted with for a valuable consideration.
House and Plot of Ground in Wellington-place.	Corry, Phœbe, . .	1 8 0	For lives renewable for ever.	5 0 0	Non.	Non.
Houses & piece of Ground at Fair-green, and elsewhere in Trim.	Chambers, Edwd. Elliott,	0 10 0	For lives renewable for ever.	14 0 0	Non.	Parted with for a valuable consideration.
Commons, 7th Division, .	Corry, David, jun., .	6 13 2	For 31 years from 29th Sept., 1850.	7 0 0	Non.	Non.
Ditto, . . .	Clarke, Anne, . .	1 7 6	For 31 years from 25th March, 1849.	1 10 0	Non.	Non.
Common Lands, North, .	Darling, Job, . . .	3 19 8	For 31 years from 25th March, 1848.	7 0 0	Town Commissioner.	Sub-let at a large profit Rent—say about £16, or over.
Common Lands, South, .	Duigenan, Cr. P., . .	7 10 0	For 31 years from 25th March, 1856.	13 0 0	Land Agent to Town Commissioners.	Non.
Common Lands, North, .	Davis, Thomas, . .	3 16 10	For 31 years from 29th Sept., 1852.	4 10 0	Non.	Parted with for a valuable consideration.
Ditto, . . .	Davis, Thomas, . .	4 12 0	For 31 years from 25th March, 1865.	4 5 0	Non.	Parted with for a valuable consideration.
Common Lands, South, .	Fay, Luke, . . .	6 3 2	For 31 years from 25th March, 1849.	7 0 0	Non.	Non.
Common Lands, North, .	Fyans, Rose (in trust for her son Edward).	3 16 0	For 31 years from 25th March, 1851.	7 15 0	Non.	Non.
Common Lands, South, .	Flood, Richard . .	4 0 0	For 31 years from 25th March, 1836.	6 0 0	Town Commissioner.	Sold. Mr. Flood left the locality.
Common Lands, South (two Farms).	Fox, Thomas (in America when lease was executed).	22 15 0	For 31 years from 25th March, 1867.	34 10 0	Non.	Old lease of a portion not suffered to expire. Lease signed by Commissioners' agent, C.P. Duigenan, by virtue of alleged power of attorney on behalf of Thomas Fox in U. S. of America.
Common Lands, South, .	Griffith, Henry, . .	6 0 0	For 31 years from 25th March, 1847.	6 10 0	Non.	Sold, Mr. Griffiths being dead.
Ditto, . . .	Gallagher, Patrick, .	14 9 6	For 31 years from 29th Sept., 1860.	10 0 0	Non.	Non.
House and premises in High-st. at Post Office-lane.	Ginty and Wife, . .	0 9 9	For lives renewable for ever.	13 0 0	Non.	Non.
Tenements and gardens (several).	Goodman, John, . .	0 5 0	For lives renewable for ever.	22 0 0	Non.	Non.
Common Lands, South, .	Hipwell, George D., .	5 0 0	For 31 years from 25th March, 1853.	6 5 0	Town Commissioner.	Parted with for valuable consideration, having previously given £30 to the agent, C. P. Duigenan, for his interest in this lot.
Park called the Watergate Park.	Hipwell, George D., .	1 17 6	For lives renewable for ever.	3 10 0	Town Commissioner.	Sub-let to George Atkinson at large profit rent.
Common Lands, South, .	Hanbury, Hugh, . .	6 0 0	For 31 years from 29th Sept., 1862.	8 5 0	Non.	Sub-let to Edward Roe at large profit rent.
Ditto, . . .	Hughes, Martin, . .	3 5 0	For 31 years from 25th March, 1870.	3 10 0	Non.	Non.
Common Lands, North, .	Hynes, Robert, . .	3 12 6	For 31 years from 25th March, 1868.	4 0 0	Non.	Non.
Ditto, . . .	M'Keone, Nicholas, .	5 14 6	For 31 years from 25th March, 1847.	7 0 0	Non.	Non.
Ditto, . . .	M'Keone, Christopher, .	29 19 8	For 31 years from 25th March, 1867.	26 0 0	Town Commissioner.	Non.
Common Lands, South, .	Mooney, Patrick, . .	4 0 0	For 31 years from 29th September, 1848.	6 10 0	Non.	Non.

LIST of LANDS or TENEMENTS, the Property of the Town Commissioners, of which Leases have fallen in since 1840; Names of Parties to whom re-let; the Rents and Terms for which Leases made, and the Rateable Value on each, by Griffith's Valuation, stating if any of the Parties to whom Leases made were, at the time, or shortly before, or since, Members or Officers of the Municipal Body, or in any instance nearly related to such Member or Officer—*continued.*

Denomination of Lands and Tenements of which Leases have fallen in since 1840.	Names of Persons to whom re-let on Lease.	Rents, per Annum.	Term of Lease, and whether sanctioned by the Lords of the Treasury.	Poor Rate Valuation.	Whether Town Commissioners, or nearly related, or Officers of Town Commissioners.	Whether let or sub-let to, or by a Town Commissioner, or parted with for a valuable consideration.
		£ s. d.		£ s. d.		
Common Lands, North, .	Moore, Luke, . . .	17 19 6	For 31 years from 29th September, 1859.	10 10 0	Non.	Rent of tenant reduced in connexion with adjacent lots, one of said lots being owned by Commissioner Bernard Brennan.
Common Lands, South, .	Newman, Neville P., .	7 2 6	For 31 years from 29th September, 1848.	7 0 0	Town Commissioner.	Parted with for valuable consideration.
Common Lands, North, .	Ditto, . . .	8 3 1	For 31 years from 25th March, 1849.	11 10 0	Town Commissioner.	Parted with for valuable consideration.
Common Lands, South (Plot for District Model School).	National Education Commissioners.	0 4 6	For 75 years from 25th March, 1848.	Exempt.	Non.	Non.
Common Lands, North, .	Plunkett, Bridget, . .	5 17 2	For 31 years from 29th September, 1851.	8 5 0	Non.	Non.
Common Lands, South, .	Proctor, Patrick, . .	4 10 0	For 31 years from 29th September, 1860.	4 0 0	Non.	Non.
Ditto, . . .	O'Connell, Rev. John, .	17 9 8	For 31 years from 25th March, 1856.	18 0 0	Town Commissioner.	Assigned to successor, Rev. J. Duncan, as Parish Priest of Trim.
Common Lands, North, .	Keane, John, . . .	5 12 8	For 31 years from 29th September, 1854.	7 0 0	Non.	Non.
Ditto, . . .	Keely, James, . .	5 13 5	For 30 years from 25th March, 1847.	6 0 0	Town Commissioner.	Parted with for valuable consideration.
Ditto, . . .	Kennedy, Patrick, . .	15 12 6	For 31 years from 25th March, 1856.	20 10 0	Town Commissioner.	Held by Thomas Kennedy, a Commissioner, in succession to lessee, his father.
Common Lands, North (House and Garden).	Kennedy, Thomas, and Mary White.	0 2 0	For 31 years from 29th Sept., 1860.	0 10 0	Town Commissioner (Plot bordering on his lands).	Mary White, deceased; house removed; plot held by Commissioner Kennedy.
Ditto, . . .	King, John, ...	24 0 0	For 31 years from 25th March, 1842.	20 5 0	Brother-in-law of Commissioner Patk. Kennedy.	—
Ditto, . . .	King, John, ...	8 1 3	For 31 years from 25th March, 1849.	17 0 0	Ditto.	Sub-let to Thomas Blake at profit rent of 15*s.* per acre.
Ditto, . . .	Lambe, James, . .	6 8 4	For 31 years from 29th Sept., 1860.	4 10 0	Non.	Parted with to Mary Brogan for a valuable consideration.
House and Premises in Wellington-street.	Ledwich, Michael, .	0 6 8	For lives renewable for ever.	8 0 0	Non.	Sold to Hen. Parkinson for valuable consideration.
Common Lands, North, .	Regan, Margaret, . .	6 14 4	For 31 years from Sept. 29th, 1851.	7 0 0	Non.	Sub-let at profit rent, and part con-acred.
Ditto, . . .	Regan, Matthew, . .	6 0 10	For 31 years from 25th March, 1846.	7 0 0	Non.	Sub-let at profit rent.
Ditto, . . .	Regan, Patrick, . .	7 0 0	For 31 years from 29th Sept., 1859.	9 0 0	Non.	Sold for valuable consideration in conjunction with last-named lot.
Common Lands, South, .	Reynolds, Philip, . .	16 17 6	For 31 years from 25th March, 1857.	17 5 0	Non.	Non.
Common Lands, South (piece of Land, Water-power, and Mill—Boyne River).	Smartt, John (£300 to be expended in improvements, or £20 yearly Rent to be paid to Commissioners as penalty).	3 0 0	For 75 years from 29th Sept., 1850.	5 10 0	Non.	No improvements carried out; increased rent not demanded by Commissioners; £400 now due by lessee as penalty set forth in lease.
Common Lands, South, .	Ditto, . . .	7 7 2	For 31 years from 25th March, 1856.	6 5 0	Non.	Non.
Ditto, . . .	Ditto, . . .	6 0 0	For 31 years from 27th Sept., 1860.	7 10 0	Non.	Non.
Common Lands, North, .	Sandford, James, . .	4 10 0	For 31 years from 25th March, 1856.	6 0 0	Non.	Handed to Mrs. Anne King, a relative of lessee, on his leaving the country.
Common Lands, South, .	Taylor, Roger, . . .	14 15 0	For 31 years from 25th March, 1848.	22 5 0	Non.	Non.
Common Lands, North, .	Tyrrell, Patrick, . .	3 0 0	For 31 years from 29th Sept., 1859.	7 15 0	Non.	Non.
Ditto, . . .	Waters, Bryan, . .	5 14 9	For 30 years from 25th March, 1847.	8 15 0	Town Commissioner.	Parted with for valuable consideration.
Ditto, . . .	Winter, Samuel, . .	8 0 0	For 31 years from 29th Sept., 1859.	4 5 0	Non.	Non.

APPENDIX No. 20.

App. No. 20

NAMES of COMMISSIONERS of WICKLOW.

Names of Commissioners of Wicklow.

John Nolan, Chairman, . .	Gentleman.
George Wynne, . . .	Secretary Grand Jury and County Treasurer.
John Fetherstonhaugh, . .	Local Inspector, Gaol, Wicklow.
B. H. Brew, . . .	Medical Doctor.
John Kelly Toomey, . .	Solicitor, and Sub-Sheriff, Co. Wicklow.
Tenison Edwards, . . .	Timber Merchant.
Joseph M'Carroll, . .	Coal Merchant.
William Gregg, . . .	Baker.
Joseph Smyth, . . .	Merchant, Ironmonger.
Michael M'Cabe, . .	Pawnbroker.
Joseph Collins, ...	Tea and Wine Merchant.
Abraham Rogers, . . .	Auctioneer.
Peter John Byrne, . .	Draper.
Thomas Smyth, . . .	Draper.
Nathaniel Haskins, . .	Draper.
William Mephail, . .	Printer and Stationer.
John Oakes, . . .	Coachmaker.
John Clarke, . . .	Builder.
Thomas Delahunt, . .	Wine and Spirit Merchant.
James Hamilton, . .	Coal Merchant.
Henry Mephail, . .	Auctioneer.

App. No. 21.

APPENDIX No. 21.

WICKLOW.

9th Geo. IV., cap. 82. Number of Commissioners, 21. Number of Burgesses, 113. Population in 1871, 3,164. Acreage within Municipal Boundary not ascertainable. Rateable value of Lands and Buildings, £6,500. No Rates have ever been levied except a 6*d.* rate in 1836.

Accounts of the Town Commissioners of Wicklow, 1875.

ABSTRACT of the ACCOUNTS of the Receipts and Expenditure of the TOWN COMMISSIONERS of WICKLOW for the Year ended the 31st December, 1875.

RECEIPTS.

	£	s.	d.	£	s.	d.
To Balances at end of previous year:—						
In Treasurer's hands,	519	2	2			
In Town Clerk's hands,	65	16	2			
In Agent's hands,	17	13	0½			
				602	11	4½
„ Railway Company, in lieu of supply of Surplus Water,				10	0	0
„ Rents of Corporation Property,				1,171	3	1½
„ Dog Licence Duty,				6	12	7
„ Interest from Treasurer,				0	14	1
				£1,791	1	2

EXPENDITURE.

				£	s.	d.
By New Works and Repairs, including £50 to County Wicklow Grand Jury towards flagging footpath, and £37 10s. for repairs of Town Hall and widening lane,				114	8	4½
„ Cleansing and Watering the Town,				15	10	6
„ Water Supply,				245	10	0
„ Lighting:—Gas Company for Lighting Public Lamps,				143	3	1
„ Rent and Taxes,				72	5	3½
„ Interest:—						
On Mortgage and Bond,	£543	11	6			
To Gas Company on Capital expended in erecting Lamp Posts,	3	0	0			
Treasurer on Advances,	5	1	7			
				551	13	1
„ Salaries and Agent's Fees:—						
Town Clerk,	40	0	0			
Town Sergeant,	34	0	0			
Agent's Fees,	58	11	0			
				132	11	0
„ Printing, Advertisements, and Stationery,				29	15	0
„ Postage and Receipt Stamps,				1	9	4
„ Law Expenses,				4	4	0
„ Disallowed by Auditor,				20	5	0
				1,330	14	8
„ Balances at end of year:—						
In Treasurer's hands,	392	12	5			
In Agent's hands,	19	0	6½			
In Town Clerk's hands,	48	13	6½			
				460	6	6
				£1,791	1	2

I certify that the foregoing is a true abstract of the Accounts of the Town Commissioners of Wicklow for the year ended 31st December, 1875.

Dated 30th October, 1876.

GEORGE W. FINLAY, Auditor.

DUBLIN: Printed by ALEXANDER THOM, 87 & 88, Abbey-street,
Printer to the Queen's Most Excellent Majesty.
For Her Majesty's Stationery Office.

LOCAL GOVERNMENT

AND

TAXATION OF TOWNS INQUIRY COMMISSION (IRELAND).

PART III.

REPORT AND EVIDENCE,

WITH

APPENDICES.

Presented to both Houses of Parliament by Command of Her Majesty.

DUBLIN:
PRINTED BY ALEXANDER THOM, 87 & 88, ABBEY-STREET,
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1877.

[C.—1787.] *Price 4s. 2d.*

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LIST OF TOWNS IN WHICH THE COMMISSIONERS HAVE HELD INQUIRIES.

Part I.

Name.	Dates.	Number of Days.	Name.	Dates.	Number of Days.
	1876.			1876.	
Limerick,	Sept. 20th, 21st, 22nd, and 23rd, 26th, and 27th.	Six.	Waterford,	Oct. 25th, 26th, 27th,	Three.
			Carrick-on-Suir,	,, 27th,	One.
			Kilkenny,	,, 28th,	One.
Ennis,	,, 25th and 26th,	Two.	Carlow,	,, 31st,	One.
Rathkeale,	,, 27th,	One.	Wicklow,	Nov. 11th,	One.
Mallow,	,, 28th,	One.	Athlone,	,, 16th,	One.
Killarney,	,, 29th,	One.	Bray,	,, 18th and 25th, and Jan. 20th, 1877.	Three.
Tralee,	Oct. 2nd,	One.			
Skibbereen,	,, 3rd,	One.	Trim,	,, 29th, Dec. 5th, and Jan. 11th, 1877.	Three.
Clonakilty,	,, 3rd,	One.			
Cork,	,, 4th, 5th, 6th, 7th, 9th, 10th, 11th, and 13th.	Eight.	Belfast,	Dec. 11th, 12th, 13th, 14th, 15th, 19th, 20th, 21st, 22nd, and 23rd, and Jan. 3rd, 4th, 5th, 6th, and 9th, 1877.	Fifteen.
Kinsale,	,, 10th,	One.			
Queenstown,	,, 12th,	One.			
Bandon,	,, 14th,	One.			
Youghal	,, 16th,	One.	Carrickfergus,	,, 16th,	One.
Cashel,	,, 17th, Dec. 29th and 30th.	Three.	Ballymena,	,, 18th,	One.
			Armagh,	,, 18th,	One.
Parsonstown,	,, 18th and 19th,	Two.	Newtownards,	,, 18th,	One.
Dungarvan,	,, 18th,	One.			
Nenagh,	,, 20th,	One.		1877.	
Fermoy,	,, 20th,	One.	Downpatrick,	Jan. 8th,	One.
Tipperary,	,, 21st,	One.	Lisburn,	,, 8th,	One.
Clonmel,	,, 24th,	One.	Lurgan,	,, 8th,	One.

Part II.

Belfast,	Dec. 11, 12, 13, 14, 15, 19, 20, 21, 22, 23, and Jan. 3, 4, 5, 6, and 9, 1877.	Fifteen.	Trim,	Nov. 29, Dec. 5, and Jan. 11, 1877.	Three.
			Wicklow,	,, 11, and Feb. 10, 1877.	Two.

Part III.

Portadown,	March 8, 1877,	One.	New Ross,	May 16 and 17, 1877,	Two.
Dundalk,	,, 9,	One.	Cookstown,	,, 21,	One.
Ardee,	,, 12,	One.	Towns Specially Reported on.		
Kells,	,, 16,	One.	Newry,	March 5 and 7, 1877,	Two.
Naas,	,, 19,	One.	Dublin,	,, 24, 25, 26, 27, 28,	Five.
Drogheda,	,, 21,	One.	Wexford,	May 14 and 15,	Two.
Enniskillen,	,, 23 and 24,	Two.	Sligo,	,, 18 and 19,	Two.
Londonderry,	,, 26,	One.	Galway,	,, 22 and 23,	Two.
Coleraine,	,, 28,	One.	Not included in last Report.		
Fethard,	April 3,	One.			
Tuam,	May 16,	One.	Cashel,	Oct. 17, Dec. 29 and 30, 1876.	Three.

Supplement to Part III.

Kingstown,	April 5, 6, 7, 11, 12, 13, 14, May 5, and June 29.	Nine.	Dalkey,	April 9,	One.

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LOCAL GOVERNMENT AND TAXATION OF TOWNS INQUIRY COMMISSION (IRELAND).

REPORT—PART III.

TO HIS GRACE JOHN WINSTON, DUKE OF MARLBOROUGH, K.G.
LORD LIEUTENANT-GENERAL AND GENERAL GOVERNOR OF IRELAND.

MAY IT PLEASE YOUR GRACE,

Your Grace having been pleased to extend our Warrant from the 1st March, 1877—to which it had been extended at the date of our First Report—to the 30th day of June, inst., we have now the honour to submit the report of our proceedings, together with the evidence taken, in pursuance of the Commission intrusted to us, upon our inquiries at the 19 undermentioned Towns, viz. :—

Cashel.	Kells.	Coleraine.	Tuam.
Newry.	Naas.	Fethard.	Cookstown.
Portadown.	Drogheda.	Dublin.	Sligo.
Dundalk.	Enniskillen.	Wexford.	Galway.
Ardee.	Londonderry.	New Ross.	

These towns, which include the five Municipal Boroughs left unvisited at the date of our First Report, have been—with the exception of Cashel—all visited by us since the renewal of our Warrant on the 1st March last.

It will be seen that this list includes the small Town of Cookstown, which we had not anticipated the necessity of visiting, but two urgent requests having been addressed to us by the Town Commissioners, praying for a personal investigation on the spot, we thought it better that one of our number should comply with their wish, and Mr. Exham, Q.C., accordingly did so on the 21st ultimo.

On the other hand three small towns mentioned in our First Report as likely to demand local inquiry, viz., Belturbet, Newbridge, and Strabane, we have not visited, the time at our disposal not having admitted of our doing so, and we having had reason to believe that no adequate object would be obtained by our further delaying for that purpose the completion of this Report. (See Answers to Queries addressed to these places in Appendix No. 3, Part I.)

The labour of preparing and passing through the press Part II. of our General Report, containing reports on, and evidence taken at Belfast, Trim, and Wicklow—the evidence taken at Belfast alone extending over 15 days—has, in conjunction with the revision of the evidence taken in the course of our later investigations, occupied so great a portion of our time that we found it would be quite impossible to conclude these inquiries so as to allow a reasonable time for passing the evidence, and our reports thereon, through the press, unless we availed ourselves, even more largely than before, of our discretionary power of holding separate inquiries.

This we have accordingly done, and have thus been enabled to effect to some extent a very useful and necessary division of labour between the work of revision for the press and that of local inquiry.

The inquiry at Dublin, which by the resolution of the Select Committee of the House of Commons, and the terms of your Grace's letter of the 13th of April last, was limited to four points, occupied five days, and that at Kingstown extended over no less than eight. A list of the several towns here reported on, and the date upon which the Inquiry was held in each, will be found prefixed to this Report.

We now proceed without further comment to submit, in the order in which the several towns were visited, such remarks as appear to be called for upon the majority of these towns; and we subjoin special reports upon Newry, Dublin, Wexford, Sligo, Galway, and Cashel—the importance, and, in some instances, the peculiar circumstances of which towns appear to demand more detailed notice than can be well introduced within the scope of a General Report.

PORTADOWN.

Mr. W. J. Paul. Ev. 2–6. PORTADOWN.—The Towns Improvement Act, 1854, was adopted in Portadown early in 1855, and the town has been since governed by fifteen Town Commissioners, elected under that Act.

Ev. 13, 14. The only property possessed by the Town Commissioners consists of the Town Hall, which they hold under a lease for ever from the Duke of Manchester, at the yearly

Ev. 14, 15. rent of £1 4*s.* 3*d.*, and of shambles or markets, which they hold on lease at the yearly rent of £22 2*s.* 5*d.*, and part of which they have let for building at a trifling advance upon this rent.

Ev. 18–21. The Commissioners do not receive any tolls or dues of any kind, but the Duke of Manchester has promised to grant to them his rights to fairs and markets in the town at a nominal price; and it is the intention of the Commissioners, when this grant—

Ev. 22, 23. which is in course of preparation—shall be completed, to establish public markets in the town, and fairs to be held on a fair green which they have already secured. At

Ev. 23. Ev. 24–28. present the fairs and markets are held in the streets, and are generally objected to by the inhabitants.

Ev. 29–35. The Town Commissioners levy three rates, viz.:—an improvement rate which has never exceeded 1*s.* in the pound, which is the rate this year, a sewerage rate of 2*d.* in the pound, and a mortgage rate of 3*d.* in the pound for securing loans.

Portadown is not, for the purpose of county taxation, separated from the county of Armagh; and county cess is levied in the town.

Ev. 89. The amount of the levy last year was £1,328 1*s.* 6*d.*, being 1*s.* 9*d.* in the pound.

Ev. 56, 57. The county, however, contributes half the expense of making flagways, and in some cases of repairs of the streets, and the contribution last year was £235 0*s.* 9*d.*

The Commissioners have, from time to time, borrowed moneys to the amount of £1,380 for different purposes within the scope of their powers, of which the interest, and £580 of the principal has been paid off, and their capital debt now stands at £800.

DUNDALK.

DUNDALK.—The Towns Improvement Act of 1854 was adopted in Dundalk in 1855.

Ev. 7–13. The municipal body consists of eighteen Commissioners who are elected by the four wards into which the town is divided. These wards, their valuations, and the number of voters and representatives of each are as follows:—

Wards.	Valuation. £	s.	d.	Voters.	Commissioners.
Seatown Ward,	7,794	10	0	299	6
Middle Ward,	6,189	15	0	306	6
North Ward,	3,010	15	0	188	3
South Ward,	2,876	15	0	177	3
	19,871	15	0	970	18

Ev. 43–46. The Town Commissioners have not any control over, and do not derive any income or profit from the Port and Harbour of Dundalk, which is under the management of the Dundalk Harbour Commissioners who are constituted by a special Act of Parliament.

The Town Commissioners have not any property, save the Exchange Buildings purchased by them, in which are the Town Hall, offices, and public news-room and library, from which there are some small annual receipts. (See Appendix No. 2.)

Ev. 47–51. The Town Commissioners have for several years levied three rates annually, viz.:—

Ev. 54–58. an improvement rate of 1*s.* in the pound under the 17 & 18 Vic., cap. 103, a mortgage rate of 3*d.* in the pound under Section 69 of the same Act, and a library rate

Ev. 88–91. of 1*d.* in the pound under the 18 & 19 Vic., cap. 40, "The Public Libraries (Ireland), Act, 1855."

Ev. 54–87 The mortgage rate, which was originally 4*d.* in the pound, was first levied in 1865, in order to secure repayment of £4,000 which the Town Commissioners in that year borrowed from a banking company, to enable them to purchase for public purposes the Exchange Buildings above referred to, and the buildings so purchased were conveyed to three trustees for the purposes above mentioned, and the trusts are duly declared by deed—£2,000 of the £4,000 has been since paid off by the application of the 3*d.* rate and the trifling income derived from these buildings, leaving still due

Ev. 168, 169. £2,000, which constitutes the only capital debt of the Town Commissioners of Dundalk.

Ev. 51. The 1*s.* rate last year amounted to £899 17*s.* 3*d.*

Ev. 55, 91. The 3*d.* rate to £224 19*s.* 4*d.*, and the 1*d.* rate to £74 19*s.* 9*d.*

Objection has been raised to these rates, especially the 3*d.* and the 1*d.* rate, by persons residing just within the outskirts of the borough, who complain that they do not enjoy equal advantages of lighting, &c., with their fellow townsmen.

Mr. Ferrar, Ev. 103–112. The town is lighted with gas supplied by the Dundalk Gas Company by contract with the Town Commissioners. There was some suggestion that shareholders in the

DUNDALK.

Gas Company ought not to be Commissioners, but it was not shown that any wrong had resulted from the two or three instances in which this was the case. Mr. Ferrar, Ev. 177, 183.

The town is not, for purposes of self-government or county taxation, separated from the county of Louth.

The principal streets of the town are repaired, maintained, and kept as county roads by the Grand Jury of the county of Louth, but, with some trifling exception, the cost of all flagging and the maintenance of the footpaths is defrayed by the Town Commissioners out of the improvement rate. Ev. 182.

The county cess for the year ending June, 1876, was, including the spring and summer levies, at the rate of 1*s.* 11*d.* in the pound; the valuation of the barony of Dundalk is £51,060, and its contribution to county at large purposes for the year 1876 was £1,941. The valuation of the town being £19,801, its fair proportion of contribution to county at large purposes would be about £750, whereas it amounted, at 1*s.* 11*d.* in the pound, to about £1,900. About two years ago the Town Commissioners sought to have the expense of the drainage of the town placed on the county, but this was refused. Ev. 183, 179. Mr. Murray, Ev. 195–198.

It will be seen from the evidence of Mr. Murray, the Town Surveyor, and of the very able and intelligent consulting sanitary officer, Dr. Browne, that the sanitary condition of Dundalk is bad. A good deal has been done to improve the state of the town, and particularly of the houses of the poorer classes, by the Town Commissioners and their sanitary officers; but the sewerage of the town is very defective and quite insufficient, and until this defect be remedied no real improvement can be made. Ev. 194. Ev. 201–204. Ev. 219. Ev. 210–214. Dr. Browne, Ev. 280–283. Ev. 268–277. Ev. 278, 279.

A very great want in the town is that of a public water supply. There are public pumps provided by the Town Commissioners for the use of the people, but the water in more than one of them has been contaminated by sewage or by saline matter at times of high tides, and some of the pumps have been permanently, and others temporarily closed. Ev. 298, 322–336. Ev. 284–296.

A great nuisance, and one dangerous to health in the town, is the very overcrowded state of the graveyards, which ought, in the medical officers' opinion, to be closed. Ev. 299–305. Ev. 303.

There is a piece of ground called the fair-green, on which fairs are held, but markets are still held weekly in the open space called the market Lyceum, and in the other streets, thus causing obstruction and creating a nuisance in the town. The fair-green appears, from the evidence of Dr. Browne, to be in a very defective condition. Ev. 244–252. Ev. 308.

ARDEE.

ARDEE.—We thought it our duty to visit Ardee, because in the answers by the Town Commissioners to the queries sent by us it was stated that the Town Commissioners under the 17 & 18 Vic., cap. 103, were possessed of property consisting of lands and houses.

Upon inquiry at Ardee, it transpired that the property consisted not of lands but of certain head-rents payable by neighbouring landed proprietors and others, amounting annually to £61 18*s.* 9*d.* Mr. J. F. Ekins, Ev. 125–144.

These rents, which are not liable to any change or reduction, had been the property of the former Corporation of Ardee, and have since been successively received by the Commissioners under the 9th Geo. IV., cap. 82, and the Town Commissioners under the 17 & 18 Vic., cap. 103.

The Inquiry at Ardee, however, proved to be of some importance as disclosing the absolute want of all sanitary arrangements, or of the most ordinary precautions for ensuring the health of the inhabitants. Ev. 167. Mr. Hickey, Ev. 176–182.

There is not a single sewer or main drain in the town into which connecting drains can be carried from the dwelling-houses. Mr. Gurrell, Ev. 200–206.

Many of the houses are without any space at the rere, and without any closet or privy accommodation whatever, and the consequences are described in the evidence of Mr. Peter Mackey, Ev. 230 to 234. Mr. Markey, Ev. 230–233. Mr. Magee, Ev. 235. Mr. Carigan, Ev. 255

Cess-pools and dung-heaps are kept close to the doors of the poorer houses, pigs are kept in the houses, pools of stagnant water, and all kinds of filth and refuse, are to be found along the streets and lanes where the poorer people live; and one lane, called College-lane, on both sides of which people live in cabins, was described by one of the residents in it—Mr. William Gurrell—as impassable from the filth and ordure heaped in it. Mr. Markey, Ev. 230–234.

The houses and cabins on either side are entirely without any rere accommodation, or the means of having it, and the centre of the lane is made the immediate depository of the refuse and filth of these miserable dwellings.

It was stated on the Inquiry that College-lane was, in fact, a common privy, and that no person could go through it without having sight, smell, and sense of decency offended. Ev. 233.

Nothing appears to have been done by the Guardians of the Ardee Union, as the

ARDEE.

Rural Sanitary Authority, to remedy the atrocious condition of this locality, nor indeed to promote any sanitary improvement of the town.

The town pays its proportion of county cess—about £300 a year—and the main streets are repaired and maintained as county-roads by the contractors, under the Grand Jury, but the smaller streets and lanes are entirely neglected by the County Surveyor.

Ev. 181, 182. The main evils here described could not be effectually remedied without the introduction of a proper system of sewerage; but from its situation it would appear that the

Ev. 186. town could be easily drained, and it was stated that in 1875 the Town Commissioners at their personal cost had plans and specifications for making main sewers in the town drawn up by the county surveyor, and thus sought, but without success, to get the necessary work presented for by the Grand Jury.

Ev. 215–218. Mr. Gurrell in March, 1877, sent to the Local Government Board, Ireland, a memorial, signed by several residents in and about College-lane, representing and complaining of the state of that locality. The Local Government Board acknowledged its receipt, and transmitted it to the Poor Law Guardians, the rural sanitary authority, who

Ev. 219–222. caused a notice, a copy of which is printed in the evidence, to be served upon the Town Commissioners, but did nothing more, and the nuisances of all kinds remain undisturbed.

KELLS.

KELLS.—The town of Kells is governed by fifteen Commissioners under the Towns Improvement Act of 1854.

Mr. J. Norris, Ev. 6–10. Ev. 11–16. The late town clerk was a defaulter to the amount of £150 1*s.* 5½*d.* He had never been called upon to execute a bond, nor asked to find sureties, until the Commissioners had reason to believe there was a deficiency, when he was, of course, unable to procure

Ev. 17. them. No portion of the £150 has been since paid, nor is there any probability that it

Ev. 18–26. ever will be. Indeed the Commissioners at their last meeting on the 5th March, just previous to this inquiry, cancelled the debt without any steps having been taken for its recovery, though the late town clerk was, it appeared, still residing in the town, and the auditor had certified the amount to be due from him prior to November last. There does not seem to have been any appeal against the auditor's decision, and it might consequently have been expected that he would in the meantime have instituted proceedings for the recovery of the debt under the powers vested in him by the 13th section of the Local Government Act of 1871, but the present town clerk stated that "he left it

Ev. 20, 21. to the Commissioners to take proceedings for its recovery or cancel the debt," and no proceedings were consequently taken.

Ev. 66. Ev. 35. APPENDIX TO MUNICIPAL CORPORATION COMMISSIONERS' REPORT, PART I., page 184. No rate has ever been levied here, the Town Commissioners deriving an income of £1,200 a year from 312 acres (Irish), or over 500 statute acres of land, known as the "Commons of Loyd," which acreage exactly corresponds with that traced into the possession of the old Corporation by Mr. Baldwin the Commissioner who reported in 1833.

Ev. 34–76. From 24 to 25 acres of this are let in four small lots or holdings, viz., 8 acres to Lord Headfort; 8A. 2R. 28P. to Cornelius Gavin, the "herd" or caretaker of the lands; 5A. 1R. 0P. to this man's mother-in-law, which he farms for her;* and 2A. 1R. 30P. to the widow of an old freeman.

Ev. 181. The remainder of the lands of Loyd, about 287 acres, are let each year, partly as meadow land for hay, partly for grazing, and partly for tillage. The first crop of the

Ev. 183–185. Ev. 187–195. Ev. 195–200. meadow land (about 65½ acres), is let always by auction, and on the grazing land (over 100 acres), cattle are taken in upon ley by the Commissioners. Seven Commissioners had cattle on ley there last year, but the town clerk said they were always charged the same rate per head as other people, and he believed that to be a fair price.

Mr. Freeman, Ev. 481–483. On the other hand, Mr. Freeman, one of the Town Commissioners, does not think they get the best price obtainable for the cattle thus taken, and he believes the Commissioners

Mr. Norris, Ev. 205–212. Ev. 215–221. are to some extent influenced by the members of their own body having cattle on the land, and that this consideration also influences them in reserving, as they did last year, and have done in previous years, the after-grass of the meadow land to eke out the pasturage for these cattle, instead of always letting this after-grass by auction, when it

Ev. 219, 220. would probably produce an average of at least £1 per acre, which would result in an addition to their income of from over £60 to £70 a year.

Ev. 222–234. There remain 117½ acres of arable land, which is let in lots for two years at a time, at rents fixed by the Commissioners themselves according to the nature of the crop, which is previously stipulated for during each successive letting.

Ev. 239–241. Ev. 226–228. Some of these accommodation lots appear to have been held by Commissioners more frequently in past years than of late. Only one Commissioner was mentioned as holding any at the present time, and he held but three roods.

* For the circumstances of these lettings, and especially those to Cornelius Gavin and his mother-in-law, see Ev. 40–76, and Table of Lettings, &c., &c., since 1840. (Appendix 4, page 354.)

KELLS.

All the accumulations of manure from the street-sweepings, &c., have been for the last five years at least used in manuring this land, instead of being periodically sold, as is usually done elsewhere. Ev. 389–394.

Besides these "lands of Loyd" the Commissioners rent on lease from Lord Headfort a dung yard, and a plot of valuable grass land adjoining it, at £9 15*s.* per annum, and a cottage and gardens, known as "the Maudlin Gardens," at £5 15*s.* per annum. A portion of the latter is let at £4 a year to the Gas Company, as arranged with Lord Headfort at the time the lease was granted by him, and the remainder consists of three gardens and a cottage, of which the latter and one garden are given rent free to Frank Smith, the steward to the Commissioners, and the two remaining gardens, which are said to be worth from £1 to £1 10*s.* a week each, are let to two of the Town Commissioners, one at 8*s.* 5*d.*, and the other at 11*s.* a week. Ev. 82–104. Ev. 97. Ev. 90, 127–142. Ev. 146–160.

It appears that in January, 1872, the cottage and garden were let to this Frank Smith at 1*d.* a week, he having been engaged six months previously at 10*s.* a week, which wages were on two subsequent occasions raised to 15*s.* a week, at which they now stand. Ev. 136, 141.

He has never, however, paid any rent for the cottage and garden, which it was admitted would readily let for £7 a year, and which clearly were not, as the Town Clerk at first supposed, given him in part payment of wages at the time he was first employed. Ev. 142. Ev. 133, 140.

There is also a small car house erected on part of the same premises, which a townsman named William Govern was allowed to put up and to hold rent free, for which no authority could be found on the Commissioners' books. Ev. 169–180.

The piece of grass land, on a portion of which the dung yard stands, was let last year to a Mr. Connor for £20, and realized about the same amount in each of the two preceding years. Upon these three occasions it has been let by competition, but prior to that Mr. Farrell Tully, one of the two Commissioners to whom the Maudlin-street gardens were let, had the after-grass of this portion for four or five years, at the rate of about £2 a year, from his brother Commissioners, which Mr. Freeman, now a Commissioner (and himself an auctioneer by profession), considered to be worth about £4 10*s.* Ev. 106–109. Ev. 121, 122. Ev. 109, 110. Ev. 111–114. Ev. 119.

This Mr. Freeman and Mr. Geo. Mullan, another Commissioner, to whose recent introduction into the body Mr. Freeman attributed considerable improvement in their financial management, both gave evidence as to the debts incurred by the Commissioners.

Until within the last three or four years there was not even a Finance Committee, and in their late clerk's time their monetary affairs were in great confusion. Bills were not paid as they became due, and when in want of cash for current expenses, they seem to have been in the habit of giving promissory notes to the bank, and from time to time renewing them. A better system it is to be hoped is now inaugurated. One promissory note for £400 was paid off in 1875, which, however, left £1,000 still due to the bank on notes of hand given by the Commissioners, which was subsequently reduced by £300 more. The Commissioners have since borrowed from the bank £1,200, at 4 per cent., to enable them to clear off all the outstanding debts, with the cognizance of the Local Government Auditor, upon the understanding set forth in his letter to the Town Clerk, of the 11th of January last (see Appendix 4, page 353). Mr. Freeman. Ev. 469–472. Ev. 465–468. Ev. 475, 476. Ev. 419. Ev. 426–430. Mr. G. Mullan. Ev. 491. Ev. 487.

Mr. Mullan was under the impression that the Local Government Board had given their consent to this course; but this, as we anticipated, was found to be a mistake.

When it is considered that the Town Commissioners at present pay their herd or caretaker of the corporate lands £70 a year, the overseer of the same lands £26, and the steward £39, and that six other men are employed really for very little else but fencing and other work upon these lands, it is tolerably clear that there is room for further economy in this direction. Mr. Norris. Ev. 327–330. Ev. 322, 326, 331. Mr. Mullan. Ev. 493.

The Board of Guardians is the sanitary authority of Kells, the population not being much in excess of 3,000. Mr. Norris, Ev. 373–388.

NAAS.

NAAS, which adopted the Towns Improvement Act immediately after its passing in 1854, has a population of only between three and four thousand, and we should scarcely, therefore, have thought it necessary to visit and report upon it but for the remarkable illustration which is here afforded of the facility with which so many of the old Irish Corporations were induced to divest themselves of the property held by them in trust at the instance of some neighbouring noble, or influential landowner. Mr. W. S. Gray, Ev. 4.

The report of Mr. Baldwin, the Commissioner who visited Naas in 1833, which will be found at pages 219 and 220 of the Report of the Municipal Corporations Commissioners of 1835, is most instructive as to the mode in which corporate property was then dealt with; and although his visit appears to have been just in time to prevent the Dr. Hayes Ev. 195–205.

NAAS.

Ev. 205–211, 213. Ev. 199, 205–225. Mr. E. Molloy, Ev. 268–297.

execution of a conveyance, then already prepared, of the last remnant of the corporate estates to the then Lord Mayo (to whose predecessor a previous fee-farm grant had been made of a larger portion), it did not prevent the alienation of this property in 1835, at the request of the said Lord Mayo, to trustees nominated by him for boarding out and educating destitute orphans of Protestant parents, upon the terms mentioned in the deed of the 19th of November, 1835, from which we have extracted the following :—

"On the 19th November, 1835, the then Corporation of Naas, at the request of John, then Earl of Mayo, conveyed to the Rev. Walter Burghe (Vicar of Naas), the Rev. Arthur John Preston, Hercules Robinson, Captain, R.N., Richard Bourke, Esq., and Ponsonby Moore, esq. (trustees nominated and appointed by the said Earl of Mayo), and their heirs for ever, all the lands, tenements, or hereditaments granted by King James the First in 1609, to the sovereign, portreeves, burgesses, and commonalty of Naas, except only so much thereof as had been previously conveyed in fee-farm in the year 1785 to John, then Viscount Naas (the grandfather of the said Earl of Mayo, party to this deed of 1835), reserving to the Corporation the yearly rent of £12, upon trust, to apply the rents and profits of the said lands and premises in providing 'suitable diet, lodging, clothing, and Scriptural education in Protestant principles' for destitute orphans of Protestant parents, and to apprentice them to Protestant masters and mistresses of approved religious principles and conduct, the children of such parents as have been resident in Naas or its neighbourhood to be always preferred to the children of parents unconnected with the said Town of Naas."

This deed was sealed with the Corporation seal and was executed by the Hon. and Rev. G. F. Bourke (as sovereign) ; John Cannon and John Bourke (as portreeves) ; Hon. and Rev. Joseph Bourke, Dean of Ossory, Robert Bourke, and Sackville Gardner Bourke (as burgesses) ; and John W. Bourke, John Rutherford, and Robert Uniacke (freemen). Also by the said Earl of Mayo and the said trustees named in the deed ; and on the 27th January, 1836, the execution of the deed was duly registered in the Registry of Deeds Office, Dublin.

The rental of these lands conveyed by the deed was at least £322 17*s.* 7½*d.*, and probably much more, as the town and lands of Gingerstown, estimated at 60 acres, and 20 acres of the lands called "Magdalen's," were, we find, included in this Conveyance, and were not comprised in the fee-farm grant in 1785 to the former Lord Mayo, as it was supposed by Mr. Baldwin (the Commissioner who reported in 1835) they might have been.—(*Vide* page 218, Appendix, Part I., of Municipal Corporations Report, 1835.)

Dr. Hayes, Ev. 207–210.

No part even of the £12 a year reserved rent comes to the hands of the Commissioners ; and the only consideration shown for the inhabitants of Naas in the whole transaction was the reservation of a preference for "the children of parents resident in Naas or its neighbourhood," which has been practically of but little avail, as it appears

Mr. E. Molloy, Ev. 279, 296, 297.

that only one such child—and that one now dead—has, during at least the last two and a half years, shared in the benefit of this Trust.

Opinions may be, and are, very much divided as to the advantages arising from the "boarding out" of pauper or destitute children ; but that corporate lands, producing a

Ev. 286, 290, 294.

rental of at least £322 a year, should be thus appropriated to putting out to nurse and subsequently apprenticing some thirty-five children almost wholly unconnected with Naas, can only be considered a grievous wrong to the inhabitants and ratepayers of the town.

Mr. W. S. Gray, Ev. 128–136, and Ev. 142–162.

The sanitary condition of Naas, especially the drainage and water supply, require more attention than they appear to have received from the Board of Guardians, who are the sanitary authority.

DROGHEDA.

Mr. James Killeen, Ev. 3. Ev. 6. Ev. 7, 8. Ev. 19, 21. Ev. 15–18. Alderman Darley, Ev. 353–356. Ev. 363. Ev. 357, 358. Ev. 361–367. Ev. 379, and 368–386. Mr. Knaggs, 428–435.

DROGHEDA.—The Corporation of Drogheda—one of the ten Municipal Corporations included in Schedule A of the 3 & 4 Vic., c. 108—adopted the Towns Improvement Act of 1854 in the following January, but the only rate ever laid under that Act having been contested at great expense, no attempt has been since made to levy another.

The Corporation consists of twenty-four members—eighteen Town Councillors and six Aldermen, elected from three wards, which remain the same as set out in the Act of 1840. Previous to the passing of that Act the municipal boundaries, which now embrace only about 450 acres, were conterminous with the Parliamentary boundaries, comprising 5,758 acres. The Grand Jury of the county of the town of Drogheda have only jurisdiction within the present municipal limits, but the restriction of those limits under the Act of 1840 is felt as a very great grievance, and was about two years ago the subject of an application to the Local Government Board.

The terms of that application appear, however, to have been held by the Board "not sufficiently specific to enable them to act upon it."

The revenue of the Corporation is derived almost exclusively from real property. Their landed estates in the counties of Louth and Meath, and their house property in

DROGHEDA.

the county of the town of Drogheda, yield a rental of £3,316 from 348 holdings. About £2,000 a year of this arises from property in county Louth, between £700 and £800 a year from county Meath, and the remainder from the town property. Mr. Killeen, Ev. 48. Ev. 51–55, and 139.

The dues from the public cranes, last let at £150 for the year, and the petty sessional fines, received for the first time last year through the intervention of Mr. Collot, the Auditor, form the only other permanent sources of income. Mr. Collot has also had to draw attention to the large arrears of rent which have been suffered to run on; and although these were reduced in less than a year from over £1,300 for the half-year to a little over £800 at the beginning of last year, they had again accumulated to £953 5*s.* 2*d.* at the close of the year. Ev. 168, 169. Ev. 61–65. Ev. 72–76. Mr. J. Moore, Ev. 387–412. Mr. Knaggs, Ev. 440–444.

Large as are the estates held by the present Corporation, they are considerably less than those held by their predecessors, corporate property to the value of about £600 a year having been sold in the Incumbered Estates Court in 1856, with the proceeds of which about £16,000 of old debts were said to have been paid off. One holding, which got into the possession of a certain Alderman Carty, a member of the old Corporation, has been in dispute for nearly forty years. An ejectment having been brought against this Alderman for the recovery of the premises, the High Sheriff, we were told, was challenged by him to take possession, and the Corporation being unable to identify the exact property, the Sheriff refused to execute the writ. The present occupier is Carty's representative, and the arrear of rent being still carried on in the rental from year to year, accounts for about £210 of the large arrears above alluded to. Mr. Moore, Ev. 176. Ev. 171–175. Ev. 174, 175.

A Mr. Holmes, who was town clerk under the old Corporation, had obtained several leases for long periods, between the passing of the first Act (of 1836) restraining the alienation of corporate property and 1840. These leases, with others, were recovered upon appeal to the House of Lords, but seem to have been generally re-let to the tenants in occupation; and although professional valuers were said to have been called in to value the lands before re-letting, they appear to have been re-let, at least in some instances, very much below their actual value. Ev. 199–202. Ev. 150, 197, 198, and Ev. 209, 210.

One lease only appears to have been made since 1840 to a member of the Corporation, and that was of a house in the town of Drogheda to Alderman Campbell, who was the occupying tenant under one of these leases recovered from Holmes, and to whom the premises were re-granted, at an increased rent, for a term of thirty-one years, in 1857. Ev. 216–228.

The property called "Alderman's Acres," from its having been subdivided among the members of the old Corporation in small lots of from one to two acres each, was also recovered by the new Corporation between 1856 and 1858, proceedings having been commenced for the recovery of these lots about 1854. These, and any farms which have fallen in since 1856, appear to have been all put up to public competition; but it would seem that a different rule has prevailed with respect to house property in the town, which is generally valued as it falls in by some two or three members of the Corporation, who fix what they believe to be a fair rent, at which it is offered to the occupying tenant. We were told that they usually look to the poor law valuation as a guide, and add a per-centage to that, and that in no instance was it believed there had been any letting since 1856 below Griffith's valuation. Ev. 257–263. Ev. 255, 256. Ev. 212. Ev. 210, and Ev. 253, 254. Mr. Killeen, Ev. 625–628, and Mr. Curtis, Ev. 629–638. Ev. 213–215.

In the course of the next ten years a considerable number of old leases will fall in and the borough treasurer (Mr. Moore), who is also collector of the Corporate rents, anticipates an increased rental therefrom of about £2,000 a year. Ev. 180.

The entire charges on the Corporate property amount to £9,400, of which one bond for £5,000 is at 4½ per cent. interest, one for £1,200 at 4¾ per cent. and the remainder at 5 per cent., with the exception of £100, known as "Mr. Bellew's Bequest," which was a bequest of that amount to the old Corporation on condition of their paying £6 annually to the poor of St. John's. Mr. Killeen, Ev. 82. Mr. Killeen, Ev. 83–99. Ev. 100, 101. Mr. Moore, Ev. 287–292.

Head and ground rents payable by the Corporation amount to between £300 and £400 a year, and grants to schools, £63 a year, and "Dean Cox's fund" £20, (for the payment of apprentice fees for Protestant boys), with the last remaining pension of £10, make up an annual charge of £93 a year inherited from the old Corporation, to which may be added "Vicars Choral" £43 7*s.* 7*d.*, which is an annual payment to the Vicar of St. Peter's, charged upon the property granted under the Charter of James I. The remaining annual expenditure does not appear to require special notice, save in one instance, which will be found in the abstract of accounts for the year ended 31st of August last (Appendix 6, page 356), to which we have in this instance appended the auditor's report with a view of drawing attention to a very improper payment of £30 under the head of "salaries," which is there fully noticed by him as forming the subject of a disallowance. Mr. J. G. F. Greene, Ev. 453, 454.

The scavenging of the town is done by contract with fairly satisfactory results. Last year the contract was taken at £297. Mr. Nunn, Ev. 316–318.

DROGHEDA.

Mr. Greene, Ev. 457. Ev. 477–481. Dr. Kelly, Ev. 547. Mr. Killeen, Ev. 126–131. Mr. Greene, Ev. 473–476. Mr. Harvey, Ev. 488–500. Ev. 501–517. Dr. Kelly, Ev. 572–577. Ev. 485.

The sewerage is still in many respects defective, and was at one time so bad, that in 1873 an order was issued by the Local Government Board for the construction of certain sewers, the completion of which in two streets, was made compulsory within a limited time. These two have been constructed, but the others which were only recommended have not yet been proceeded with. The engineer estimates that an expenditure of from £1,800 to £2,000 would be required for which funds are wanting, and the Corporation have as yet hesitated to apply for a loan for the purpose.

The drinking water has been recently analysed and condemned by Dr. Cameron, who reports that out of ten public pumps three only are fit to be used for domestic purposes. Two, which he pronounces quite unfit for use, have been closed, but three others which he says "contain a dangerous quantity of mineral matter" are still open for public use. On the other hand, the water from the fountain given to the town by Mr. Whitworth, M.P., which is supplied by the Waterworks Company, is pronounced by Dr. Cameron to be "in every respect an unusually good water."

Mr. Greene, Ev. 521–524. Dr. Kelly, Ev. 550–555, and 557–571.

In other respects, and not least in the matter of the regulation of slaughter-houses and lodging-houses, much more active attention is required to sanitary matters.

ENNISKILLEN.

Mr. Cleland, Ev. 3. Ev. 4. Ev. 7. Ev. 8, 9.

ENNISKILLEN, from the dissolution of its old Corporation in 1840, was governed by the 9th Geo. IV., cap 82, until 1870, when the Enniskillen Improvement Act (33 & 34 Vic., cap. 143), was passed By that Act the Commissioners, under the 9th Geo. IV., cap. 82, and their successors, were incorporated, the municipal limits were extended and made conterminous with the Parliamentary Borough, and the Grand Jury powers of the county of Fermanagh were transferred to the Commissioners, the borough

Ev. 13.

remaining liable to contribute to the county at large charges. The Commissioners were empowered to levy each year a general town rate, not exceeding 2*s.* 6*d.* in the pound, to make and maintain waterworks for affording a public water supply, and to levy a yearly water rate not exceeding 1*s.* 6*d.* in the pound. They were further

Ev. 225–228.

empowered to borrow £16,000 upon the security of their property and rates, of which they were to apply £8,000 for the waterworks and the balance for general town

Ev. 228–245.

purposes, after paying the costs of obtaining the Act. Of this the Commissioners in 1871 borrowed £7,000 for waterworks, and £4,000 for town improvement purposes in 1873, and there is now outstanding £5,250 upon the first and £2,440 upon the second loan, which constitute their capital debt.

Ev. 17, 18.

The corporate property consists principally of houses in the town and of the fee-simple lands of Kilnaloo, comprising 122A. 0R. 32P.

Ev. 274.

The annual rental from yearly tenants amounts to £526 9*s.* 11*d.*, and from the cranes and weekly tenants to £122 8*s.* 6*d.* (See Appendix 7).

Ev. 45, 52.

Since Mr. Cleland became Town Clerk, only some house property in the town of Enniskillen appears to have fallen out of lease. This was relet generally from year to year, and to those parties who sent in the highest tenders. None of these parties were Town Commissioners, but three building leases for seventy-five years each were also granted during that time, of which one was granted in 1870 to a Mr. Lemon, who held also a thirty-one years' lease of a plot of ground, at £3 a year, under date of 6th March,

Ev. 145, 146. Ev. 142. Ev 145, 185. Ev. 151–154. Ev. 164–165.

1848. At that time Mr. Lemon was himself a Commissioner, and signed this thirty-one years' lease to himself as such, but he was not a Commissioner when he obtained the building lease of 1870. In July, 1873, he was again elected a Commissioner, and in November of that year he offered to surrender the remainder of his term in the thirty-one years' lease of 1848, in consideration of a fresh lease for seventy-five years

Ev. 153, 154. Mr. W. Arthur, Ev. 726–731. Ev. 167–174.

being granted by the Commissioners to a Mr. Arthur (formerly a Town Commissioner), who told us that he had purchased for £170, from a Mr. Bleakley, his interest in this plot of garden ground, for which Bleakley had given £10 to Mr. Lemon, and upon which Bleakley had built six houses.

Ev. 189, 190. Ev. 164. Mr. Jordan, Ev. 609. Mr. Arthur, Ev. 728–734. Mr. Cleland, Ev. 181. Mr. Jordan, Ev. 605. Ev. 600–610.

At the meeting on the 3rd November, 1873, when the resolution was passed that Mr. Arthur should get his building lease upon the surrender of Mr. Lemon's lease, on the terms then stated, Mr. Lemon himself was present as a Commissioner.

Mr. Arthur distinctly assured us that no money passed, either directly or indirectly, between him and Mr. Lemon, and no lease appears to have been yet granted to Mr. Arthur in pursuance of that resolution, but he has been since paying 30*s.* a year to the Commissioners on the faith of getting such a lease, the practical effect of carrying which out would be to grant a seventy-eight years' lease to Arthur in consideration of his building houses on the ground, upon which houses had in fact been built by another man several years before, and of which the ratepayers would have been entitled to get the benefit in 1879 if the original lease had been allowed to run out to its natural termination.

Ev. 92–99.

In 1849, before Mr. Cleland became Town Clerk, a surrender was made to the Com-

missioners of a lease granted to Dr. Hugh Collum, for sixty-one years, in 1839, when the statute restraining the alienation of corporate property was in force; and upon this surrender a fresh lease for seventy-five years of the same property, and of an additional strip of land, was granted to Mr. John Collum, who was at that time the law agent to the Commissioners, and who continued to be so until 1852, when he was succeeded by his brother, Archibald. Ev. 108, 110.

A good deal of property is now held by Captain Collum under leases obtained by his father, this John Collum, and several leases which were in the custody of that gentleman or his brother, Archibald, are not to be found. Ev. 65–75, 101, 505–524. Ev. 100–108. Ev. 110 and 614.

Captain Collum also holds, at a ground rent of £7, some property in the pig market, on which certain stores have been built, for which no lease is forthcoming; and although the late Mr. John Collum failed to produce any lease when called upon to do so, the Commissioners continue to accept the rent from his son, who receives rents for these stores from his sub-tenants. Ev. 67–87.

One of the leases produced to us, under which Captain Collum holds, is signed by Archibald Collum, as a witness on behalf of the Commissioners, and also indorsed by him as their agent. Ev. 522.

In the year 1848 or 1849 there appears to have been a lawsuit between the Town Commissioners and Lord Enniskillen, when the former established their right to the Town Hall and some other portions of the corporate property. The question of the right to levy tolls, which is now exercised by Lord Enniskillen, was probably then raised by the Commissioners, though neither the Chairman, Mr. Jordan, nor the Town Clerk were very clear as to this, nor could we ascertain how this right first passed from the old Corporation to the Enniskillen family; but an old deed of 1838 was produced, in which the burgesses took the tolls from the Earl of Enniskillen for one year, and this appears to have been since relied on as admission of his title. Ev. 345–347. Mr. Jordan, Ev. 556. Mr. Cleland, Ev. 366–370. Mr. Jordan, Ev. 369.

Lord Enniskillen's agent attended at his request in case we wished to ask him any questions. He has been agent to Lord Enniskillen for fourteen years, and as such receives on his behalf all market tolls, and those levied on the fair-green, which is held by Lord Enniskillen under a long lease from the Commissioners; but he could tell us nothing of the circumstances under which Lord Enniskillen obtained the right to levy these tolls, which, it would seem clear from the Report of the Commissioners on Municipal Corporations (Ireland) in 1835, were at the time of their inquiry vested in the Corporation of Enniskillen. Mr. E. Smyth, Ev. 463. Ev. 464–466. Ev. 468–470. Mr. Cleland, Ev. 364, and REPORT OF MUNICIPAL CORPORATION COMMISSIONERS OF 1835.

Between 1836 and 1840, while the Acts restraining the alienation of corporate property in Ireland were in force, the then provosts and burgesses of Enniskillen seem to have leased away to themselves, their friends or relatives, large portions of the corporate property, of which nineteen leases have since been cancelled, surrendered, or lapsed, while twenty-one made in 1838, and four made in 1839, for three lives or sixty-one years each, are still running against the Commissioners. Mr. Cleland, Ev. 26, 27. Mr. Jordan, Ev. 555, 559. Ev. 559, 560.

In addition to these, there is still outstanding the seventy-five years' lease granted to John Collum in 1849, as already noticed, in lieu of the lease for sixty-one years to Hugh Collum in 1839, and eleven more leases indorsed 29th September, 1840, but purporting in the body of each lease to have been made on the same day of 1830. Ev. 92, 95. Ev. 559.

These are all of property in the town, except two leases of lands in Kilnaloo—one dated in 1840, and the other in 1849. Ev. 561. Mr. Cleland, Ev. 20, 35.

There are strong grounds for believing that several leases made to burgesses at nominal rents, were made between 1838 and 1840, but antedated to 1830, 1832, and 1833, so as to appear to have been made *before* the restraining statutes in force between 1836 and 1840. In some instances words are written on erasures; and one lease purporting to have been made in 1833 bears internal evidence that it was not executed prior to 1837. Ev. 561–569. Ev. 561, 565, 569.

The only lease actually made to a Commissioner since the town was governed by Commissioners appointed under the 9 Geo. IV., c. 82, seems to have been the one already noticed, which was granted to Mr. Lemon in 1848; and in 1858 a resolution was passed to the effect that— Ev. 596, 598. Ev. 581.

"No member of the Town Commissioners will take or seek for any lease of the property of the borough of Enniskillen in the possession of the Town Commissioners, either lease or otherwise." Ev. 578, 580.

This resolution is still in force, a notice of motion to rescind it in 1859 not having been pressed to a vote.

On the 6th December, 1858, it was further unanimously resolved that— Ev. 582.

"From this day forward no existing leases of Corporation property now in the hands of Town Commissioners be cancelled, nor any new leases granted, except when the old have expired."

Mr. Lemon was desirous of explaining that, although the lease of 1848 was made

ENNISKILLEN.

Ev. 584–595. direct to him while he was a Town Commissioner, it was in pursuance of a promise to a man named Copeland, whose interest or claim upon the Commissioners, arising out of such promise, he purchased from Copeland for about £35 at a public auction, when he was leaving for Australia. There was, however, no agreement ever entered into by the Commissioners to grant such a lease to Copeland, and it was, on Mr. Lemon's own

Ev. 592. showing, simply "a promise of a lease" which he purchased.

Mr. W. Carson, Ev. 657–676. A building lease granted in 1858 for seventy-five years, to a Mr. Ball, the father-in-law of a Mr. George Mahood, then a Town Commissioner, was also inquired into by us, but although Mr. Mahood subsequently became the beneficial owner of the lease, and

Ev. 675. laid out £600 upon the property, it did not appear that any undue favour in the transaction was shown to Mr. Ball in consequence of this relationship.

Mr. John Wray, Ev. 457–460. Ev. 462. There is no public cemetery, and, owing to the position of the churchyard, which is at present the only burial-ground, this is much needed. A site has been offered for one at a low price by Lord Enniskillen, but it was objected to as having been previously used for the interment of paupers, and the matter seems to have been shelved for the present. In other respects the Town Commissioners appear to have evinced an earnest

Dr. Walshe, Ev. 683, 692. desire to carry out effectively the provisions of the Sanitary Acts, and they are very

Mr. Jordan, Ev. 646–648. desirous to retain their present position as the urban sanitary authority, in which they fear they may be superseded by the Board of Guardians, their population being under 6,000.

LONDONDERRY.

LONDONDERRY.—The city of Londonderry is governed by a Corporation of considerable antiquity, which was amended and preserved by the 3 & 4 Vic., c. 108, and is included in schedule A of that statute.

The Town Council is composed of six aldermen and eighteen town councillors, and the mayor, who is elected from the general body, receives a salary of £300.

Mr. W. Stafford, Ev. 271–5. The city is divided into three wards, the names, area, valuation, and number of burgesses in each of which, are as follows:—

Wards.	Area.			Valuation.			No. of Burgesses.
	A.	R.	P.	£	s.	d.	
North Ward,	469	3	9	27,648	0	0	267
East Ward,	811	0	0	25,140	0	0	293
South Ward,	751	3	13	16,243	19	0	137
	2,032	2	22	69,031	19	0	697

Each ward returns two aldermen and six town councillors.

The population in 1861 was 20,875, and in 1871, 25,242. It will be seen that in the interval, by an Act of Parliament hereafter referred to, the municipal limits were extended.

Ev. 2. Three Acts for the improvement of Londonderry have been passed.

LONDONDERRY IMPROVEMENT ACT, 1848. The Londonderry Improvement Act, 1848 (11 & 12 Vic., c. 141), transferred to the Corporation powers over the streets, &c., of the city, theretofore vested in certain Pipe-water and Police Commissioners. By it the Corporation were empowered to levy a

Ev. 3. Ev. 4. general improvement rate of 3s. in the £ until they took the streets and roads of the borough into their control and management, from which time they were empowered to levy, and have always levied, a 4s. improvement rate.

They were authorized to borrow sums not exceeding £40,000, to be applied in the

Ev. 8, 9. discharge of any liabilities of the above-named Commissioners, and in carrying out the objects of the Act, among which were the constructing of waterworks and the purchase

Ev. 7–12. of lands for the public markets and fairs and for a cemetery. The entire sum of £40,000 was borrowed under this Act, and waterworks, public markets, and a cemetery were provided.

LONDONDERRY IMPROVEMENT ACT, 1855. By their next Act, the Londonderry Improvement Act, 1855, 18 & 19 Vic., c. 54, the Corporation were empowered to borrow, and did borrow, a further sum of £1,000 upon

LONDONDERRY IMPROVEMENT ACT, 1864. the security of the improvement rate; and by their third Improvement Act, 1864, the municipal limits of the city were extended, and the wards into which the borough had

Ev. 21, 22 been divided by the Act of 1840, were in like manner extended, but not otherwise remodelled.

Ev. 23. The Corporation were made liable for the streets and roads within such extended boundaries, and were exempted from payment of Grand Jury cess in respect thereof, except for general county purposes. The Act also conferred on the Corporation a special limited power of compulsory purchase in relation to lands, &c., the property of

Ev. 25. the Irish Society, and gave certain general powers for the improvement of the town, and additional borrowing powers to the extent of £20,000.

Ev. 28, 29–35. The Corporation have not any property except the public markets and town hall;

Mr. Stewart, Ev. 37–42. some small anchorage dues, levied from time immemorial upon sailing vessels coming

into the harbour on the River Foyle; and an annual sum of £1,283 10*s.* 8*d.*, which they receive from the Honourable the Irish Society of London. LONDONDERRY.

The market tolls and the slaughter-house are let every year to the highest bidder, and produce a gross annual income of from £2,400 to £2,500 per annum, from which must be deducted rent, taxes, salaries, and other expenses, averaging fully one-half of the gross receipts. Mr. Chambers, Ev. 225–230. Mr. Stafford, Ev. 63–67. Ev. 244–247, 265.

The Corporation, although they levy and receive through their own collector the anchorage fees above referred to, do not exercise any control over the port and harbour, nor are they necessarily represented on the Harbour Board, who are a distinct body of Commissioners, elected by £20 householders. Mr. Stewart, Ev. 41–46.

Of the £1,283 10*s.* 8*d.* which the Corporation receive annually from the Honourable the Irish Society of London, £891 15*s.* 4*d.* is paid in one half year, and £391 15*s.* 4*d.* in the other. The sum of £90 10*s.*, late Irish currency, equal to £83 10*s.* 8*d.* sterling (part of the £1,283 10*s.* 8*d.*) has been paid to the Corporation since the year 1635 as a condition of the grant made by the Crown in that year to the Bishop of Derry, under the circumstances detailed in the evidence of Mr. Thomas Chambers. The remaining £1,200 is paid under an arrangement between the Honourable the Irish Society and the Corporation, which is embodied in a resolution of the Court of the Irish Society, dated the 31st day of January, 1848. By this the Court of the Irish Society agree— Mr. Stafford, Ev. 29. Mr. Chambers, Ev. 225, 226. Ev. 227. Mr. Chambers, Ev. 230.

"Upon the re-establishment of the Recorder's Court at Londonderry, to grant and to recommend the Society from time to time annually to grant from its funds the sum of £700 towards the payment of salaries, towards the officers of the Corporation and the Recorder's Court, namely, £300 to the Mayor and £200 to the Recorder and officers of his Court, and the remaining £200 to be applied from time to time, subject to the approval of the Court."

It was also resolved—

"That the Court of the Irish Society would consent to the Londonderry Improvement Bill being passed, provided the rights of the Society be properly preserved and protected, and would assist the Corporation of Londonderry in the Bill receiving the Royal assent, in carrying out the objects of the Bill by a grant of £500, to be annually proposed by the Society in aid for effecting the improvements contemplated by the Bill."

Since that time the Corporation of Londonderry have annually received from the Irish Society £1,283 10*s.* 8*d.*

The Corporation receives annually for interments, &c., in the public cemetery comparatively small sums of money, that have not as yet equalled the annual expenditure upon the cemeteries. Sir W. Miller. Ev. 91. Mr. Stafford, Ev. 78.

The 4*s.* improvement rate is levied half-yearly by two assessments of 2*s.* each. The total amount of rates lodged to the credit of the Corporation for the financial year ending 31st August, 1876, was, after deducting the collector's poundage of 7*d.* in the £1, £10,850 19*s.* 3*d.* RATES. Ev. 6. Mr. Waller. Ev. 210, 221–3.

The rate is well and closely collected, and the amount of irrecoverable arrears very small. Ev. 215, 216.

The present Corporation became, and are still liable to a debt of £1,000, contracted by the former Corporation, the interest upon which has been regularly paid. Under their borrowing powers the Corporation have raised from time to time the full authorized amount of £70,000, of which there now remains due £42,531, bearing interest at 5 per cent., except £11,250, which was borrowed from private individuals at 4 per cent. on Corporation bonds in 1876, for the purpose of paying off a like amount of the existing debt, bearing interest at 5 per cent. CAPITAL DEBT. Mr. Stafford. Ev. 235–6. Ev. 7–25, 80. Ev. 79, 150–152. Sir W. Miller. Ev. 153–156.

The Corporation last year obtained the sanction of the Local Government Board by a provisional order of the 4th April, 1876, confirmed by the 39 and 40 Vic., cap. 155, to their borrowing an additional sum of £15,000, to be expended in the extension of the main sewerage and the purchase of additional ground for, and improvement of the waterworks, for which latter object the Corporation had incurred a debt at the bank of £3,000, which it is intended to pay out of the loan thus authorized. Mr. Stafford, Ev. 116.

The city is watched by the Royal Irish Constabulary, who also discharge the duties of a night watch, at an expense to the city of about £1,700 a year.

The Commissioners are not the owners of the gasworks, but there is at present under their consideration a proposal for the purchase by them of the works of the Londonderry Gas Company, with whom the Corporation have now a contract for the lighting of the public lamps at £4 a lamp per annum. Ev. 162–166.

The duties of the Corporation as urban sanitary authority appear to be fairly attended to, and for further details we beg to refer to the evidence and reports of Dr. Browne, the consulting sanitary officer, and of Mr. Robinson, the executive sanitary officer, whose reports we print in the Appendix (No. 8 p. 359). SANITARY. Mr. Robinson, Ev. 456–472.

Some complaints were made by a Mr. Michael Lane, a solicitor—who had built houses in a suburb called Rosemount, before that place was brought within the extended Mr. M. B. Lane, Ev. 231–233, 382.

LONDONDERRY.

municipal limits under the Improvement Act of 1864—that the Corporation had not made a certain road, and widened the thoroughfares in that locality. Mr. Lane objected also to the proceedings of the Corporation, both past and present, in relation to the drainage of the district.

Sir W. Miller, Ev. 539-545.

There appears to have been a dispute of long standing between Mr. Lane and the Corporation about this, and it has been more than once the subject of reference to the Local Government Board. A copy of the correspondence between Mr. Lane and the Local Government Board and the Corporation was, at our request, handed to us by Mr. Lane, but we do not, upon perusal, consider it of sufficient public importance to justify us in printing it in the Appendix. The Corporation propose to complete the sewerage of Rosemount under the powers conferred on them by the provisional order of 1876.

Owing to the illness of Mr. Gregg, the town clerk, notice of our intention to sit in Londonderry on the 26th March was not published in Londonderry by posting the usual notices, nor by advertisement in any local newspaper, until the previous Saturday, although notice of our intention to hold the inquiry on the 26th had been sent to the town clerk on the 17th day of March. In consequence of this Mr. Lane, on his own behalf, and Mr. Doherty, another solicitor, on behalf of certain ratepayers, requested a prolonged adjournment of our inquiry, as Mr. Lane said he could not be ready to tender certain evidence before the following Thursday (the 29th March) at the earliest, and Mr. Doherty was not prepared to say when he could be ready, nor what was the nature of the evidence he might be instructed to bring forward.

Mr. Lane, Ev. 231. Mr. Doherty, Ev. 518-523.

Ev. 546, 547.

We informed Mr. Lane and Mr. Doherty that upon receiving from either of them within any reasonable time any statements of important or material matters demanding further inquiry, we would fix some future day or days for holding an adjourned inquiry at Londonderry.

Ev. 547.

Mr. Doherty subsequently wrote to us to the effect that he did not feel justified in asking us to re-open the inquiry, and not having received any communication from Mr. Lane or any other person, we have not considered it necessary to return to Londonderry.

COLERAINE.

Mr. Cuthbert. Ev. 3 and 7. Ev. 9.

COLERAINE, now governed by eighteen Commissioners under the Towns Improvement Act of 1854, which was adopted in 1861, had been previously under the 9 Geo. IV., cap. 82, from the passing of that Act in 1828. At the time of the passing of the Municipal Corporations Act in 1840, the Corporate property which then became vested in the new Commissioners under the 9 Geo. IV., consisted of lands producing a gross annual rental of £632 8*s.* 10*d.*, and markets, the tolls of which produced a net revenue of about £300 a year, subject to a mortgage debt of £3,893 13*s.* 4*d.*, bearing interest at four per cent., which is still outstanding; and in 1844 the same property was charged with a further mortgage of £3,400, chiefly at the same rate of interest, for the erection of gas-works.

CORPORATE PROPERTY.

Ev. 12, 13.

Ev. 13-20.

RIVER BANN NAVIGATION ACT.

Ev. 40.

Ev. 42-45.

Ev. 47, 48.

Ev. 53-58.

In 1863 the Town Commissioners, under the Act of 1854, obtained an Act for the purchase from the Portrush Harbour Commissioners of all their rights and privileges in and over the River Bann within the limits of the Act, and for making certain improvements in the river, with borrowing powers to the extent of £50,000, of which £10,000 was chargeable upon their landed estates, and was borrowed on that security. Of this, £1,534 has been since paid off by a sinking fund; but a further sum of £8,735 has been raised on the security of the river dues, and of a 6*d.* rate levied under the River Bann Navigation Act.

The Commissioners paid £3,000 for the purchase of this, and, acting under the advice of Sir John Coode, C.E., have already expended about £14,000 on dredging and improving the channel of the river; and, having obtained a grant of £1,000 a year for twenty-five years from the Hon. the Irish Society of the City of London to complete the works by the erection of piers at the entrance to the river, they are now endeavouring to negotiate a Government loan for £60,000, on the joint security of this grant from the Irish Society and the River Bann fund.

Ev. 54, 55.

Ev. 381-383.

This fund they hope to be able to increase by obtaining an enlargement in the area of taxation and increased rating powers, and a memorial is at present under the consideration of the Local Government Board praying for an extension of the municipal boundaries, which would increase the present municipal area from 205 to about 1,000 acres.

Ev. 118-124.

If the Commissioners succeed in obtaining this loan of £60,000, they propose to complete the piers and to make permanent quay accommodation at the entrance to the river, when they anticipate a revenue from the River Bann of from £2,000 to £3,000 a year.

Ev. 378, 379.

The dues hitherto levied on shipping entering the River Bann afford us no means of judging how far the above estimate is a reliable one, as until better accommodation can be afforded to vessels discharging their cargoes the Commissioners do not even levy

the full dues they are entitled to, fearing to make the charge prohibitory. The annual amount of dues levied for the year ending December 31st, 1875, was £244 7*s*. Ev. 338, 346, 370.

Separate accounts are kept of the River Bann Fund and of the Gas Works. (See for these accounts Appendix 9, p. 361.) Ev. 336. Ev. 324–326. Ev. 288–323.

The landed property vested in the Commissioners is all within two or three miles of Coleraine, and, according to the recently published list of landed proprietors in Ireland, consists of 673A. 2R. 15P., the Poor Law Valuation of which is £687 15*s*., but the rental furnished to us by the Commissioners only shows an acreage of 647A. 0R. 24P., producing a rental of £787 14*s*. 1*d*. (Appendix No. 9, p. 361.) Ev. 113–126. Ev. 95.

The only outstanding leases antecedent to the Act of 1840, are—one of 45¼ acres (supposed to be Irish plantation measure), of which the counterpart lease is not forthcoming, and two smaller holdings in the town. All the other leases by the old Corporation fell in about 1871, and have—with one exception, which is let on a yearly tenancy—been re-let on leases of thirty-one years from the 9th September. The basis on which these lands, comprising 601A. 3R. 13P., have been re-let, has been to add one-eighth to the Government valuation, together with half the county cess, and to charge the total as the rent. Ev. 98, 128–132. Ev. 99–110. Ev. 101–128.

They are believed to be let at a fair rent; but, as tenant-right is recognised here, the outgoing tenant, if not desirous of having his lease renewed, has been allowed to sell his interest in it, and thus the Commissioners considered themselves prohibited from putting up their lands to public competition. In no instance have the lands been let to Town Commissioners or their relations. The rent of these 602 acres, let between 1871 and 1874, is now £712 16*s*. 11*d*. (See Appendix 9, 361.) Ev. 104–110, 138–140. Ev. 135, 136.

The Commissioners inherit from the old Corporation markets, in which they levy tolls, and these are at present in course of extension, at a cost of £1,300, upon a free site granted by the Irish Society. The markets and tolls are let by auction, and are now let at a gross rent of £500 a year for three years. The head rent of £22 16*s*. 2*d*. on the original markets, and the rates and other outgoings, last year, amounted to £174 15*s*. The Commissioners have rebuilt their Town Hall, which they also inherit from the old Corporation, and for this they are likewise largely indebted to the Irish Society, who contributed £2,500 to the rebuilding, and are believed to have been previously contributors to the old Town Hall. The income derived from this building last year was £53 15*s*., and the outgoings £121 17*s*. MARKETS. Ev. 73, 74. Ev. 75, 76, 202. Ev. 82–85. Ev. 166, 167.

A new cemetery has been provided for the borough, under "the Coleraine Burial Ground Order, 1875," towards which the Irish Society have given £1,000. CEMETERY. Ev. 251–254,

The same society have also made a grant of £500 a year, for five years, towards the construction of waterworks, for which a provisional order has been obtained, confirmed by Act of Parliament. An application for a loan of £7,500, previous to taking contracts for these works, has been submitted to the Board of Works for approval. Ev. 61, 62. WATERWORKS. Ev. 61. Ev. 59, 60. Ev. 71.

The Commissioners have, for several years, levied their maximum improvement rate of 1*s*. in the pound, and this and the 6*d*. rate under the River Bann Navigation Act are the only rates levied by them. RATES. Ev. 161–164, 48.

The average of the county cess levied on the town is about £1,400 a year, and as the annual expenditure within the borough would seem to be under £500 a year, this naturally gives rise to a good deal of unpleasant feeling between the Town Commissioners and the County Grand Jury. COUNTY CESS. Ev. 141–143. Ev. 144, 145.

The scavenging is paid for by the Town Commissioners, and let to a contractor for £70 for the year, and his work appears to be fairly done; but sanitary work has hitherto made little progress in Coleraine, although the Commissioners appear desirous of doing their duty. SANITARY MATTERS. Ev. 146, 274–286, and Dr. Carson, Ev. 567, 568.

The evidence of Dr. M'Intyre and of Dr. Carson, the consulting sanitary officer, fully bear out the opinion expressed by the chairman as to the general sanitary condition of the town; and the difficulties the sanitary authorities may have had to contend with are well illustrated by the action of the inhabitants in the immediate vicinity of a well, which, after it had been condemned and closed by order of the Commissioners, was immediately re-opened by these people, who continued to use it although necessarily cognizant of the filthy matter by which it was polluted, and of the fact that the Commissioners had opened a new well to supply the neighbourhood, at the distance of only a few perches. Mr. Cuthbert, Ev. 263–266, 280–286. Dr. M'Intyre, Ev. 450–530. Dr. Carson, Ev. 531–587. Ev. 550–557. Ev. 582–586.

Dr. M'Intyre's evidence further illustrates the almost entire absence of all direct communication between the sanitary officer and the sanitary authority, which is of such frequent occurrence, and to which attention has been already drawn more than once in the course of these Reports. Dr. M'Intyre, Ev. 454–466 Ev. 496–503

FETHARD.

Mr. Murphy, Ev. 2 to 6, 9, 10.

FETHARD is managed under the 9th Geo. IV., c. 82, by thirteen Commissioners, and the income, which is about £180 a year, is derived from landed and house property belonging to the Commissioners, and the amount received from the letting of the tolls and markets, fines from drunkenness, and the dog tax. No rate has ever been struck. The

Ev. 25 to 32.

landed property consists of about 233A. 3R. 8P. statute measure of lands called the Commons, and is worth about £1 an acre all round. 131A. 1R. 7P., equal to 86A. 1R. 2P. Irish, of this appears to have been let in the year 1747 to a Mr. Thomas Hackett for 999 years, at a rent of £12 6*s.* 5*d.* a year, and Griffith's valuation of the lot is £55 16*s.* This letting is entered in the Corporation books under the date of the 28th September, 1747, but there is no record in the books of the execution of any lease, nor is the counterpart, or any copy of it, to be found amongst the Corporation papers. The representatives of Hackett are now getting from 25*s.* to 40*s.* the Irish acre for these

Ev. 33 to 38, 41 to 61.

lands. The residue of the Commons is let to about sixteen tenants in various lots, of which eight are on leases made since the year 1845, and some of them to Town Commissioners, at rents under Griffith's valuation. It was stated that the forty-two Irish acres, which were mentioned at page 504 in the Report of the Municipal Inquiry

Ev. 61.

Commissioners of 1835, were now included in or comprised the 53A. 0R. 29P., which are

Ev. 63.

the balance of the Commons lands, exclusive of Hackett's holding of 86A. 1R. 2P., Irish. The Commissioners also own town fields which contain 9A. 1R. 3P., Irish, and are let in small lots at rents amounting in the whole to £14 8*s.* 8*d.* a year. Some of this lot is

Ev. 64.

let on lease, and two Irish acres were let by lease on the 9th January, 1857, to Mr. Sayers, a Town Commissioner, for thirty-one years at a rent of £1 a year. He parted with his interest in it to a Mr. Barton, and it and other parts of this lot appear to be

Mr. James Tehan, Ev. 85 to 93.

let at an under value. The Commissioners are also possessed of small tenements in the town, the rents of which amount to about £9 8*s.* 10*d.* a year, but from the poverty of the tenants it is difficult to collect the rents. The residue of the house property consists of five houses which are let on leases, the longest of which is for thirty-one years, at the

Mr. Murphy, Ev. 148.

fair annual value. There is also one house which is held by a person named Ellen Smith at a rent of £5 a year, and which is valued at £12. She claims to hold it under a lease which she alleges was made by the Commissioners to her late father at this rent. No trace of any such lease is to be found amongst the Commissioners' papers, and the tenant

Ev. 9.

will not show the lease or state its terms or contents. The tolls of the fairs and markets

Mr. Sayers, Ev. 76–7–8.

are sold annually and realize about £26 a year. The Commissioners claim to be entitled

Mr. Murphy, Ev. 145.

to be toll-free for all their own property, which would otherwise be liable to toll, under a resolution passed by themselves to that effect on the 8th November, 1875. This

Mr. Sayers, Ev. 79–80–81.

action on their part must affect the price which would be annually given for the tolls, to the prejudice of the people of the town, and the benefit of the Commissioners. The

Ev. 75 to 83.

fairs were for over twenty years held in a fair-green, the property of the Commissioners, but on the 5th August, 1872, a resolution was passed by the casting vote of the chairman of the Commissioners, for holding the fairs for the future on the public streets, which has

Ev. 111 to 125.

since been done. The sanitary condition of the town is in many respects defective. There is no hospital accommodation nearer than Cashel, which is eight miles away. Last year there was a serious epidemic of typhoid fever in the town, caused by its bad sanitary condition; and complaint was made that the Commissioners, not being the sanitary authority, were unable to take any effectual measures to try to put a stop to the disease. The water supply is ample and good. The Chairman of the Commissioners stated he had heard of some property formerly belonging to the Commissioners, which had been held by a man named Bacon, which had lapsed or been lost; but we could not obtain any further particulars or information about it.

TUAM.

Mr. John Lyons, Ev. 8–9. Ev. 14–13.

TUAM which had been under the Act of the 9 Geo. IV., c. 82, adopted in 1854 the Towns Improvement Act, for all purposes except water supply. There were originally fifteen Commissioners, but for the last few years the number has not been full in consequence of death and other vacancies, which have not been filled up. The acreage within the municipal area is 606A. 1R. 4P., and there are ninety-three occupiers rated between £4 and £12, and sixty-five above £12. The Commissioners have not any landed or house property, and their income is derived from tolls, the dog tax, and fines for drunkenness, the latter being very small indeed. The Commissioners are not

Ev. 19 to 26.

an urban sanitary authority, the population being under 6,000. The tolls are let by public competition on the 29th September each year, and have produced the following amounts for the last five years:—1872, £520; 1873, £600; 1874, £650; 1875, £760; and 1876, £625. The falling off last year is to be attributed to the fact that the man who held them for the year 1875, was believed to have bid for the tolls beyond their real

Mr. Gannon, Ev. 151–2. Mr. Lyons, Ev. 65–6.

value. The tolls were reduced about eighteen years ago, and since that the receipts have increased considerably. There was a mortgage due by the Commissioners, contracted

about thirteen years since, for the building of the town hall, and flagging the streets, but the balance remaining due on that mortgage to the amount of £679 7*s.* was lately paid off, out of the surplus funds in the hands of the Commissioners, and there is not now any debt due by them; a claim, however, has been made against them for £400, for costs in relation to a Chancery suit, which was lately pending about a new fair-green. No rates have been struck for a long time, and the Chairman stated that a pledge had been given years since by a then newly elected body of Commissioners, that no rate should be levied. The sanitary condition of the town is in some respects far from good. A sewer at Frazer's-lane, going up to the Roman Catholic Cathedral, appears to be in a shocking condition, and one gentleman stated that there were not any stench-traps on the sewer, and that the spot ought to be avoided as a plague spot. The same gentleman detailed at some length, the means resorted to by a large number of the inhabitants to procure and accumulate in their dwellings, manure for their crops, or for purposes of sale. The Chairman called attention to the difficulty and delay in carrying out the provisions of the Sanitary Act with respect to the abatement of nuisances.

TUAM.

Mr. Concannon Ev. 193.

Mr. Gannon, Ev. 166.

Mr. Henderson, Ev. 112 to 117.
Mr Gannon, Ev. 105 to 109.
Ev. 115.

Mr. Gannon, Ev. 101.

Complaints were also made as to the condition in which the streets remain after the fairs which are held on Saturdays. The excuse given was that the contractor had not time, from the lateness of the hour at which the fairs are over on Saturdays, to remove the filth that night, and that the police would not allow his men to work after nine o'clock on Sunday mornings. Great complaints were also made as to the water supply, which appears to be insufficient, and some of it polluted. There are two spring wells, called the Priest's well and the Abbey Trinity well, the former of which runs dry in summer, and "causes almost a famine for spring water." The principal supply is from the river Nanny, the state of which is fully set forth in the evidence of Mr. Henderson. No action has as yet been taken by the Guardians, who are the urban sanitary authority, to procure a sufficient supply of pure water, which is so much required. Indeed, it may be stated, that the Sanitary Act of 1874 is practically inoperative in Tuam. The Commissioners have a weighmaster in the market, on whose docket for the weight the toll farmer charges and is paid his tolls. Complaints have been made from time to time as to the negligence of this man and his assistants in the issuing of those dockets, and the correctness of the weights is doubted. This does not appear to arise from any dishonest motive, but rather from carelessness or from drink. A great obstruction is permitted to exist opposite the houses of places of business of some of the ratepayers by persons placing standings on the public streets. The police will not prosecute the parties, who claim the right to put up these standings, on the ground that the Town Commissioners are the parties who ought to take action, while they say that not having made any by-laws under the Towns Improvement Act they cannot interfere. Meantime, the obstruction goes on from week to week to the serious injury of those shopkeepers before whose doors it exists. Our attention was also called to the condition of a graveyard in the centre of the town, which is much overcrowded.

Mr. Henderson, Ev. 116-117.
Mr. Gannon, Ev. 179 to 181.

Mr. Henderson, Ev. 117 to 123.

Ev. 119–124.

Ev. 126.

Mr. Fahy, Ev. 134.
Mr. Gannon, Ev. 135 to 150.
Mr. Fahy, Ev. 131–2–3.

Mr. Henderson, Ev. 127–8.
Mr. Gannon, Ev. 168-9-170.

NEW ROSS.

New Ross, a Parliamentary borough, was one of the Corporations which were abolished by the 3 and 4 Vic. cap. 108. It was afterwards under the 9 Geo. IV. c. 82, and early in 1855 it adopted the Towns Improvement Act of 1854 for all its purposes except a water supply.

There are fifteen Commissioners who all have the required qualification. There are 440A. 3R. 33P. within the municipal limits, and the population was, by the Census of 1871, 6,772. The greater part of New Ross is in the county of Wexford and a small portion called Rosbercon, is in the county of Kilkenny. The town is divided into two wards—New Ross and Rosbercon, which are separated by the River Barrow—the natural boundary between the counties. The valuation, number of voters in, and representatives of the wards are as follows :—

Mr. Shephard M'Cormack, Chairman of Town Commissioners, Ev. 2–14.

Wards.	Valuation. £	*s.*	*d.*	Acreage. A.	R.	P.	Voters.	Commissioners.
New Ross,	7,277	10	0	323	3	21	224	12
Rosbercon,	531	5	0	117	0	12	17	3
	£7,808	15	0	440	3	33	241	15

The Town Commissioners possess such of the property of the old Corporation as had not been alienated before the passing of the 3 and 4 Vic. c. 108, which consists of lands and rents in the county of Wexford, and houses and premises in the town of New Ross, all held in fee and not subject to any rent.

Ev. 18-19.

Portions of the property in New Ross occupied by weekly tenants yield at present £17 15*s.* 4*d.* a year. The rest of the property produces £342 13*s.* 3½*d.* a year, making a gross rental of £360 8*s.* 7½*d.*

New Ross.

Mr. Tobin, Ev. 415. In many instances, as will be seen in the evidence of Mr. Tobin, the annual rents reserved in leases renewable for ever, granted by the old Corporation, bear a very small proportion to the extent of the land out of which they are reserved.

There were four leases of premises in the town made by the former Corporation in the interval between the 10th August, 1836, and the 1st September, 1840, whilst the restrictions against alienations imposed by the 6th and 7th Wm. IV. c. 100 were in force. One dated the 29th September, 1837, was made to John Boyd, merchant, of premises on the town wall for sixty-one years, at the nominal rent of 5*s.* a year.

There appear to have been but three original leases granted by the Commissioners since 1840, and these do not require any special notice.

Mr.M'Cormack Ev. 42 to 46. Where premises fall into possession, and are to be let, it is the practice of the Commissioners to advertise for tenders for them, which are all laid before a special meeting of the Town Commissioners summoned for the purpose of considering them, and they Ev. 44. determine the matter according to the best of their judgment. There does not appear to have been any letting by the Commissioners to members of their body. The Commissioners have a town hall, and a yard for depositing manure, for which a small rent and taxes are paid.

Ev. 58 to 61. They do not directly derive any tolls, dues, profits, or income from the shipping using the port and harbour of New Ross, but they do so indirectly; the port and harbour are under the control of the Harbour Commissioners appointed and acting under the 11 & 12 Vic., c. 139, and of which body the Chairman of the Town Com- Ev. 59. missioners is an *ex-officio* member. An arrrangement was made in 1848 between the Town Commissioners and the Harbour Commissioners, which was carried out by a resolution of the 4th September, 1848, and is as follows :—

"That as the Port and Harbour Commissioners are bound to keep the quays in repair, and light and watch same, we relinquish our claims for quay and river tolls for the term of three years, the said Commissioners paying us and our successors 5*s.* per annum for said term in lieu of said tolls."

Ev. 63, 64, 65. This arrangement appears to have been acted on until some time in 1871, when the Harbour Commissioners discontinued the lighting of the lamps on the inner side of the quay, as they considered they were bound to light those only required for shipping purposes, and in 1874 they discontinued the keeping of the night watch. The Com- Ev. 66–99. missioners are the owners of a weigh-bridge and fish-house, in the first of which general goods, and in the second fish are weighed. Fees are charged for this weighing, which the Commissioners let annually, and for which they are at present receiving 10*s.* a week from James Maher, the collector of rates and rents, who is paid 2½ per cent. commission on his collection, including the 10*s.* a week payable by him to the Commissioners.

Mr.M'Cormack Ev. 47 to 56. The Commissioners receive a fixed rent for water supplied by them to the houses of such of the inhabitants as choose to take it from reservoirs the property of the Commissioners.

It is not compulsory upon the inhabitants to take the water or pay a rate for it. The supply is limited and insufficient, pipes being laid in thirteen only of the streets of the town.

The receipts from this source last year, as appears from the abstract of the audited accounts (Appendix No. 12, page 362), amounted to £55 5*s.* 5*d.*

Mr.M'Cormack Ev. 211, 212, 213. The item of £30 11*s.* 9*d.* on the expenditure side of the account was not on account of this water supply.

Ev. 159–169. The Commissioners do not receive any tolls or dues from fairs or markets, save as above mentioned.

Ev. 101. They have levied an improvement rate every year except three since 1855, varying from 6*d.* to 1*s.* in the pound.

The average of all the rates struck from 1855 to 1876, both inclusive, is 7½*d.* in the Ev. 416. pound. An 8*d.* rate has been struck for the year 1877, which amounts to £246 Ev. 101, 102, 103. 18*s.* 3*d.* (Appendix No. 12, page 363).

The Commissioners receive small sums annually for the sale of manure, for fines for Ev. 113–120, drunkenness, the dog-tax, and a few miscellaneous matters. They also receive at 142–145, intervals, by presentments from the Grand Juries of Wexford and Kilkenny, by whom respectively the streets and footways in the respective parts of the town are kept in repair, sums for repairs of streets. Last year they received £134 3*s.* 4*d.*

Ev. 147–149. The town is scavenged by men employed by the Commissioners, and it is lighted Ev. 135, 136. under a contract with the New Ross Gas Company at the price of 6*s.* 8*d.* per 1,000 feet.

The expenditure of their income by the Commissioners is for the ordinary town purposes, and does not require any special observation.

Ev. 121 to 133. The Commissioners, who are the urban sanitary authority, have appointed the usual

municipal and sanitary staff, with the exception of a professional engineer as town surveyor. NEW ROSS.

The collector, Mr. James Maher, is also street inspector and local surveyor. The Commissioners recognise the want of a more efficient sanitary staff. Mr. M'Cormack Ev. 123.

There are not any public markets as yet, but in order to get rid of the nuisance and obstruction caused by the holding of them in the streets, the Commissioners propose to borrow £1,500 or £2,000 for the purpose of their erection. Ev. 170 to 178.

The entire capital debt of the Commissioners consists of £200 borrowed by their predecessors in 1854, at five per cent. interest, for the completion of the Town Hall. The interest has been paid upon this sum up to the present, and a sinking fund has for the last four years been provided at £10 a year to pay off the principal. Ev. 196 to 206.

There are two churchyards still used for interment, and described as being overcrowded, within the municipal limits, and a public cemetery is required. Ev. 229–237.

The town is fairly well, but not sufficiently, sewered. Only one main-sewer has been made since 1848, and the Commissioners have not been active in enforcing the making of connecting drains from houses, but they are, it was stated, about to do so. Ev. 220, 221. Dr. Mullen, Ev. 262.

The Commissioners, as the urban sanitary authority, have been fairly active in enforcing the sanitary laws to the extent of causing the cleansing of filthy places, and of putting a stop to the nuisance of keeping pigs and other animals in the houses and rooms occupied by human beings; a practice which has existed here to a remarkable extent. Although nearly all the houses occupied by the poorer classes are without any private accommodation whatever, the Commissioners do not appear to have taken any steps to make, or to compel to be made, the required accommodation. They have, however, erected a public privy and urinal upon the quay. Dr. Peter Mullen, Ev. 240–258. Dr. Mullen, Ev. 255–257. Ev. 269, 270.

There was some complaint made of the Commissioners having improperly incurred costs which had to be paid out of the rates and property of the town. The circumstances connected with this will be found detailed in the evidence of Mr. Tobin, the town clerk. Mr. Tobin, Town Clerk, Ev. 354–371. 372–387.

COOKSTOWN adopted the Towns Improvement Act in 1855 for all purposes except water. There are, and have always been twelve Commissioners, and they have usually, if not always, struck the maximum rate of 1*s*. There are 279 rated occupiers, and the total valuation of the property liable to rate is £6,339 15*s*. The Commissioners have not any property, and their income is derived from rates, the dog tax, and fines for drunkenness, the latter of which, having regard to the population as compared with other places, amounts to a large sum annually. We visited this place in consequence of a pressing requisition sent to us by the chairman of the Commissioners requesting us on behalf of himself and others to do so. The causes of complaint which we were asked to investigate had relation to the sewerage and water supply of the town. With regard to the sewerage the facts are as follows:—At the time when the Sanitary Act of 1874 came into operation the Commissioners had under their consideration the execution of large sewerage works which were then calculated to cost a sum of less than £3,000. After that the works were carried out and completed by the guardians at a cost of certainly over £5,000, and may amount to nearly £6,000 when all the bills are paid. It is alleged by some parties that the carrying out of those important works were intrusted by the general body of the guardians to a committee of a small number of their body who were ratepayers and residents in the town, and much interested in the carrying out of the sewerage in a particular way for their own interests, and that they did so. The works were alleged to be defective in design and construction, and the workmanship bad, which was proved by the fact that in some places the sides of the sewers have fallen in within a few months of their completion, which will necessitate a large expenditure for their repair. Complaints were made to the Board of Guardians before the work was commenced, and also to the Local Government Board with a view to their interfering to prevent it, but they referred the complaints to the Board of Guardians who again referred it to the committee appointed by themselves to carry out the works. A loan of £4,000 has been contracted for these works, and a large sum is still wanted to pay for them. The town stands on parts of five townlands, viz.:—Gortalowry, Loy, Coolnafranky, Cookstown, and Monrush, and a large portion of these townlands is outside the municipal area. COOKSTOWN. Mr. Fleming, Ev. 8, 9–12. Ev. 15. Mr. Harbinson, Ev. 134–137–163. Mr. M'Clelland Ev. 275, 276. Mr. Harbinson, Ev. 155–6, 162. Ev. 145. Mr. Gunning, Ev. 247–8–9. Mr. Harbinson, Ev. 166–7, 170–1. Ev. 159, 160. Mr. Adair, Ev. 265–6–7.

The Guardians have struck a rate of 8*d*. in the pound on the portion of the town built on the first four of these townlands, and also on the residue of the same townlands which are outside the town, while the portion of the town built on Monrush and the residue of that townland are not charged with payment of any of this sewerage rate, although that portion of the town is largely benefited by the same works, and a portion of them have been made on and through it. Representations have been made as to unfairness

Cookstown.

Mr. Fleming Ev. 74.

Ev. 79.

Ev. 81 to 85. Mr. Gunning, Ev. 249. Dr. Graves, Ev. 191–2.

Mr. Weir, Ev. 227 to 231, 240 1–2. Dr. Graves, Ev. 194 to 202.

of this mode of charging the rates both to the Guardians and the Local Government Board, but without effect. The public water supply, which is procured from thirteen public pumps, is bad and insufficient, but several persons have pumps within their own premises. The water of ten of those pumps was condemned by Dr. Hodges last summer as being unfit for use, in consequence of the quantity of street and other sewage and filthy matter which drains into the wells supplying these pumps. Although the Guardians were apprised of the analyst's report shortly after it was made, steps were only being taken at the date of our visit to have the pumps and wells put in order. A serious difference of opinion also prevails amongst the ratepayers as to the sufficiency of the supply. On the one hand it is alleged that a supply by gravitation is absolutely necessary, and could be procured at a reasonably moderate cost, while others are of opinion that an ample supply of good water can be procured if the present pumps are properly attended to, and the supply increased by lowering the pumps. It is stated on the other hand that this cannot be done effectually for the following reasons. In many parts of the town the new sewers are made close to the pumps, and at a lower level. It is stated that the sewers are not staunch, and that the sewage matter flows out through them, and it follows that if the source of the supply for the pumps is lowered below the bottom of the sewers for the purpose of getting a better supply, the sewage matter escaping from these sewers must destroy the quality of the water. Dr. Graves, the sanitary officer of the Board of Guardians, has called their attention to this matter in two reports, which will be found set forth in full in his answers to questions Nos. 191, 192, and 205. The sanitary condition of parts of the town is bad. There are some houses which are wholly unfit for human habitation, and are yet densely occupied, many of which were formerly cow-houses and pig-houses. The Guardians have been aware of their condition for some time but have not taken any steps in relation thereto.

In consequence of unforeseen difficulties we are unable to include our Reports on Kingstown and Dalkey in this Report, but we will have the honour to submit same to your Grace within a few days.

We have the honour to be

Your Grace's obedient servants,

U. CORBETT. (*Seal.*)

E. B. LAWLESS. (*Seal.*)

WM. A. EXHAM. (*Seal.*)

Four Courts, Dublin, 28*th June*, 1877.

H. A. Robinson,

Acting as Secretary.

SPECIAL GENERAL REPORTS

ON

NEWRY, DUBLIN, WEXFORD, SLIGO, GALWAY, AND CASHEL.

NEWRY.

NEWRY, a parliamentary borough partly in the county of Armagh and partly in the county of Down, was, up to 1865, locally governed by Commissioners under the Act of 9 Geo. IV., cap. 82. In February, 1865, the 17 & 18 Vic., cap. 103, the Towns Improvement Act, was adopted. Mr. R. J. Doherty, Town Clerk, Ev. 16, 14.

The town, of which the population in 1871 was 14,078, and the extent 711A. 2R. 4P., is divided into three wards, and the municipal body consists of eighteen Commissioners. Ev. 6-9.

The names, valuation, and representation of the wards for the year 1876, were as follows :— Ev. 10, 11, 12.

Name of Ward.	Valuation. £	s.	d.	No. of Voters.	No. of Commissioners.
West Ward, . .	13,108	5	0	401	6
South Ward, . .	9,111	18	0	375	6
North Ward, . .	7,443	9	0	275	6
	29,663	2	0	1,051	18

The valuation for the borough, for the year 1877, is £30,102, showing an increase of about £439. The west ward comprises that portion of the town in the county of Armagh, and the north and south wards are in the county of Down.

The port and harbour of Newry are under the management of the Newry Navigation Company, an incorporated company, originally constituted under an Act of the Irish Parliament, the provisions of which have been subsequently added to and amended by Acts of the Imperial Parliament. Ev. 19-21.

The Newry Navigation Company have also the control and management of the inland navigation, by canal, through and from Newry to Portadown, and receive all payments, fees, and emoluments of every kind, in respect of the port and harbour and inland navigation.

The Town Commissioners have not any representative in the Newry Navigation Company, and do not receive any income in respect of the port and harbour or inland navigation.

In connexion with the port and harbour of Newry, there are the "Harbour of Carlingford Lough Commissioners," appointed in 1864, by the 27 & 28 Vic., cap. 93, confirming, with some variation, a provisional order of the Board of Trade, made under the provisions of the General Pier and Harbour Act, 1861. The object of these Commissioners is to improve the navigation into Carlingford Lough. It is provided by the provisional order, that two of the Commissioners shall be appointed by the Newry Navigation Company and two by the Newry Town Commissioners, and the Newry Navigation Company and the Newry Town Commissioners, are, respectively, to fill up vacancies caused by death or resignations of their respective representatives. Ev. 25, 26, 27. Ev. 24, 25, 26.

It is not required by the provisional order that the Carlingford Lough Commissioners to be appointed by the Newry Navigation Company, and the Newry Town Commissioners, respectively, are to be, or to continue to be members of either of these bodies.

The Town Commissioners in 1865 nominated two of their own body to be two of the Carlingford Lough Commissioners. One of these has since ceased to be a Town Commissioner, but, as is understood, insists upon his right to continue to be a Carlingford Lough Commissioner. Ev. 26-27. Mr. Fegan, Chairman, Ev. 631-633.

It is alleged by the Town Commissioners that they have not the representation to which they are entitled on the Board of Carlingford Lough Commissioners. Ev. 634.

The Town Commissioners do not possess any property save the markets and waterworks, recently acquired, as hereafter mentioned. Ev. 17-19.

There was a public water supply in Newry afforded by a reservoir and works, which were the property of Mr. Hallewell. Ev. 37.

In February, 1870, the Town Commissioners adopted a contract to purchase the works at the price fixed by arbitration, of £3,948, and went into possession of them. Ev. 39, 40, 41.

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Ev. 45. The Town Commissioners, under the powers of the Towns Improvement Act, 1854, borrowed £5,000 to enable them to complete the purchase, and make the works required by them to supply water to the town.

Ev. 45. The Commissioners on the 24th April, 1871, paid £4,108 19*s.* 6*d.*, the full amount of the purchase money and costs of arbitration, &c., out of the rates.

The residue of the £5,000 was applied by the Town Commissioners on town works.

Ev. 48. They levied a 6*d.* water rate under the 17th and 18th Vic., cap. 103.

34 & 35 Vic., cap. 198. Ev. 29. On the 14th August, 1871, the Act of the 34 and 35 Vic., c. 198, the Newry Improvement and Waterworks Act, 1871, was passed, by which it is enacted that the Town Commissioners and their successors shall be a body corporate, and have perpetual

34 & 35 Vic., cap. 198, ss. 3 to 7. S. 9. successors and a common seal. The powers of the Grand Juries of the counties of Down and Armagh respectively over roads, streets, bridges, &c., in the town, and of levying county cess within the borough, are transferred to and vested in the Town Commissioners, who are to contribute to county at large purposes, and one of the Town Commissioners is to be entitled to sit at the County Presentment Sessions.

Ev. 29–32. The Commissioners are empowered to construct a town hall and to establish markets

34 & 35 Vic., cap. 108, ss. 30 to 42. and slaughter-houses, and to purchase grounds and premises and existing markets and markets and fair tolls and dues, and to reserve for the use of the markets the tolls, rents, stallages, and dues mentioned in the schedule to the Act; and they have power to appoint a butter weigher and taster, and to charge and receive for the weighing and tasting of butter the fees authorized for the time being by the general statutes in force

34 & 35 Vic., cap. 198, ss. 43 to 45. in Ireland to be taken in respect of the weighing and tasting of butter. They are empowered to construct public baths and wash-houses and to open a public park, and to

34 & 35 Vic., cap. 198, ss. 46 to 60. supply from the waterworks then in their possession and from the proposed new waterworks water for domestic and public purposes to the inhabitants of the town. They are

34 & 35 Vic., cap. 198, ss. 51 to 60. empowered to levy a "Newry town rate" not to exceed 3*s.* in the pound in the valuation, and a "Newry water rate" not to exceed 3*d.* in the pound, with this provision,

S. 52. that if the produce of the water rate in any year shall not be sufficient for the purposes to which the rate is applicable, they may levy a further rate not exceeding 9*d.* in the pound on all rateable property except mills and stores separately rated as such, and in case there shall be still a deficiency they may levy a further rate not exceeding 9*d.* in the pound in the year on mills and stores. These rates and Newry water rate are to be in lieu of the general yearly assessment directed by sec. 60 of the Towns Improvement Act of 1854.

S. 60. The Commissioners are empowered to borrow upon the security of the Newry town rate and Newry water rate any sum not exceeding £37,000, in addition to any existing mortgage-debt, to be repaid by means of a sinking fund, and the moneys borrowed are to

S. 64. be applied in payment of costs and expenses, &c., of obtaining the Act, and the expenses of the execution of the Act, and in paying to the trustees, as thereafter provided, the moneys directed to be paid to them under Part II. of the Act in respect of new waterworks.

S. 69. A special and careful provision was made for the auditing of the Commissioners'

Ev. 306. accounts, but this was repealed by the 35 & 36 Vict., cap. 69, sec. 12, and the accounts are audited by the Local Government auditor.

34 & 35 Vic., cap. 198, Part II., ss. 75 to 97. By Part II. of the Act four Trustees, with one of the Town Commissioners, to be nominated by that body as a Trustee, are incorporated as undertakers for the purpose of constructing waterworks for obtaining from Camlough Lake a public supply of water at high pressure for the Town of Newry; and all necessary powers for the purpose of obtaining and securing the required quantity of water from Camlough, and bringing it to a service basin at the town, were conferred upon the Trustees, who were bound to supply 625,000 gallons of water every twenty-four hours throughout the year; and the Commissioners were to have control over the service reservoir, from which the supply was to be distributed without prejudice to the obligation of supplying the Town Commissioners. The Trustees are bound to supply 3,500,000 gallons of water on every day of the year, except Sunday, for the use of mills and factories using any fall of the Camlough River, and for the use of the Newry Navigation Company. For the making

S. 98. of the works and the supplying of 625,000 gallons of water in every twenty-four hours the Town Commissioners were to pay the Trustees £12,000; and, finally it is provided

S. 114. that the costs of obtaining the Act are to be settled by the award of Mr. John Hancock, of Lurgan.

Ev. 85, 86, 87. There were several petitioners—of whom the Grand Juries of the counties of Armagh

Ev. 84–90. and Down were two—against the Bill for obtaining this Act, and the costs amounted to

Ev. 112. upwards of £8,000, of which the Town Commissioners had to pay £5,512 0*s.* 9*d.*,

Ev. 92–98. including the costs of Mr. Hancock's award. Under the provisions of the Act the Town Commissioners purchased existing markets, and ground for making additional

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ones, and also ground for making town improvements, and have now opened five public markets, from which a considerable annual profit is derived, and in which all markets and fairs are held, and these are no longer an obstruction and nuisance in the streets of the town. The gross receipts from the public markets for the year ending the 31st January, 1876, were, as appears upon the audited account (Appendix No. 14, page 365), £2,206 19*s.* 7*d.*, and the outgoings £1,023 14*s.* 5*d.*, leaving a net profit of £1,383 5*s.* 2*d.*

S. 99. Ev. 98. App. No. 14.

The Camlough waterworks were completed by the trustees within the required time, and now afford to Newry an ample supply of water, distributed by gravitation throughout the town to the highest houses, and available and used for domestic purposes, and for extinguishing fires, flushing sewers and narrow lanes and courts, and watering the streets.

Ev. 35. Mr. J. Devenish Meares, Ev. 575–585.

The Town Commissioners levy under the "Newry Improvement and Waterworks Act" a town rate of 3*s.* in the pound, and a water rate of 1*s.* in the pound on all rateable property within the borough other than stores and mills separately rated as such, and a rate of 6*d.* in the pound on stores and mills separately rated. The town rate and water rate levied in October, 1876, amounted together to £5,451 16*s.* 6*d.*, and they received for special water rents and supplies for the year ending 31st December, 1876, £339 3*s.* The other chief sources of income to the Commissioners is that afforded by the public markets, from which the receipts for the year were £2,406 19*s.* 7*d.*

Mr. R. J. Doherty, Town Clerk, Ev. 119–129. Ev. 133. Ev. 296–297. Ev. 210, 211, 212.

As appears from the abstract of the audited accounts, a separate account is kept of the water rate and rents, and the expenditure of them, and another account is kept of the receipt and application of the town rate and the proceeds of the markets, and that the expenditures of the rates are, with one or two exceptions, of the ordinary character necessary for town purposes. The only exceptions to be noticed are—the payment of interest and instalments upon and in reduction of the capital debts of the Town Commissioners, hereinafter mentioned, and the application of £512 19*s.* 3*d.* of the town rate in payment of the purchase-money of ground purchased by Commissioners for market purposes, the title to which had not until that year been completed.

Ev. 290. Ev. 294, 295, 296.

Another item of expenditure out of the Newry town rate to be noticed is the contribution for the county at large charges of the counties of Armagh and Down of £980 0*s.* 11*d.*, which includes £35 disallowed by the auditor as an over-payment, made by mistake, and which will be refunded. It will be seen from the evidence of Mr. Doherty and Mr. Devenish Meares, and the documents referred to by them, that up to the passing of the "Newry Improvement and Waterworks Act" in 1871 the borough of Newry paid in the form of county cess large sums to the counties of Armagh and Down, for which there was not any direct return, and that the gain to the borough by the transfer of the powers and duties of the Grand Jury is equivalent to from £600 to £800 a year.

Mr. Doherty, Ev. 308–311. Mr. Devenish Meares, Ev. 605–606.

CAPITAL DEBTS.

The capital debt of Newry consists of the balances, still unpaid, of the moneys borrowed by the Commissioners, viz., £5,000 originally borrowed under the power given by the 17 & 18 Vic., cap. 103, and £37,000 borrowed at different times under powers conferred by the 34 and 35 Vic., cap. 198, sec. 60, making together £42,000.

A statement was handed in by the Town Clerk setting forth the dates at which the sums making the £42,000 were borrowed and the sums repaid on account of them respectively. The balance of capital debt now remaining unpaid is £39,274 18*s.* 7*d.* These loans are repayable by equal annual instalments composed of 5 per cent. interest and 1½ per cent. sinking fund, making 6½ per cent. This annual payment upon all the loans amounts to about £2,700 a year, and will continue the same, subject to variation of income tax, until the whole debt is satisfied. The instalments and interest have been paid out of the town and water rates and rents and the receipts from the markets. The £42,000 have been applied in paying off the £3,000 borrowed for the purchase of the Hallewell Waterworks, and in the purchase of the right of supply from the Camlough Waterworks, and in making the works necessary for distribution of the water, and in purchasing ground, &c., for the erection of and in erecting the public markets, and in purchasing houses and ground in order to improve the town.

Mr. J. Doherty, Ev. 77–79. Ev. 99–117.

The Town Commissioners in 1875, with the sanction of the Local Government Board, applied to the Public Works Loan Commissioners, under the 37 and 38 Vic., cap. 93, sec. 43, for an advance of £27,000 at a lower rate of interest than they were paying on their loans, in order to pay off so much of the existing mortgages and relieve the rates from interest to the amount of about £270 a year, which would then be available for the making of sewers much required in parts of the town.

Mr. Thomas Carey, solicitor, Ev. 487–499.

The Town Commissioners were advised by counsel that these applications were within the 43rd section above referred to because the £27,000 which they wanted to pay off had been expended in works made for sanitary purposes, viz., the public markets

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and the public water supply. The Commissioners of Public Works, on the advice of the Law Officers in Ireland, refused the application.

Mr. J. Devenish Meares, Ev. 553-558.

The Town Commissioners of Newry being an urban sanitary authority, have appointed the usual number of sanitary officers, who appear to discharge their duties honestly and effectually. The Town Commissioners have, from 1866 to 1876 inclusive, expended £3,679 3*s.* 4*d.* in drainage work. Of this sum there was up to 1871 contributed by the counties £1,156 17*s.*, and by owners and occupiers £227 8*s.* 6*d.* (Appendix 14, page 365). They have erected new and commodious public markets, by which the town has been relieved from the very great nuisance of having the fairs and markets held in the streets, and which are a source of considerable profit, and they have provided a very abundant public water supply at high pressure, available at all times for all public and private purposes.

Ev. 559-562.

There is, however, a good deal of sanitary work still to be done at Newry. One at least of the principal streets of the town is without any main sewer, and there are other streets in which there is the same want. Newry has the advantage of a tidal river flowing through it, and a small rapid river called the Mill-race flowing into the said river. These rivers afford facilities for drainage, and to some extent make the want of main sewers,

Ev. 564.

above referred to, less important. The Town Commissioners in 1875 caused a specification and estimate of the required sewer work to be prepared by the town surveyor, Mr. Devenish Meares, and it was with a view of providing funds for making the required sewers that the Town Commissioners, as above mentioned, applied to the Public Works Loan Commissioners in 1875 for a loan of £27,000.

Dr. Andrew M'Bride, Ev. 409.

Dr. Francis Crossle, Ev. 508-510.

There are in parts of Newry houses formerly occupied by the gentry, but now occupied as tenement houses, each one by two or three or more families of the poorer classes. The private accommodation in these houses originally intended and sufficient for one family is absolutely insufficient for the comfort, health, or cleanliness of the present numerous occupiers; moreover, it is used or abused in such a way as to be useless for the purposes for which it was intended, and the halls, lobbies, or landing places are made depositories of night soil and filth. This state of nuisance is made the subject of frequently recurring complaints and report by the sanitary officers, whose reports are always acted on and cleanliness enforced; but the same causes, viz., the overcrowding of houses and the dirty and (according to one witness at least) intemperate habits of the occupiers, reproduce the same results, and the process of purifying has to be repeated.

Mr. R. J. Doherty, Ev. 342-3.

Dr. M'Bride, Ev. 410.

It appeared in evidence that there were 400 or 500 houses in Newry which were without the means of having proper accommodation provided in or about them for the occupiers. Of course the only remedy for such a state of things is removal and reconstruction. The provisions of the "Artisans' Dwellings Act of 1875," the 35 & 36 Vict., cap. 36, would, if available, enable the Commissioners to do what is required, but as the population of Newry is under 25,000 this Act does not apply.

It appears that the owners of house property did not raise any difficulties in the way of sanitary improvements, but always acted upon the suggestions of the sanitary authority.

There is not any public slaughter-house in Newry, and the want of such an institution is felt and complained of because the existing slaughter-houses, the property of private persons, are so situated in densely populated places as to render them nuisances, although care is taken by the town officers to have them properly cleansed.

There is not any town watch established by the Town Commissioners. The town is under the care of the Royal Irish Constabulary, but they do not act as a night watch, and the town does not pay for their services.

E. B. LAWLESS. (*Seal.*)

H. A. ROBINSON,

Acting as Secretary.

DUBLIN.

DUBLIN.

Our inquiry in Dublin was limited, by your Grace's instructions in Mr. Robinson's letter of the 13th April last, to the points named in the resolution of the Select Committee of the House of Commons then communicated to us, and which are as follows :—

(1). The conditions and circumstances under which leases of corporate property were granted.

(2) The payment and duties of high constable, water bailiffs, and officer of Commons.

(3). The management of the markets and the position of the officers (including the weighmasters) connected therewith.

(4). The management and expenditure of the improvement fund.

In this order we proceed to deal with them :—

I. The conditions and circumstances under which leases of corporate property have been granted, have recently undergone a considerable change in consequence of the modification of the 55th by-law of 1851, which was submitted to the late Lord Lieutenant for approval on the 28th February, 1876, and assented to by His Grace on the 7th March, following. Dr. Norwood, Ev. 40, 41.

The leasing powers of the reformed Corporation of Dublin, were for some years after the passing of the Act of 1840, governed by sections 140–143 of that Act, and the practice then pursued will be found in Mr. Morgan's evidence; but in June, 1851, certain by-laws were passed by the town council in pursuance of powers given by that Act, and the "Dublin Improvement Act of 1849," of which one—the 55th was as follows :— Ev. 20. Mr. F. Morgan, Ev. 470–475. Dr. Norwood, Ev. 30.

"That no property of the Corporation shall be disposed of, except by auction after public advertisement, subject, however, to confirmation by the council, provided, however that if after being thus set up to public competition on two occasions without a sale or letting being effected, the council shall, upon a special report thereof, have the power to dispose of such property in the manner by them considered most judicious."

From 1851, accordingly, all the landed or house property of the Corporation, as it fell out of lease, was put up to auction, and disposed of according to the terms of this by-law, until the beginning of last year, when, in consequence of a number of valuable houses and shops in the best business part of the city (Grafton-street and Suffolk-street) being about to fall out of lease—principally in the year 1880, but some few in 1877 and 1878— it was thought expedient, in order to do justice to the occupying tenants, to amend and modify this by-law; and after a memorial to the late Lord Lieutenant on the subject, and an interview on the part of No. 3 Committee of the Corporation with Mr. Burke, the Under Secretary, the by-law was amended by the introduction of the words "save as hereinafter mentioned" in the first line, and the addition after the word "judicious" of the following words:— Ev. 45; and Mr. F. Morgan, Ev. 469. Dr. Norwood, Ev. 32, 33; and Mr. Morgan, Ev. 479. Dr. Norwood, Ev. 32–35. Ev. 35.

"The exception to the foregoing being in the case of a tenant who is in actual occupation, and where the lease is within a period of five years' expiration, who shall by memorial to the Council ask for a renewal of said lease, that then and in such case the Council may, with the consent of the Lords of the Treasury, grant a renewal of said lease, without offering the premises to public competition, for a term not exceeding thirty-one years, or, in the event of the tenant proposing to rebuild the premises, for a term not exceeding seventy-five years, at a yearly rent to be calculated by a sworn and competent valuator to be appointed by the Lords of the Treasury, as the yearly value of the premises at the time, and upon the express condition of the tenant before the execution of such new lease expending such sum of money upon the premises as the city architect for the time being, upon his oath, may declare as necessary, having regard to the period of years for which such new lease may be granted, and for the purpose of having the premises put into such a state of repair as may, as far as practicable, enable them to be delivered up at the expiration of the term in good and substantial condition; and in the case where the rebuilding of the premises may be required on a building lease for seventy-five years, the new building to be erected under the supervision and control of the city architect, subject to the direction of the law, lease, and finance committee of the Corporation."

Mr. Burke's letter of the 7th March, 1876, conveying the consent of the Lord Lieutenant to the by-law as thus amended, was on the 13th of that month— Ev. 40, 41.

"Referred to a committee of the whole house, with instructions to take into consideration the nature and circumstances of the property of the Corporation from the falling out of the lease, and to deal therewith by recommendations to this house from time to time as occasion may require."

That committee met on the 24th March, 1876, when two resolutions were passed :—

(1.) "That on the 3rd April next, the day before which the by-law will become law, the Town Clerk apply to the Lords of the Treasury to appoint a sworn and competent valuator for the purposes of the by-law.

(2.) "That the law and land agent be requested to immediately prepare a schedule of all the property coming within the terms of this by-law, with the occupiers' names and all other information."

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Dr. Norwood, Ev. 38–56.

The Lords of the Treasury declined to appoint a general valuator, but replied that they would deal with each case upon its merits.

(See, too, letter from the Lords of the Treasury.) Ev. 590. Ev. 56.

On the next meeting, *re* the amended by-law, 17th January, 1877, it was resolved to invite—

"The present actual occupiers of all property, the leases of which expire within five years from the 4th April, 1876, to forward proposals to the committee for leases, whether the occupiers hold directly from the Corporation or not."

And again :—

"That all other parties (if any) who were in actual occupation on the day five years previous to the expiring of the Corporation leases be also invited to send in proposals, so as to give the Council the fullest possible information in each particular case."

Ev. 58.

This resolution was probably thought advisable in consequence of the conduct of certain lessees or their representatives, who were intermediate parties between the Corporation and the actual occupiers, and who had in the meantime, hoping to obtain advantage of the operation of the amended by-law, served notices on the actual occupiers, in consequence of which opinions of Messrs. Law, Q.C., and Walker, Q.C., had been taken by the Corporation upon the construction of the by-law. Upon these opinions being read at the next meeting of the Committee of the whole House on the 8th February, 1877, Town Councillor Gray moved that a special meeting of the Town Council be forthwith convened to pass a resolution, of which he then gave notice, in order that "the determination of the Town Council may be made manifest to protect, as far as in it lies, the equitable claims of the actual occupiers, and in no case to allow any advantage to the middleman under a by-law not intended for such purpose."

Ev. 56, 57.

Ev. 58.

Ev. 60.

Accordingly at a special meeting of the Council, held on the 16th February last, Councillor Gray moved his resolution :—

"That we, the Municipal Council of the city of Dublin, in special meeting assembled, hereby declare, that the intention of this Council, when amending the 55th by-law, was to afford protection on equitable terms to the then actual occupiers and their representatives, and that this Council therefore declares that in the case of any middleman so serving notice to quit, or ejecting the actual occupier before the expiry of the original lease, in the hope or expectation of thereby obtaining the exceptional favour of a lease without public competition under the discretionary power conferred on the Council in the amended by-law, that under no circumstances will this Council grant any such favour to any person so evicting or serving notice to quit on the actual occupier; but on the contrary, it will decline to grant to any such person any lease of any premises either originally in his own occupation, or otherwise."

To this an amendment was moved, which only differed from the original resolution by the introduction of the words, "unless on special cause shown and allowed by vote of Council," which words were undoubtedly sought to be introduced to meet the case of Town Councillor Rochford, who had been for a long time an applicant for a new lease of certain premises on City-quay and Peterson's-lane, known as "Precious Clarke's holding," a portion of which premises (in Peterson's-lane) were in the occupation of Messrs. Monsell and Mitchell.

Ev. 62, 63.

Dr. Norwood, Ev. 62–81. Alderman Harris, Ev. 286–296. Mr. F. Morgan, Ev. 618–620.

This being a typical case, and one which has given rise to some animadversion, and may probably become the subject of litigation, was gone into at great length in the evidence, where all the circumstances and the correspondence relating to it will be found fully detailed.

The case is remarkable, as an illustration of what may happen in other instances under the amended by-law, on two grounds—the one with reference to the hardship which an occupying tenant might be subjected to by the action of the middleman—the other, the position in which the Corporation may be placed by the action of the Lords of the Treasury.

Briefly stated, the facts bearing on these two points are as follows :—

Dr. Norwood, Ev. 69–72. Mr. Morgan, Ev. 620. Ev. 618. Dr Norwood, Ev. 62–64. Ev. 63.

The Council, in ignorance of the fact that Messrs. Monsell and Mitchell occupied any portion of these premises, had, on the 27th January last, after the passing of the amended by-law, notwithstanding a remonstrance upon other grounds from Mr. Morgan, their law and land agent, forwarded a memorial to the Lords of the Treasury for their assent to a seventy-five years' lease to Mr. Rochford. They had previously obtained a valuation of the premises from Messrs. Brassington and Gale, and a report from the city architect as to the cost of the necessary outlay, which were communicated to the Lords of the Treasury, who, on the 6th of February last, after some intervening correspondence respecting Mr. Morgan's protest, signified their approval of a seventy-five years' lease being granted to Mr. Rochford at an annual rent of £64, and upon condition of the outlay recommended by the city architect. This rent of £64, was, however, according to Brassington and Gale's valuation, the annual value of the premises for a thirty-one years' lease only when no

Ev. 64–66.

Ev. 63. Ev. 70, 71.

rebuilding would be required, whereas upon a seventy-five years' lease with a view to rebuilding they valued them at £95 a year.

In the meantime Messrs. Monsell and Mitchell, who had received notice to quit the portion of these premises held by them from Mr. Corballis, the middleman between them and Mr. Rochford, had, on the 22nd January last sent in a proposal for this portion, which they amended on the 8th of February, when they proposed to take a lease for seventy-five years at £40 being just double the valuation put upon that portion by Brassington and Gale for seventy-five years, and £26 a year in excess of their valuation for thirty-one years. Mr. Morgan, Ev. 620. Alderman Harris, Ev. 296. Dr. Norwood, Ev. 72. See Brassington and Gale's Valuation, Ev. 63.

Upon the 10th of February, the Council having before them this proposal, and the reply of the Lords of the Treasury to the memorial, resolved— Ev. 72.

"Councillor Rochford to get a lease of the premises from City-quay to South Gloucester-street, for seventy-five years, at a rent and outlay to be fixed by the city architect as to outlay, and by Brassington and Gale as to rent, and that upon execution of the said lease the lease now in existence shall be by him surrendered. The yard portion south of Gloucester-street to be then leased to Messrs. Monsell and Mitchell, upon like terms and conditions."

This resolution appears not to have been communicated to the Lords of the Treasury, Town Councillor Rochford having served notices upon the Lord Mayor that in the event of the Corporation refusing to grant him a lease upon the terms approved by the Lords of the Treasury he was advised to take steps to enforce specific performance of the same, and we have, since the close of this inquiry, learned that he has filed a bill against the Corporation to that effect. Ev. 74–78.

Another, though subsidiary point, is deserving of notice in this case, viz., that Mr. Rochford, a Town Councillor, and a member of No. 3 (the leasing) committee, voted on the very critical question raised by Mr. Gray, M.P., upon the first application from Messrs. Monsell and Mitchell, and before the receipt of the Treasury letter of the 6th of February, to the effect that this application should be communicated to the Lords of the Treasury with a request that "pending the re-investigation of the whole matter by the Council the Lords of the Treasury will delay the consideration of the memorial." The result of Mr. Rochford voting on the question thus raised by Mr. Gray's amendment was that the numbers on both sides were equal, and the Lord Mayor having then voted against the amendment it was lost. The whole matter is very fully brought out in a letter from Messrs. Monsell and Mitchell to the *Freeman's Journal*, dated the 29th January, 1877, which will be found in the evidence of Alderman Harris. Ev. 79. Alderman Harris, Ev. 290. Ev. 296.

Another case, illustrating the action of the Town Council under the by-law of 1851, before its alteration, which was gone into at almost greater length than that of Mr. Rochford, is that of Mr. Dockrell, another Town Councillor, the circumstances of which may be thus summarized. The lease of 47 and 48 Lower Stephen-street—two houses, with stables in the rere, in the occupation of Mr. Thomas Dockrell—having fallen in in 1872 the premises were put up to auction in the Council Chamber, according to the then usual practice, under the 55th by-law, on the 29th of June, 1872, when Councillor Dockrell was the only bidder at £10 a year each. His offer, upon Mr. Morgan's report, was not accepted by the Corporation, who were informed by Mr. Morgan that he had seen Mr. Dockrell, who was willing that they should be put up to auction again. Upon this point there was clearly a misunderstanding, and Mr. Dockrell, who had paid a deposit of £5, considered himself ill-treated, and did not attend the second auction, when a Mr. Burke was the only bidder for these two lots at £12 a year each. Mr. Morgan again advised that this bidding should not be accepted, and finally Mr. Burke offered £15 a year for each, and paid £7 10*s.* deposit. Subsequently Mr. Morgan went into the question with the city architect as to the outlay which would be needed to put them into tenantable condition, when finding that if £200 were laid out on one house and £100 on the other, they might probably be let for thirty-one years, at from £70 to £80 a year, he reported accordingly to the Council, advising the exercise of their power to make such outlay, and to offer Mr. Dockrell a thirty-one years' lease of the stables in the rere, at not less than £10 a year, but in the event of the committee not recommending that the houses be put in repair, he repeats his previously expressed opinion that the ground comprised in each lot is worth £15 a year, on building lease for seventy-five years, and he further reports that he has returned Mr. Burke his deposit of £7 10*s.* for which he has signed a receipt, but that Mr. Dockrell has refused to receive back his deposit of £5, and has returned his cheque for that amount, with a letter from his solicitor stating "that he will reserve to himself the right to act as he may be advised." Mr. Morgan, Ev. 489–563. Mr. Dockrell, T.C. Ev. 325–338. Mr. Byrne, T.C. Ev. 168–177 and 121. Dr. Norwood, Ev. 85–89 and 104–122. Ev. 109. Ev. 105 and Mr. F. Morgan, Ev. 506. See Mr. Morgan's Report. Dr. Norwood, Ev. 107, 108.

On the 2nd of September, 1872, all the proceedings and correspondence relative to Ev. 112-116.

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the re-letting of these premises appear to have come before the Council upon a reference from No. 3 Committee, when it was "moved by Councillor Byrne, and seconded by Councillor Dennehy, and carried, that the letting of these premises made on the 29th of June, to Mr. Dockrell, at £10 a year each, be confirmed by the Council."

No reason being here assigned for thus giving the preference to Mr. Dockrell, a member of the Council, over Mr. Burke, who had offered a much higher rent, or for passing over Mr. Morgan's later recommendation, we invited Messrs. Dennehy and Byrne, and subsequently Mr. Dockrell himself, to offer any explanation which might throw light upon the course thus adopted. Their explanations, and Mr. Morgan's account of the part, which he, as the law and land agent of the Corporation, took in these proceedings will be found at the evidence quoted in the margin.

Dr. Norwood, Ev. 117–122. Mr. Byrne, Ev. 168–177. Mr. Dockrell, Ev. 325–338. Mr. Morgan, Ev. 489–526, and 531–559. See, too, Alderman Manning, Ev. 339.

Several other cases, to which we do not think it necessary here more particularly to advert, were gone into at some length in the course of Dr. Norwood's evidence, that gentleman having been, he said, instructed by the Council to afford us every information respecting the dealings with the Corporate property, and being desirous of giving us samples of the manner in which leases have been granted, including every case in which members of the Corporation are, or have been interested, not only under the amended by-law but also under the by-law of 1851, and previously.

Dr. Norwood, Ev. 167. Ev. 84, 93, 100, 123. Ev. 58, 62, and 239.

No leases have, in fact, been yet perfected under the amended by-law, but a schedule of proposals (see Appendix No. 15, page 366) has been sent in, and in a few instances these proposals having been adopted by the Town Council upon a recommendation of No. 3 Committee, Mr. Morgan has been directed to prepare a memorial to the Lords of the Treasury, embodying the terms proposed, which memorial (see Appendix No. 15, page 367), after being posted up, pursuant to the terms of the statute, for the space of one month, has been forwarded to the Lords of the Treasury. Miss Gerty's proposal for lands at Ringwood (the memorial as to which, posted up outside the City Hall at the time of our Inquiry, is given in the Appendix), Mr. Rochford's, already treated of, and proposals for new leases by Messrs. Callinan and Son of Suffolk-street, and Mr. Campbell of Trinity-street, appear to be the only applications under the amended by-law yet submitted to the Lords of the Treasury for their approval.

Ev. 46 and 33.

Ev. 47.

Ev. 52, 53.

Ev. 231.

Ev. 163–167.

Three members only of the present Town Council were said to be interested in the 55th by-law as now amended, viz., Councillor Rochford and Aldermen Manning and Harris; and Alderman Harris told us that he, although taking an active interest in its operation, and in the whole question of the disposal of the Corporate property, had made no proposal as yet for a renewal of the lease of the premises which he occupies in Suffolk-street, and that it was a matter of indifference to him whether he got such renewal or not. He has himself received notice to quit from the middleman under whom he is the occupying tenant; and he gave us other instances in which the middlemen holding leases under the Corporation had acted, or intimated their intention of acting, in a similar manner towards their undertenants since this modification of the 55th by-law. The inference he draws therefrom is that some further revision of the by-law is necessary, as, although it is still clearly open to the Corporation to put the premises up to auction, as heretofore, the present operation of the amended by-law is "to open the door to pressure and favouritism," at the same time that it is actually working a hardship upon the occupying tenants.

Ev. 85. Alderman Harris, Ev. 272, 273.

Ev. 274–279, and 297–301.

Ev. 306.

Ev. 285, 286, and 373–280.

Alderman Harris gave us also some valuable evidence, showing the great discrepancy between the Poor Law Valuation and the actual letting value of property in that quarter of Dublin in which so many valuable leases are about to fall in in the course of the next three years, and this was subsequently confirmed by Mr. Morgan, the Law and Land Agent. That gentleman, whose disinterested anxiety to see the valuable estates of the Corporation disposed of to the best advantage is recognized by all parties, is very decidedly of opinion that the most advantageous course the Corporation could adopt, would be to sell the whole of their property, and apply the proceeds to paying off their debenture debt. Similar opinions, which we have reason to believe are shared by Alderman Harris, Mr. Gray, M.P., and other members of the Corporation, were expressed by Mr. Dockrell and Mr. Vereker, the latter of whom is strongly in favour of letting by auction in all cases. Two reports by Mr. Morgan upon this subject, which, although not falling within the direct terms of reference to us, have, it seems to us, an important bearing upon the first point (now under consideration), will be found in the Appendix to this Report (Appendix No. 15, page 382), and No. 3 Committee, in their report to the Council upon that relating to Baldoyle, "suggest the desirability of preparing maps and rentals of the property, with a view to its sale, and that city debentures be taken up and cancelled with the proceeds of the sale."

Ev. 268–271, and 307–313.

Mr. Morgan, Ev. 604–607.

Ev. 573.

Ev. 574, 575, and Hon. Mr. Vereker, Ev. 1499–1501.

Ev. 565. See, too, 564–571.

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II. The second point referred to us for inquiry is "The payment and duties of the high constable, water bailiffs, and officer of commons."

The duties of these officers, as settled in 1842, and at present framed and hung up in the Council Chamber, will be found in the Appendix (Appendix No. 15, page 386). The high constable, who is also billet-master, receives a salary of £100 a year, to which it was raised in 1863, his predecessor having received the same. His duties—although set out at considerably greater length in a letter addressed by himself in 1862, to Mr. Farquahar, the then Town Clerk, and published in the report of a special Committee, upon the duties and salaries of the Dublin Corporation—do not appear to have materially increasd since his first appointment in 1848, when his salary was fixed at £10 a year. In 1851 it was increased to £50 a year, in 1858 to £75, and upon the motion of the present Lord Mayor, as a member of the special Committee of 1862, it was further raised to £100. As described by himself, his duties as billet-master are now merely nominal, and his duties as high constable are "to wait on the Lord Mayor, attend him on his rounds at the public markets, at levees, balls, and on all public occasions, to provide military bands when he gives a banquet, and to see that no improper exhibition takes place."

Mr. John Martin, Ev. 349–354.

Ev. 353.

Ev. 354.

Mr. F. Dowling, Ev. 456, 457.

The water-bailiffs are no longer required to perform the duties set out in the Appendix, as settled in 1842, but they—

Mr. Lalor, Ev. 358, 359, and Mr. J. Martin, Ev. 356.

"Have charge of the plant with which the coal, salt, and potato ships are supplied, consisting of beams, scales, tubs, &c. They act as arbitrators between buyer and seller; they report upon offences and summon offenders before the police magistrates; they issue summonses for river and shipping acts, when such are contrary to the law; they attend before the Lord Mayor when disputes arise between buyer and seller, when such disputes are not submitted to arbitration; and they are actively engaged in minor duties. The salary of the officers is £200 per year each.

"The officers are bound to attend the office in person, and they severally remain on the quay, or are there from sunrise to sunset, and consider it their duty to attend the Lord Mayor when his lordship attends at the river in his official capacity; also to protect the citizens from fraud in the irregularity of weights or other frauds that may be committed on the quays or river, and to bring the defaulters before the Lord Mayor; to indorse all processes before execution; and to have at all seasons of the year a sufficient supply of the plant."

In addition to the above duties, one of the water-bailiffs acts as inspector of the weigh-houses on Burgh-quay, Eden-quay, and City-quay. He has also charge of the life-buoys placed along the river. He superintends the making and repairing of all the plant. The salary of each of them is still £200 a year. Mr. P. J. Byrne is still in office; he was appointed in 1843. Mr. J. Murphy was appointed in February, 1873. In the first instance, on probation, he got £100 a year, which was afterwards increased to £200.

The duty of "attending the sword" (one of the original duties of these officers, and of the officer of commons), was thus described by Mr. Martin, the acting town Clerk:—

Ev. 362, 363.

"In the *good old time*, before the introduction of the metropolitan police, there was a very divided jurisdiction; the Earl of Meath had a jurisdiction; the Lord Archbishop of Dublin had a jurisdiction; and they used occasionally to meet and obstruct each other, and then these were the Lord Mayor's footmen."

Mr. Byrne, one of these water-bailiffs, is an old man of eighty, and the duties are practically exclusively performed by Mr. Murphy, who was alone examined by us. Under the old system these officers were paid by fees, and Mr. M'Evoy sought to show that paying the water-bailiffs by salary worked a greater loss to the city than payment by fees, which, *taking into account the compensation annuities, amounting to £246 per annum paid to two retired water-bailiffs*, would have been, we found, the case last year, although the actual salaries and the other outgoings formerly payable out of the fees are very much less than the annual amount of fees now carried to the credit of the borough fund.

Mr. Murphy, Ev. 373. Ev. 364–383, and 422–429, and 452. Mr. M'Evoy, Ev. 437–447, and Mr. Thos. M'Donnell, Ev. 458–465.

Ev. 458, 459, and Mr. Murphy, Ev. 366.

The present officer of commons, who is also the mace-bearer, was appointed in 1866 at a salary of £100 a year, his predecessor having received £150, to which Mr. Barlow's salary was raised in 1870, and subsequently increased to £200 a year, at which it now stands. His duties, many of which are merely nominal, remain as fixed in 1842 (see Appendix No. 15, page 386), but are said to have nearly doubled in consequence of the far more frequent meetings of the Council and the committees which he has to attend, and the consequent increase in the number of summonses or notices which he has to serve. In no other material respect, however, do his duties appear to have increased, and it should be remarked that he is paid at the rate of one halfpenny each for every summons or notice-paper he has to send out, which now amounts to something like £10 a month, while nearly all these notices are delivered by him by hand.

Mr. Martin, Ev. 638–642, and 621.

Ev. 626, 643.

Ev. 644, 646, and Mr. Barlow, Ev. 648–651. Mr. Martin, Ev. 628–633. Mr. Barlow, Ev. 653–662.

THE MARKETS.

III. The markets—of which "the management and the position of the officers (including the weighmaster) connected therewith," was the third point referred to us—are, the Smithfield hay and straw market, the Kevin-street market, the Spitalfields market, the Green hide crane and rag market, and the Cattle market. Two other old markets, the Little

Mr. Lalor, Ev. 746.

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Ev. 865. Green-street butter and egg market, and the United Butter-trade market, have died out; and the Smithfield and the Cattle market are practically the only important

Ev. 747, 753, and 668. markets at present under the control of the Corporation. The Cattle market is under the control of Committee No. 2 of the Corporation, but the others are all under the

Ev. 668–672. control of the Lord Mayor, who is *ex-officio* clerk of the markets. He appoints two deputy clerks of the markets, who are also inspectors of weights and measures, under the Dublin Improvement Act. One of them (Mr. Webb) is also inspector of petroleum at a

Ev. 675–686. salary of £10 a year, and they divide between them £160 a year as inspectors of weights and measures, and £30 a year as deputy clerks of the markets. (For their duties in these

Ev. 688–699. Ev. 700–703. several capacities see Appendix No. 15, page 386.) They also receive a fee on all adjustments of weights and measures upon a scale long settled, which, although said to

Ev. 705. Ev. 706, and Mr. E. J. Webb, Ev. 726–744. be acquiesced in by the general public, has given rise to at least occasional objections or complaints, some of which were raised upon the present inquiry. A more material

Mr. Lalor, Ev. 704–707. Ev. 717. See Mr. Finlay's Report. Ev. 1043. objection has been raised by the auditor, Mr. Finlay, viz.:—That these fees, which average about £5 5*s.* a week, after deducting all incidental expenses, ought, under the Dublin Improvement Act, to be lodged to the credit of the improvement fund; and so long ago as the year 1872 he suggested that the opinion of counsel should be taken on this point. No such opinion has been taken, and quite recently No. 2 Committee have

Ev. 708–710. Ev. 719–721 recommended that the existing custom be continued. The weights used in the water-bailiffs' department and the Corporation weighbridges are tested by these officers free of charge.

Ev. 768. The Smithfield market for the sale of hay and straw, is held on Tuesdays and Saturdays. Formerly all the cattle were sold there, but although Smithfield is a free market,

Ev. 988. in which no tolls can be levied, whereas in the Cattle market, all cattle brought in for sale pay certain tolls fixed by schedule, almost all cattle now sent into Dublin for sale

Ev. 902, 903. Ev. 901, 992, 993. of whatever kind are sold in the Cattle market, which more than pays all its expenses, notwithstanding the high rate of interest at which the greater part of the capital in-

Ev. 984–986. Ev. 1024, 1020 1028. vested in it was borrowed.

Ev. 884–899. The entire cost of the Cattle market has been £24,550, of which the first £17,000 raised, and the last loan of £3,500 was borrowed for fifty years at six per cent. on debenture mortgages, subject to deduction if the surplus half yearly profits of the market

Ev. 893–897. do not realize sufficient to pay the full amount. The two intermediate loans of £550 and £3,500 were borrowed, the former at five and the latter at four and a half per cent.

Ev. 908–910. Ev. 964. The ground on which the cattle market stands is held by the Corporation, we were told, in perpetuity at a rent of £315 a year, which includes the City Arms Hotel, now let at

Ev 915–917. £115 a year. This market is managed (under No. 2 Committee) by one superintendent

Ev. 920, 942, 951. at a salary of £100 a year, who receives all tolls and dues, and the weekly rents of certain

Ev. 923. wooden offices put up for the convenience of the salesmasters, which sums he is required,

Ev. 939. after deducting the wages of the labourers employed in the market (averaging last year £93 0*s.* 10*d.*), to pay to the Bank of Ireland every week to the credit of the Corporation, upon a receivable order from the city treasurer. Previously to lodging this balance, the superintendent is required to furnish each week to No. 2 Committee a detailed

Ev. 938, 923. account, showing not only the gross amount of his collections from tolls and office rents and the disbursements for weekly wages, but also the names of the owners of the cattle

Ev. 1014, 1015. and the number of beasts, sheep, and other animals, distinguishing them, which are brought into the market. The scavenging of the cattle market costs the Corporation under the present system about £90 a year, after deducting the sale of the manure.

The previous superintendent was a defaulter to the amount of about £315, of which

Ev. 924–927. only £114 has been yet made good; and Mr. Finlay, in reporting on the defalcation after his first audit, said there was no check exercised on the superintendent's receipts, but that a more efficient system had been introduced. We were told, however, that the same system as now pursued was supposed to be then in force, only it was not carried

Ev. 932, 928. out. The present superintendent gives a bond for £500, and the balance of the late superintendent's debt is said to be secured by an insurance kept up by his family, and payable on his death.

Ev. 759. The inspector of the Smithfield market also receives £100 a year, viz., £75 a year as inspector of the hay and straw market, and £25 a year as inspector of the pig market

Ev. 769, 994. which is held every Thursday in the hay market adjoining, and indeed forming part of Smithfield, and is described as a very great nuisance.

Ev. 990. Mr. Morgan, in a report upon the markets, says of this pig market, that it "presents the strongest evidence of neglect and defiance of all proper regulation," . . . . . "creating a public nuisance and permanent obstruction from 3 P.M. each Wednesday until conclu-

Ev. 996, 997. sion of Thursday's market;" and he proceeds to offer suggestions for limiting its area and remodelling it, which however has not been done. The obvious remedy would seem to be to remove the pig market to the cattle market where there is plenty of accommo-

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dation; but the interests of the persons who are in the habit of selling these pigs on commission, and who live in Smithfield, appear to form an obstacle to this. The only other animals sold in Smithfield now are some store cattle. Ev. 993.

The duties of the inspector are to see that the by-laws are carried out in the Smithfield market, and to examine all hay and straw exposed for sale with the view of detecting fraud, and if any be discovered, to report it to the Lord Mayor. If the hay or straw be condemned by the Lord Mayor, it is to be sold by public auction, and the proceeds paid to the credit of the Borough Fund. The inspector has only one assistant, who is paid 5*s.* a day on Tuesdays and Saturdays. Ev. 770, 761. Ev. 772.

The only fees charged in this market are for weighing—½*d.* per cwt. for both hay and straw—returns of which are made twice a week by the weighmasters to the secretary to No. 2 Committee, and the net amounts lodged to the credit of the Improvement Fund by the weighmasters, after deducting the wages of two porters and a clerk. At the end of each month all the fees received are divided equally between the five weighmasters, so long as their amount does not exceed what would give £120 a year to each. In that event the surplus would go to the credit of the Improvement Fund; but hitherto there has been no surplus. Last year £408 10*s.* was divided between the five weighmasters, and the year before they appear to have got but £351 between them. It not being compulsory to weigh in Smithfield market, some of the factors have set up private weigh-houses, of which there are now seven, in the vicinity of the market; and with a view of reducing the competition from these, the Corporation weighmasters are it seems authorized to, and do, charge less than the ½*d.* per cwt. which was fixed by the Act. The duties of the weighmasters will be found set out at length in Mr. Lalor's evidence, at questions 793, 794. Ev. 775, 780, 783. THE WEIGHMASTERS. Ev. 785–794. Ev. 777, 778–784, 803. Ev. 802. Mr. Haughton, Ev. 805–809. Mr. Lalor, Ev. 793, 794.

The "Kevin-street market," which was formerly under the control of the Earl of Meath, does not pay its expenses. The Lord Mayor's deputy at this market is entitled to 30*s.* a week, provided he receives that amount of fees; but his average earnings from the date of his appointment have been 12*s.* 7*d.* weekly, and the cost of the establishment to the Improvement Fund for the current year was said to be £13 1*s.* 6*d.* Ev. 810–814.

"Spitalfields," another old market, which at one time yielded £1,600 a year, has become such a merely nominal affair that no account has been kept of it since August, 1857. It is subject to a rent of £50 a year, payable by the weighmaster to a Mr. Laurence Keogh, who is cousin to the present weighmaster. The latter is entitled to receive all the fees and required to pay all expenses out of them, and Mr. Lalor expressed himself as certain that he did not receive more than 10*s.* a week from the market, which is practically his own, there being no claim on the Corporation for the rent. Ev. 815. Ev. 819–830. Ev. 818, 827. Ev. 816, 819, 825–829.

The remaining market, the "Green Hide Crane and Rag Market," which is held on ground belonging to the Corporation, and consequently under the control of No. 3 Committee, is let at an annual rent of £50, to Mr. James Macken, who is the "craner" or weighmaster, as yearly tenant. It was formerly let at £70 a year, but reduced at request of the present tenant. No supervision is exercised over this man by the Corporation, and although a memorial of the hide merchants of the city was presented two years ago, complaining that the "craner" had become himself a dealer in hides and skins, to the prejudice of the trade, which we found was, as alleged, in direct contravention of his agreement in 1871, when the rent was reduced to £50, no steps have been taken by No. 3 Committee either to insist on his abandoning the practice, or to determine his tenancy, the Committee coming to the conclusion upon inquiry that there was no fraud detectable, and that although it might be injurious to the buyers, it was rather an advantage than otherwise to the sellers, who were in favour of the additional competition thus created. That it does work an injustice to the trade buyers was clearly explained by Mr. Lyons, and it was finally admitted on behalf of the Committee that the practice was in contravention of the "craner's" agreement, and that there had never been any attempt to get any higher or better terms for the market from anyone else. Ev. 831–837. Ev. 838, 840. Mr. Lyons, Ev. 845–862. Mr. Martin, Ev. 1035, 1040 Mr. Lalor. Ev. 857, 858. Mr. Lyons, Ev. 864. Mr. Martin, Ev. 1041, and 1033, 1039.

There are three weigh-houses belonging to the Corporation, which were established in consequence of a report by Lord Mayor Joynt, to which our attention was directed by Mr. M'Evoy. These weigh-houses do not pay—those at City-quay and Burgh-quay being worked at an annual loss of about £150 between them, and that at Eden-quay only just pays its expenses. Mr. Lalor, Ev. 866–872. Ev. 448–451.

IMPROVEMENT FUND RECEIPTS.

IV. The management and expenditure of the improvement fund is practically under the charge of No. 1 Committee of the Corporation. This fund consists principally of the receipts from the improvement rate, which, by the Dublin Improvement Act of 1849 (12 & 13 Vic., c. 97) is limited to 2*s.* in the pound, at which it is always levied. The 2*s.* rate ought to produce, upon the present valuation, £59,489 18*s.* 6*d.* per annum, of which it is estimated that upon an average over £6,000 would be always lost as irrecoverable. Mr. Beveridge, Ev. 1159. Mr. O'Donnell, Ev. 1047–1049. Ev. 1052–1056, 1069.

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Ev. 1071–1088. Ev. 1088, 1089. The Collector-General, under the "Collector-General of Rates Act," stops two and a half per cent. for expenses of collection, and ten per cent. is the estimated loss for insolvencies, exemptions, &c. Each rate is kept four years in course of collection, so that the lodgment each year consists of only an instalment of the current rate, and is largely made up of arrears from the rates of the three preceding years.

Ev. 1092–1094. The receipts for the year ending 31st August, 1875—the last year audited before our Inquiry—amounted to £63,828 15*s.*, and included a sum of £351 10*s.* 6*d.* (see abstract of Improvement Account in Appendix No. 15, page 378), lodged by the weighmasters from the city weigh-houses, and Smithfield Market, including proceeds of confiscated hay and straw, which, as we have already seen, ought to have been carried to the credit of the Borough fund to which it was subsequently transferred.

Ev. 1095–1099. Ev. 1100. Certain Wide Street rents should produce about £420 a year to the credit of the improvement fund, and £33 18*s.* 5*d.* is the annual rent, also payable to this fund, from some old turnpike houses on the Circular-road on which the turnpikes have been abolished.

Ev. 1101–1114. "Deposits" for licenses for works executed by the Corporation on behalf of and at the request of private parties form a large item in the annual receipts of this fund, and it is noticeable that a considerable portion of the late city treasurer's defalcations arose out of these deposits, upon which there is usually a balance to be returned. It may be here remarked that all this gentleman's (Mr. Robinson's) defalcations have been made good, and previous to the appointment of his successor the Corporation made an order that all payments, instead of passing through the treasurer's hands, should be made for the future direct to the Bank of Ireland upon a receivable order; and had this been strictly acted upon the detention of a cheque for £106 18*s.* 3*d.* from the London and North-Western Railway Company by the present town clerk, which was cashed by him instead of being paid direct to the credit of the improvement fund under circumstances subsequently noticed, could never have occurred.

Ev. 1103, 1114. Ev. 1446.

Ev. 1119–1121. The receipts from sales of the manure from street scavenging are very trifling—something under £170. This arises from the streets being chiefly macadamized, and indeed the difficulty of disposing of these street sweepings is rapidly becoming a very serious question in consequence of the great cost of conveying them outside the city, and to the depôts being almost full owing to the unsaleable nature of the contents.

Ev. 1123–1125. Mr. P. Neville, Ev. 1387–1389.

Ev. 1136–1141. A sum of £500 which ought to have been paid to the credit of this fund by the Alliance Gas Company towards the cost incurred by the Corporation in opposing the Bill presented by that company in 1874 has not yet been paid, although Mr. Finlay the auditor had directed attention to the omission, and a member of the Corporation has long ago given notice of motion to call upon the company to carry out their agreement, which motion has not as yet been dealt with.

Mr. Beveridge, Ev. 1476. Mr. O'Donnell, Ev. 1143, 1144. Mr. Beveridge, Ev. 1475. No less a sum than £2,482 12*s.* 8*d.* which had been erroneously charged to the improvement fund in the years 1873, 1874, and 1875 has been recouped to that fund from the north and south sewer fund in 1876. Indeed at one time the improvement fund seems to have been "regarded as a fund for everything," and the accounts, previous to the appointment of Mr. Beveridge, the present secretary to No. 1 Committee, had got into great disorder. A very much better system has been now introduced, and the accounts of this committee and all the details of their street expenditure appear to be now kept with great clearness and accuracy.

Mr. O'Donnell, Ev. 1147. At the commencement of the financial year now under consideration there was a balance against the improvement fund of £3,227 15*s.* 7*d.*, but the receipts having exceeded the expenditure by £2,744 8*s.* 1*d.*, the balance due by this fund at the close of the year was reduced to £483 7*s.* 6*d.*, a result mainly owing to the large recoup effected from the north and south sewers fund.

EXPENDITURE OF IMPROVEMENT FUND.

Mr. Beveridge, Ev. 1159–1205. Ev. 1206–1243. The expenditure for the year was £61,084 6*s.* 11*d.*, the principal heads of which are as follows:—Salaries, £2,266 14*s.* 8*d.*, the details of which are given by Mr. Beveridge in his evidence. Pensions or "compensation annuities," £1,369 7*s.* 2*d.* These arise under two Acts—the Improvement Act of 1849, by which officers of the Corporation who had served under the old Wide Street Board, may receive "adequate compensation" up to the full amount of their salary; and the "Local Officers' Superannuation Act (Ireland), 1869" (32 and 33 Vic., cap. 79), which limits the superannuation allowances to all other officers to two-thirds of the salary enjoyed at the date of retirement.

Ev. 1207–1216. Ev. 1217, 1240. The amount of these superannuation allowances, which, under the Act of 1869, was at first £2,522 5*s.* 11*d.*, and which in 1864–65 had reached £3,681, has been this year reduced to £796 3*s.* 1*d.*, to which, if we add £251 for pensions granted under the more recent Act of 1869, we shall have the full amount for the present year, viz., £1,047 3*s.* 1*d.*

Ev. 1243. Ev. 1249. Ev. 1250. The markets, weigh-houses, and weights and measures department constitute together a charge of £726 3*s.* 6*d.* against the Improvement Fund, of which £597 18*s.* 8*d.* is in respect of the Smithfield Market. The cost of lighting the public lamps, which is only

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charged at £6,970 13*s.* 6*d.* in the account for the financial year, as audited, was really £8,867 13*s.* 7*d.* for the year; and in like manner the cost for scavenging, which is put down in the audited accounts at £8,099 19*s.* 9*d.* for the year ending 31st August, 1875, was £14,585 for the year ending 31st December, 1875, and has never been so low for many years as it was last year (1876), when the scavenging staff was reduced 20 per cent. it fell to £13,045. Ev. 1255–58. Ev. 1148. Ev. 1411.

The fact is—and this is an opinion expressed alike by Mr. Finlay, the auditor, Mr. Beveridge, the able secretary to No. 1 Committee, and Mr. O'Donnel, the experienced accountant to the Corporation—the financial year, as audited, ought to end, not on the 31st August, but on the 31st December, when the true expenditure for the year would be more correctly ascertained; and it was suggested by Mr. O'Donnel that a clause to effect this might possibly be introduced into the Collector-General of Rates Bill, now, we believe, under the consideration of Parliament. Ev. 1411, 1418. Ev. 1260.

For the £8,867 charged for lighting, the Corporation light 3,470 lamps at a cost of £2 11*s.* 5*d.* each per annum, and the price charged by the company for 1,000 cubic feet, which was in 1875 3*s.* 11*d.*, is now 4*s.* 6*d.* Ev. 1261. Ev. 1277, 1265 & 1279–1282. Ev. 1267–1271.

LOANS ON IMPROVEMENT FUND.

Of the £100,000 which the Corporation were empowered to borrow under their Improvement Act of 1847, they have received up to the present time £48,550—viz., £24,550 for the cattle market, as already stated, of which no portion has been paid off; £2,000 for the improvement of College-green—for College railings—of which £1,300 has been paid off; £2,000 to purchase horses in 1871, when they took the scavenging, which had previously been done by contract, into their own hands—all paid off within eighteen months; and £20,000 taken up in November, 1875, for the first instalment of a loan of £50,000, at 4½ per cent., contracted for with the Law Life Assurance Company. The remaining £30,000 the Corporation may take up or not, when they want it, and the first instalment of £1,000, which they are required to repay annually, was paid on the 13th December last. No sinking fund has been formed, as required by the Act of 1847, in respect of the £24,550 raised for cattle market. Ev. 1327–28. Ev. 1337. Ev. 1332–1328. Ev. 1333–1335.

In addition to these loans the Corporation have issued Lloyd's bonds for £6,820 13*s.* 4*d.*, one of which, for £625, was paid off in August last.

Comparing the improvement account for 1875 with that of 1876, which was under audit at the time of our inquiry, we find that the receipts from rates to 31st August in the latter year amounted to £55,019 3*s.* 11*d.*, or about £2,100 more than in 1875, attributable to the Government bounty being then for the first time brought into account. £20,000, the first instalment of the loan for £50,000, is also brought into this account, bringing up the total receipts to over £82,000. On the other hand the expenditure during that period upon "general works," such as paving, macadamizing, flagging, asphalting, scavenging and watering, came to £52,599, against £40,299 in the previous corresponding year, the difference arising principally from the extra expenditure upon special paving works of £11,003 7*s.* 11*d.*, out of the £20,000 instalment of loan. Two paving accounts are now kept—No. 1, the ordinary account which is paid out of the rates, and No. 2, for special works paid out of the loan, the latter of which had at Christmas last reached the sum of £17,805. Ev. 1311–1312. Ev. 1310. Ev. 1148.

On the 31st August, 1876, subject to any alteration which might be made by the auditor there was a balance of £8,805 5*s.* 11*d.* in favour of the improvement fund instead of £483 7*s.* 6*d.* against it as at the close of the preceding year, but of course that represents a certain portion of the money borrowed. Before, however, the 31st December last more than £18,000 of the loan had been expended in paving and other works of a permanent character, and the £1,000, the first instalment of capital, had been repaid, and a balance remained to the credit of the improvement fund of over £3,200, showing a great improvement since 1874 in the financial position as regards this particular fund. Ev. 1419. Ev. 1509. Ev. 1480–1482.

THE STREETS, AND EXPENDITURE THEREON.

The whole amount received from the improvement rate from 1850 up to the 21st April in the present year has been no less than £1,299,568 1*s.* 6*d.*, yielding an average income of over £48,000 a year from rates alone; at the same time the state of the Dublin streets is such that Mr. Parke Neville, the city engineer, does not pretend that they are, or can be maintained in anything like a satisfactory condition. He is now endeavouring under a special order of the Council to reduce the macadamizing and increase the paving, in the furtherance of which great assistance is being derived from the tramway companies. Eight miles and seven furlongs of tramways have been, it seems, already laid down in the city, along the whole length of which the centres of the streets have been paved by the companies at their own expense, and the Council have ordered that the paving of all these streets shall be completed by filling up the spaces between the tramways and footpaths. These companies are still extending their operations, and Mr. Neville considers that a great saving will be effected as the substitution of paving for macadamizing advances. "No matter," he says, "what price Ev. 1313. Ev. 1361, 1396 1400–1403. Ev. 1379. Ev. 1379. Ev. 1391.

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Ev. 1387. Ev. 1396. you pay in Dublin you cannot get a first-class macadamizing stone." Another saving he hopes to effect by repairing the footways, which in many parts of the city stand much in need of repair, with Limmer asphalte instead of flagging. The scavenging staff alone cost about £180 a week in wages, but many of the men employed appear to be quite unequal to the work, and some confirmation of the opinion we thus formed when seeing them paid in Whitehorse-yard, would seem to be afforded by the statement that when last year the Committee made an order reducing the staff by twenty per cent., very little inconvenience was felt by the reduction.

It is certainly difficult to imagine anything less effective than the manner in which their duty of scavenging is at present discharged; nor do we think that in any town we have visited in Ireland the streets present such evidence of neglect in this department.

One matter to which Mr. Finlay drew attention during his recent audit is here deserving of notice: Seven men were charged for as employed at 7*s.* a week at the Whitehorse-yard, and upon inquiry he found that one of them was dead, and that the other six were never employed there. This was admitted, and it was said that the Committee having no power to pension them, "they were set down nominally as at work, but it was an understood thing that they were not working." A woman who represented herself to be his wife drew the pay for the dead man for some time before his death, and subsequently.

Ev. 1364–5, 1495. Ev. 1370–2 and 1495.

Mr. Beveridge afterwards told us that it was the intention of the Council to superannuate these men, who have been very long in the service of the Corporation, and who were recommended by the city engineer as deserving men. He said "for a time they did light work, and then growing more feeble they were told to go about their business."

Ev. 1492. Ev. 1493.

A report of Committee No. 1 having been printed on this subject, we annex it in the Appendix to this Report (Appendix No. 15, page 384).

Ev. 1373–77.

We also print in the Appendix (No. 15, page 370), a statement of facts drawn up by a committee of the whole house in pursuance of an order of Council of 23rd March, 1877, in relation to the cheque for £106 18*s.* 3*d.* cashed by the Town Clerk on the 9th February, 1877, and not lodged by him to the credit of the Corporation until the 17th March following, and then not until after discovery of the fact that such cheque had been so cashed, and application made to him on the 12th March by Mr. Beveridge to lodge the money to the credit of the improvement fund not later than the 15th March.

Ev. 1443–1445 and 1491.

Upon this statement being submitted by the committee in their report to the Council, Town Councillor E. D. Gray (the present Member for Tipperary), moved, "That the Town Clerk be, and is hereby required, to send in his resignation;" to which an amendment was moved by Sir John Barrington, and carried by the casting vote of the Lord Mayor:—

Ev. 1491.

"That the report of facts from the committee of the whole house showed that the Town Clerk detained in his hands a sum of money which he, on receipt thereof, should have lodged to the credit of the Corporation; that such proceeding on his part, though not done with any fraudulent intent, was highly reprehensible and irregular, and calculated considerably to abate the confidence of the Council in him; that he be publicly reprimanded and suspended until he find security for £1,000 for his future regular conduct."

Since then we are informed that Mr. Henry having obtained security, has been reinstated in office.

U. CORBETT. (*Seal.*)

H. A. ROBINSON,
Acting as Secretary.

WEXFORD.

The seaport town and parliamentary borough of Wexford was, before the passing of the 3rd and 4th Vict., cap. 108, governed by a Corporation of considerable antiquity. This Corporation was dissolved by that statute in schedules B and G, in which Wexford is included; and under the provisions of the 14th section of that statute, the present Corporation of Wexford received a charter of incorporation, by letters patent from Her Majesty the Queen, dated the 25th July, 1846.

Under this charter, which is the only one of the kind that has been granted since the passing of the 3rd and 4th Vict., cap. 108, the Corporation of Wexford are the owners of the property of the former Corporation, and are possessors of and bound by all the rights, powers, interests, duties, and liabilities of the Corporations that have been preserved and reformed by the 3rd and 4th Vict., cap. 108.

There are 464A. 3R. 11P. within the borough. The population at the last Census was 12,077, showing a small increase over that of 1861. The valuation of the property in the borough is £15,793, but for the purpose of levying the rate in lieu of county cess, which is leviable upon the principle of the Towns Improvement Act, 1854, the valuation is £15,443 5*s*. The town is, by the charter of incorporation, divided into three wards. The names, valuation, number of burgesses in, and number of representatives of, in the Corporation, are as follows, viz.:— Mr. O'Leary, Town Clerk, Ev. 10. PROVISIONAL ORDER.

Name.	Valuation. £	*s.*	*d.*	No. of Burgesses.	Representatives in Corporation.
Selskar's, . .	4,669	0	0	94	Two aldermen and six councillors.
St. Mary's, . .	5,453	5	0	43	Do. do.
St. Iberius', . .	5,670	10	0	99	Do. do.
	£15,792	15	0	236	

The qualification for members of the Council under the charter of incorporation is the being on the burgess list and the possession of real or personal property, or both, of the clear value of £500 over and above his debts, or the being on the burgess list and the occupation for twelve months past of a house in the borough rated to the relief of the poor at £20 a year; and the qualification of a burgess is that required by the 3rd and 4th Vict., cap. 108. Ev. 14.

The mayor, who does not receive any salary, is chosen from the general body of the Council. The 17th and 18th Vict., cap. 103, was adopted in its entirety by the Corporation in 1870. By a Provisional Order of the Local Government Board for Ireland, dated the 15th November, 1872, confirmed by the 36th Vict., cap. 61, passed on the 16th June, 1873, the jurisdiction, powers, and authority of the Grand Jury of the county of Wexford with respect to roads, bridges, footpaths, and public works within the borough, are transferred to the Corporation of Wexford. The borough is to contribute in proportion to the valuation of property within it to the county-at-large charges. Existing contracts under the Grand Jury are provided for; and the Corporation are empowered to levy, in addition to any other rates leviable by them, a rate of 2*s*. in the pound, to be levied in all respects as any assessment under the Towns Improvement (Ireland) Act, 1854. Ev. 15. Ev. 20-22.

The Corporation of Wexford obtained a second Provisional Order of the Local Government Board, Ireland, dated the 2nd December, 1875, which was confirmed by the 39th & 40th Vic., cap. 155. Several public Acts are incorporated by this Order, and the Corporation are empowered to exercise compulsory powers of purchase of lands and water and water-rights for the purpose of forming a water supply for public and domestic use in the town; they are empowered to levy a domestic water rate of 1*s*. in the pound on the valuation, and a public water rate of 6*d*. in the pound. And it is provided that the borrowing powers conferred by the 40th section of "The Public Health Act (Ireland), 1874," shall extend and apply to the rates authorized by the Order, and to the costs, charges, and expenses to be incurred by the Corporation in the performance of its duties under the Order. And the Corporation are empowered to borrow and take up at interest any sums of money necessary for defraying such costs, charges, and expenses, subject to the provisions and with the authorities contained in that section. The Order contains other provisions for the regulation of the water supply, which it is not necessary to refer to here. The Corporation have not, as yet, exercised the borrowing power so conferred upon them, but they have received from the eminent Ev. 25.

WEXFORD.

engineer, Mr. Hawkesly, plans for the construction of public waterworks, and an estimate of about £16,000 for the costs and expenses of executing the works, not including the purchase-money of the lands that may be required. They have applied to the Commissioners of Public Works in Ireland for a loan of £25,000 for the purpose of purchasing land for and constructing the proposed public waterworks, but it is uncertain whether more than £25,000 may not be required, and the Corporation are desirous of obtaining at once a sum sufficient for the completion of the works. Some few of the members of the Council and of the ratepayers, objected to the expense of constructing public waterworks as unnecessary, but it is clear from the evidence given that the present supply of water is most miserably deficient, and that the great want of the town of Wexford is a good public water supply.

The old Corporation of Wexford is stated to have been possessed of considerable fee-simple properties in houses and lands, but large and substantial interests had been alienated by the Corporation before the passing of the 3 & 4 Vic., cap. 108. It is found by the Report of the Municipal Commissioners for Ireland, made in 1835, that at the time of the Commissioners' inquiry, the Corporation were seized and possessed of lands and houses near to and in the town of Wexford, in the occupation of twenty-nine tenants, producing a yearly rent of £147; and that it was expected that upon the termination of some leases, the particulars of which are not given in the Report, a rise of about £100 a year would take place. The same Report finds that very improvident lettings have been frequently made of portions of Corporation property upon very long leases at very low, or even nominal, rents. It appears from a rental furnished by the treasurer that, exclusive of the rent of £11 1*s.* 6*d.* received by the Corporation from what are known as the Pipefields, which is a portion of land held by the Corporation as tenants under Mr. Percival, who holds them himself as tenant of the Corporation, the annual rental of the Corporation is now £319 2*s.* 3*d.*, paid by fifty-four tenants, or representatives of tenants, and that three tenants hold under leases or grants for ever, the dates of which are not given; and twenty hold under different leases for 999 years, all of which are stated to have been granted at intervals, from 1736 to 1794.

Municipal Commissioners' Report, pp. 626, 627, 628.

Mr. T. Lacy, Ev. 184, 185.

Ev. 592, 593.

In the interval between the 30th August, 1836, and the 1st September, 1840, when the 6th & 7th Wm. IV., cap. 100, restraining alienation by Corporations including Wexford, the old Corporation made three leases, viz., one dated on the 26th July, 1837, to Richard Leared, of 1A. 0R. 16P., Irish, for 99 years, at the yearly rent of £5 10*s.*; another dated 31st July, 1837, to John Maddock, of 1A. 0R. 15P., Irish, for 99 years, at the yearly rent of £5 10*s.*; and another dated the 10th December, 1839, to David Robinson, of 10A. 2R., Irish, for 91 years, at the yearly rent of £42. These three leases may be within the prohibition of the 6th & 7th Wm. IV., cap. 100, but they appear to have been made at fair rents, and not from any corrupt or improper motives.

Ev. 588.

About 1850 or shortly after, some lease or leases under which property in the town was held at nominal rents terminated, and the Corporation succeeded in establishing their title to the property, which now brings in a considerable yearly rent.

Ev. 180–256.

About the year 1856 the present Corporation of Wexford sold and conveyed to the trustees of a charity, with the assent of the Lords Commissioners of the Treasury, a small portion of land, for the sum of £300, which was applied by the Corporation as portion of their borough fund.

Ev. 216, 217.

There have been but very few leases or lettings made by the present Corporation since their creation in 1846. On the 17th April, 1855, a resolution of the Council was passed to make a lease for seventy-five years of a small piece of ground or yard adjoining the premises of Alderman Stafford to Mr. R. W. Ryan, then a member of the Town Council, at the yearly rent of £3. Up to that time the Corporation were receiving a very small—almost nominal—rent for this place. Alderman Stafford considered that this piece of ground could be added advantageously to his premises, and he agreed to give Mr. R. W. Ryan £40 for his interest in it. Mr. Ryan, on the 9th May, 1868, with the sanction of the Lords of the Treasury, surrendered his lease to the Corporation; and on the 11th May, 1868, the Corporation, with the sanction of the Lords of the Treasury, made a lease of the piece of ground to Alderman Stafford for ninety-nine years, at the rent of £3, the lessee covenanting to expend £500 in building. It does not appear that the bargain between Mr. Ryan and Alderman Stafford was disclosed to the Lords of the Treasury.

Ev. 247–253.

Ev. 253.

A further resolution of the 17th April, 1855, was made by the Corporation to grant a lease of premises within the borough to Alderman Walsh, a member of the Corporation, for seventy-five years, at the yearly rent of £25. The Government valuation of these premises at the time was £20, and Alderman Walsh was then the tenant in possession of the premises as tenant for the residue of a term of thirty-one years.

Ev. 215–218, 221–223.

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Alderman Walsh continued in possession, and paid the rent of £25, until his death, and his representatives are still in possession; but it does not appear that any lease to him was ever actually executed. In pursuance of a further resolution of the Corporation of the 17th April, 1855, a lease of premises at West-gate, within the borough, the valuation of which was £14 a year, was made by the Corporation to William Walpole for seventy-five years, at the yearly rent of £25. The lease contained a covenant by Mr. Walpole to build on the premises, "according to the provisions of the 3 and 4 Vic., cap. 108, sec. 142." Mr. Walpole was not at the time a member of the Corporation. He was tenant in occupation, holding under an immediate tenant of the Corporation, whose lease had shortly before determined, and he carried on his business on the premises. Three other lettings were made by the Corporation which need not be noticed. There were not in any of these cases any letting by auction, or any advertisements for tenders for the places, or any public notification of the intention of the Corporation to let the premises. It is not the practice of the Corporation to have such, and they consider and prefer the claims of the tenant in occupation, and the more especially if he has established his business upon the premises. Ev. 195–198.

The Corporation do not administer any charitable fund or property of any kind.

RATES.

The Corporation levy only two rates—a borough rate under the provisions of their Charter and the 3 & 4 Vic., cap. 108, which up to and for the financial year ending the 30th September, 1876, was 1*s.* in the pound, and amounted to £787 16*s.*, and which for the present year is 10*d.* in the pound; and a rate of 2*s.* in the pound under the Provisional Order (Wexford) Confirmation Act, 1873, which amounted to £1,544 6*s.* 6*d.* Mr. R. O'Leary, Town Clerk, Ev. 39–48.

The other receipts of the Corporation consist chiefly of fines and costs under the Towns Improvement Act and under the Licensing Acts, and of pipe-water rents received by the Corporation for water supplied to the houses of such of the inhabitants as are willing to take it at a fixed scale of payment. The supply is from a reservoir, which, with its works, became vested, as appears from the Provisional Order Confirmation Act, 1876, in the Corporation in 1862. Ev. 49–51, 60.

For the year ending 30th September, 1876, these rents amounted to £207 only, whilst the expenses upon the works, &c., and cost of collection amounted to £145 6*s.* The water is not supplied to more than one-tenth of the houses in the town, and even to those the reservoir does not suffice to give a sufficient or a constant supply. An abstract of the accounts of the Corporation for the year ending the 30th September, 1876, will be found in the Appendix, in which are set forth the annual receipts and expenditures of the Corporation. The expenditures are of the ordinary character, and for the purpose incidental to municipal government and care of the town, with the exception of the contribution to the county at large charges under the Provisional Order Wexford Confirmation Act, 1873. The obtaining of this order was of substantial advantage to the town of Wexford, inasmuch as the two shilling rate will, after the county at large purposes are provided for, produce an annual sum of at least £600, available for and applicable to the purposes of the town, which before the separation of the town from the county by the Provisional Order Confirmation Act, 1873, would have gone into the general funds of the county. Ev. 52–59. Appendix, Ev. Ev. 61. Ev. 64.

For the last three years the average of the county cess, and of the rate under the Provisional Order Confirmation Act, 1873, is nearly the same, being at first 1*s.* 10*d.* in the pound. It was stated before me that it was the refusal of the Grand Jury of the county of Wexford to present for the making of main sewers in Wexford that caused the movement which resulted in obtaining the Provisional Order Wexford Confirmation Act, 1873. The costs of obtaining that order amounted to £39 5*s.* 2*d.* It was complained that that order has not gone far enough, because it has not transferred to the Corporation, but left with the Grand Jury of the county the power to assess compensation for malicious injuries to property and persons within the borough of Wexford, and in this the town has no representation. Mr. Walsh, Mayor, Ev. 666–668. Mr. O'Leary, Ev. 25. Mr. Joseph Walsh, Mayor Ev. 667. Mr. B. Hughes, Ev. 693.

The Corporation do not exercise any control or power over, or derive any profit from, the Port and Harbour of Wexford, which are under the control of the Wexford Harbour Commissioners, constituted under special statutes. Mr. O'Leary, Ev. 126 to 130.

The Harbour Commissioners undertake the charge of lighting and keeping in repair the quays and the streets leading from the main streets to the quays. The Corporation are represented on the Board of Harbour Commissioners by two members, of whom one, the mayor, is an *ex-officio* member, the other is elected by the Corporation. Save as above mentioned the town is lighted, and the streets, &c., repaired, kept in order, and scavenged by the Corporation. Mr. O'Leary, Ev. 129 to 133. Mr. Jasper Walsh, Ev. 684 to 693. Ev. 99 to 122.

The Corporation have provided a public market, and have published by-laws in order to have the markets held there and not in the streets of the town. At present what is known as the Fowl Market is held in the streets of Wexford on every Wednesday and Ev. 140 to 152. Ev. 140, 141, 151–153.

WEXFORD.

Saturday in the forenoon. This new market, subject to a head-rent of £50 a year, was acquired for a sum of £400, borrowed by the Corporation, who have contracted to borrow for the completion of the market, from the Commissioners of Public Works in Ireland, the further sum of £1,000, which has not been as yet taken up. Of the £400, £60 has been paid off, and at present £340, the balance of it, constitutes the only capital debt of the Corporation. There is a registry of slaughter-houses, but no public slaughter-house. It is the duty of the town-sergeant to see that the slaughter-houses are kept clean.

Mr. O'Leary, Ev. 145.

Mr. Lacy, Ev. 275 to 280.

There is not any registry of common lodging-houses. This is a matter that requires to be remedied.

Mr. O'Leary, Ev. 162, 163, 536.

The Corporation of Wexford are the urban sanitary authority, and appoint the usual sanitary officers. The sewerage of the town is quite insufficient. There are seven miles of streets and there are not two miles of these sewered. Since 1848 very little, if any, sewerage has been made. The Corporation have, however, now procured plans, estimates, and contracts, for making the required additional sewerage, and they have, and are trying to enforce the making of connecting drains from the houses to the main sewers.

Ev. 93.

Mr. M'Donnell, Town Surveyor, Ev. 291 to 302.

The private accommodation in the greater part of the houses in Wexford was described as being very bad. The Corporation enforce the sanitary laws to the extent of causing nuisances to be removed, places cleansed, people prevented from keeping pigs or other animals in their houses; having houses disinfected and whitewashed and such like things, but very little has been done in the way of having privies or closets made in houses wanting them. A larger sanitary staff is required.

Mr. Heron, Ev. 497. Dr. Sheridan, Ev. 517.

Ev. 321–526.

Mr. Greene, Ev. 704.

E. B. LAWLESS. (*Seal.*)

H. A. ROBINSON,
Acting as Secretary.

SLIGO.

SLIGO.

SLIGO.—The municipal government of Sligo, which is one of the ten municipal boroughs included in schedule A of 3 & 4 Vic., c. 108, has been, since the passing of the Sligo Borough Improvement Act of 1869 (32 & 33 Vic., c. 147), entirely in the hands of the Corporation acting under that statute, and the Act of 1840 (3 & 4 Vic., c. 108).

Mr. M'Kim, Ev. 5, 6.

Prior to the passing of the Sligo Borough Improvement Act of 1869, the Corporation (consisting of six Aldermen and eighteen Town Councillors, from among whom the Mayor, who receives a salary of £120, is annually elected), administered only a 3*d.* borough rate, and the income arising from the rental of their small landed property amounting to about £76 per annum, but rates and cesses to the united average amount of about 4*s.* 6*d.* in the pound were levied each year by "the Town and Harbour Commissioners" and the Grand Jury.

Ev. 198–201.

Ev. 9.

Ev. 53, 54.

Ev. 9, 10.

"TOWN AND HARBOUR ACT," 1803.

The Town and Harbour Commissioners, who were constituted under the Town and Harbour Act of 1803 (43 Geo. III., c. 60), were by that Act elected for life, and invested with powers for paving, lighting, cleansing, watching, and improving the town, and for other purposes relative to its local management, with rating powers not exceeding 2*s.* in the pound, and with power to levy dues on vessels entering the port and harbour, and to cleanse, deepen, or otherwise improve the harbour. They did, it appears, usually levy a rate of 1*s.* 10*d.* in the pound for lighting and cleansing the town, and the Grand Jury, who sewered the town, and kept all the streets and roads within the municipal boundaries in repair, levied generally two cesses every year, varying from 1*s.* 4*d.* to 1*s.* 5*d.* each levy.

Ev. 11.

Ev. 9, 20.

"THE SLIGO BOROUGH IMPROVEMENT ACT," 1869.

By the Act of 1869, the boundaries of the municipal borough, which previously embraced only the town of Sligo, consisting of about 407 acres, were made conterminous with those of the Parliamentary borough, and of the wards thereof as defined for Poor Law purposes. The area comprised within the latter boundaries contains 3,000 acres, and has a rateable value of £18,109 8*s.*

Ev. 81, 83. Ev. 202–207. Ev. 83, 92, 208.

Ev. 202–208.

The borough is still divided into three wards, as fixed by the Act of 1840, but since extended according to the old Parliamentary boundaries. These wards are tolerably equal, both in respect of rateable value, and the number of burgesses in each.

By the 149th section of the Act, the Corporation are empowered to levy a rate or rates not exceeding 5*s.* in the pound, including the old 3*d.* borough rate, as soon as they shall have entered into a *bonâ fide* contract, approved, as therein directed, for the construction

Ev. 88.

of the waterworks authorized by the Act; but until then, such rate is limited to 4*s.* 6*d.* in the pound, and all houses and buildings situated within the limits of the borough, as extended by this Act, and at a distance exceeding 200 yards from any gas-lamp, or exceeding 100 yards from any main pipe of the Corporation for supplying water, are, by the 147th section, declared liable to a rate of 2*s.* 6*d.* in the pound only, or one-half of the maximum which may be levied under this Act within the old municipal boundaries. Ev. 90.

The entire rate last levied under this Act amounted to £3,540 4*s.* 1*d.* Ev. 97.

The 168th section gives the Corporation borrowing powers, on security of the borough fund, to the extent of £50,000, of which £25,000 was made applicable for the purposes of waterworks only, and by the 173rd section the mortgage debt of £2,000 contracted by the Town and Harbour Act of 1803, was transferred to the Corporation, and made a charge upon the borough fund in addition to, and with priority over, any sums raised under the foregoing borrowing powers conferred by the Act. Ev. 28, 35. Ev. 262, 265. Ev. 267.

The 87th section limits the period for the completion of the waterworks authorized by the Act to five years from its passing, upon the expiration of which all powers granted to the Corporation in relation thereto shall cease to be exercised, and the exercise of further powers conferred by the 126th section, enabling the Corporation to purchase all tolls, rents, fees, and other rights vested in Owen Wynne, esq., in relation to the fairs and markets within the borough, was by the same section restricted to the 1st July, 1872. Ev. 32 and 377. Ev. 23, 24.

About a year after the passing of the Act, application was made to the Public Works Loan Commissioners for a loan of £35,000, with a view to establishing waterworks and public markets, &c., but the loan was not negotiated, the Public Works Loan Commissioners not being satisfied with the nature of the security, and in consequence no waterworks nor markets, the property of the Corporation, have been established, and the time having expired within which the Corporation could exercise their powers relative to the execution of the former, and the purchase of Mr. Wynne's interest in the latter, they are now applying to the Local Government Board for a provisional order to enlarge their powers, and extend the time for putting them in force. Ev. 30, 32. Ev. 34. Ev. 377.

They have, however, borrowed altogether on debentures since the passing of the Act, £11,566 18*s.*, out of which they have paid off the mortgage debt of £2,000, transferred to them from the old Town and Harbour Commissioners, thereby saving some £18 a year interest; and they have applied the remainder partly to the payment of a portion of the costs of the Act of 1869—two-thirds of which was made payable out of the first moneys borrowed by the Corporation under the Act, and one-third out of the funds of the Harbour Board—and partly towards the cost of the new town hall, and in the discharge of arrears of salaries to their mayors, and other arrears which have arisen prior to and since the passing of the Act of 1869. Of the moneys thus borrowed, no less than £7,150 was received and brought into account in the year ending 29th September, 1875 (the last year of which the accounts have been audited); and in that year £720 was paid to defray the salaries of the mayors of Sligo for six of the years between 1868 and 1874, inclusive;* £118 13*s.* 4*d.* for collectors' poundage, including arrears of 1874; £932 3*s.* 1*d.* for repairs of streets and footways, including balance due in 1874; £479 17*s.* 3*d.* for lighting, also including arrears of 1874; £785 "to meet bills drawn on treasurer;" £75 8*s.* 10*d.*, interest on bills and bank account; and £2,325 0*s.* 6*d.* towards the erection of the town hall, and various sums amounting together to £137 4*s.* 10*d.* for rent of site, interest on current bills, and other expenses connected therewith, leaving a balance in the bank on town hall account of only £2,415 2*s.* 4*d.* (See abstract of accounts in Appendix No. 17, page 388.) Mr. E. Chism, Ev. 269–276, and 280, 281. Ev. 262–264. Mr. M'Kim, Ev. 49. Ev. 42–44. Ev. 173. Ev. 110, 112. Ev. 270, 274. Ev. 110–112. Ev. 128. Ev. 136. Ev. 140. Ev. 162–165 Ev. 134 Ev. 167–179

It will be thus seen that a considerable amount of the capital borrowed has been illegally expended in discharge of debts previously incurred, which cannot be properly considered payable out of capital, whereas all moneys borrowed by the Corporation under this Act are, by the 169th section, directed to be "treated as capital," and carried to a separate account of the borough fund.

The other clauses of this Act of 1869 which should be briefly noticed are the 11th, by which all public streets, roads, bridges, &c., within the borough, other than quays, the property of the Harbour Commissioners, shall be repairable by the Corporation out of the borough fund; the 15th, which abolishes levying of county cess within the borough, but continues the liability to contribute to general county purposes upon

* I have since learned that one of the mayors during this period (Alderman Sedley) declined to accept his salary, and contributed £50 in addition towards the new town hall. Another gentleman who was mayor in 1865 (Alderman Woods) also contributed the whole of his salary, and of the six mayors who received their salaries in 1875, all with one exception, appear to have contributed thereout, more or less handsomely, towards the erection of the town hall.

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Ev. 129. Grand Jury presentments, amounting last year to £881 5*s.*, which are made a first charge upon the borough rate; and the 23rd and 24th, and two following sections, by which the main provisions of the Town and Harbour Act of 1803 are repealed, and the Harbour Commissioners (of whom the mayor of Sligo is to be *ex officio* one, and two others nominated by the Town Council), are incorporated.

Many of the powers conferred upon the Corporation by this Act, as we have already seen, have not been exercised within the time limited by the Act; and it is contended by those members of the Corporation who were opposed to the passing of the Act, that the interests of the borough have suffered materially from its adoption. A great deal of the evidence turned upon the sanitary condition of the town, and especially upon the shockingly polluted state of the river flowing through the town, arising from some of the sewers and a number of privies discharging directly into its course above the tideway, and at a point where many of the inhabitants draw their daily supplies of water.

Mr. R. Crawford, Ev. 383–386. Mr. Doherty, Ev. 374–376. Dr. Murray, Ev. 416. Mr. Crawford, Ev. 391–395. Ev. 396.

A report from the two sanitary officers, drawing attention to this and to the danger arising therefrom to the public health, was laid before the Corporation last summer, but no action was taken upon it, the only reason alleged being that the Council "were more anxious to get another supply of water." It transpired, moreover, that in 1867 a representation was made to the Grand Jury by the sanitary committee of the Town Council of Sligo to the effect that the water of the river being "grossly and dangerously defiled by several sewers" (constructed by former Grand Juries) "discharging their contents into it," the Town Council trusted the Grand Jury would "perceive the urgent necessity that exists for prompt measures to counteract their noxious influence;" and they proceeded to urge the construction of intercepting sewers with an outfall into the sea. It was contended that the Grand Jury were prepared to carry out this work, and were only prevented doing so by the passing of the Act of 1869, and evidence was adduced to show that Sir Robert Gore Booth, the then chairman of the Grand Jury of the county, bore testimony before the House of Commons, at the time the Bill was pending, that the presentments for these works had been approved by the Grand Jury. Tenders for two such sewers at £1,550 each were put in and opened by the Grand Jury, and although they were not accepted, apparently on some technical ground, there is fair ground for inferring that at least no such apathy would have been shown by the Grand Jury, had the responsibility remained with them, as has been exhibited by the Corporation since they became invested with the powers conferred by the Act of 1869.

Mr. W. T. Vernon, Ev. 405.

Ev. 404.

Ev. 399-404.

Mr. Devany, Ev. 338, 339. Dr. Layard, Ev. 429–431.

It was represented by both the sanitary officers that there had been an outbreak of typhoid fever in the town for several weeks, but although this had not been reported to the sanitary committee of the Town Council by the sanitary officer in whose district it arose, it is impossible they could be in ignorance of the danger to health arising from the discharge of sewage matter into the river, to the effluvium from which one witness attributed the loss of three of his children.

Mr. Devany, Ev. 367, 368. Mr. Crawford, Ev. 383–386. Dr. Murray, Ev. 407–416. Dr. Layard, Ev. 421–426. Mr. J. Walshe, Ev. 452. Mr. M'Kim, Ev. 154. Mr. Devany, Ev. 351. Mr. Doherty, Ev. 373. Dr. Layard, Ev. 446–449. Mr. W. Cochrane, Ev. 288–292.

The public water supply, irrespective of that drawn from the river, is in some instances contaminated with sewage, and pronounced by Dr. Cameron "dangerous to health." Two pumps at least have been condemned by him, but although one was for some time closed it appears to be now once more in use. Two other pumps were mentioned by Alderman Woods and by the sub-sanitary officer as utterly unfit for drinking purposes. It appears indeed marvellous that the health of the inhabitants is not more seriously and widely affected than it seems to have been by the want of pure water and the malarious condition of the river bed.

Good main sewers appear to have been made by the Grand Jury along all the principal streets several years ago, and the outfall for the greater part of them is below the tideway. Indeed but for the mistake committed in permitting the higher outfalls already dwelt upon, the town might be considered better provided with main sewerage than most in Ireland.

The subject which next occupied most of our attention, and which evidently created more interest in Sligo than any other at the time of our Inquiry, arose out of the position occupied by one of the Aldermen in regard to the butter market.

Mr. M'Kim. Ev. 226-228. Alderman Tighe, Ev. 480. Mr. M'Kim, Ev. 229-231, 215–220.

Alderman Tighe (the Alderman in question) was, it seems, appointed weighmaster and butter taster by the Corporation of Sligo in 1867, when Mayor elect, with a view of trying the right of the Corporation to appoint, there being at that time a Mr. Clarke performing the duties of weighmaster and butter taster, appointed by Mr. Owen Wynne, whose father and grandfather had successively held the office which he (Mr. Wynne) claimed to be entitled to by hereditary right. The Wynne family were the old patrons of the borough, and, as we have already noticed, the right to hold fairs and markets, and to demand tolls therein, is still, and has been from a very early date vested in the representatives of that family. A direct appointment to the office of weighmaster appears, however, to have been made by the Corporation to the father of

Mr. Owen Wynne in 1842, and by the Provost and Burgesses of Sligo to his grandfather in 1808, and hence probably arose the decision of the Court of Queen's Bench in 1850, maintaining the right of the Right Hon. John Wynne, the father, to retain the office, whereas in 1868, upon the action brought by Alderman Tighe against the nominee of Mr. Owen Wynne, and tried at Galway, the question was decided against the latter, Mr. Owen Wynne's claim resting apparently solely upon that of hereditary right. Sligo.

The point, however, now at issue between Alderman Tighe and those who think that the Corporation ought to receive the fees of the butter market for the benefit of the ratepayers is whether he is not equitably bound by the terms upon which he accepted the appointment, either to account for the fees he has hitherto received, or at least to surrender the office without compensation, with a view to a new appointment being made upon different terms as soon as he shall have indemnified himself and three other gentlemen out of the profits, for the advances made by them on behalf of the Corporation for the costs of the Improvement Bill of 1869, and the balance of the costs of the action against Mr. Clarke. At the time the Bill of 1869 was under the consideration of Parliament Alderman Tighe was examined by Mr. Rodwell, M.P., before the Committee of the House of Lords on this question, and a letter addressed by the former to the Mayor and Corporation of Sligo, was then put in evidence by Mr. Rodwell. That letter was as follows :— Ev. 474–481, 493. Ev. 474.

"Sligo, May 1st, 1869.

"To the Mayor, Aldermen, and Burgesses of Sligo.

"Gentlemen,—As it will not be in my power to attend in London to give evidence upon the Sligo Borough Improvement Bill, and to state to the Committee my perfect readiness to resign the office of weighmaster and taster of butter upon the passing of the Bill, so as to enable the Corporation to receive the profits for the benefit of the town, in aid of the borough fund to be provided by the Act, I now beg to state that I shall, and I undertake to resign that office upon payment by the Corporation of the sums of money which other members of the Council and I have expended in asserting the rights of the Corporation and proving its title to make the appointment, and the sums we have advanced as portion of the costs of the pending Bill. As the greater portion of the costs in the case of my action against Mr. Clarke have been awarded to me by the verdict of the jury, under the direction of the judge, I am informed that the amount to be charged on those profits will be very trifling.

"Your obedient servant,

"James Tighe."

Upon that letter being read to Alderman Tighe upon the present Inquiry, he stated, in answer to questions put to him, that when he had received, either from the profits of the office, or from the Corporation, an amount sufficient to reimburse himself and his friends the costs he had been put to in asserting the right of the Corporation to the appointment, and the moneys he and they had advanced for promoting the Bill of 1869, he would be quite ready to resign the office, and that he would then render an account to the gentlemen to whom the money was due, *but to no one else.* Ev. 496–500.

The following extracts from the minutes of the Corporation of the 27th of April last, will show the position of the question immediately before the present Inquiry, and the course which some of the friends of Alderman Tighe in the Town Council were desirous of adopting, provided they could have obtained the approval of the Local Government Board, which, of course, that Board, in their reply, declined to grant, as "their approval would not render the transaction a legal one if not otherwise legal." Ev. 505.

Extracts from Minutes of the Corporation of Sligo, April 27th, 1877.

"Subject—Butter Market.—Report of Committee.

"Sligo, April 27th, 1877.

"In accordance with the resolution passed by the Council at last meeting, the Committee appointed to call on Mr. Tighe have done so, and submit to the Council the following report :—

"'There is at present an outstanding debt of £450, a balance of a larger sum, for which the butter market was and is liable, the nearest approximation to the time it would take to pay that money would be four years, during which time Mr. Tighe calculates his interest at £250, or £62 10*s.* per annum.

"'If the Corporation is prepared to offer Mr. Tighe that sum, we find that he would be willing to accept it.

"'James Nelson, Mayor.
"'Alexander Gillmor.
"'James Doherty.
"'W. A. Woods.
"'Pat. Keighron.'

"Resolved—'That the report of the Committee appointed to confer with Mr. Tighe as to the subject of the butter market be adopted, and that the sum of £700 be offered Mr. Tighe on condition of his handing over same to the Corporation, provided the Local Government Board approved of same.' Moved by Alderman Magill, seconded by Councillor Dudgeon. Carried by seven votes against three votes."

"An Amendment.

"Moved by Alderman Middleton, seconded by Councillor Crawford—'That previous to arranging any bargain with Mr. Tighe, to facilitate him in resigning his appointment connected with the butter market, Mr. Tighe be

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asked to furnish particulars and accounts of the full amount of receipts, perquisites, and emoluments of every sort received from the butter market since his appointment, also of the sums and expenditure paid out of such, and that until such account be furnished by Mr. Tighe, and approved of, no bargain be concluded with him.' Lost by seven votes against three votes."

"The following protest was handed in :—

"'I hereby protest against any agreement being made with Mr. Tighe relative to his resignation of the appointment he holds under the Corporation in connexion with the Sligo butter market until Mr. Tighe furnish to the Corporation a full account of all the revenue, perquisites, and all other receipts from the butter market, also all sums of money and other expenses paid out of such revenue, &c., and that no sum of money be paid to Mr. Tighe in connexion with the butter market.

"'Wm. Middleton.

"'Sligo, 27th April, 1877.

"'To the Corporation of Sligo.'"

Ev. 501, 502. An opinion of the present Master of the Rolls, when Attorney-General (see Appendix 17, page 389), was obtained just before the appointment of Alderman Tighe, and was to the effect that there was no condition attached to the office of weighmaster by the statute, and that when appointed he held the office for life, and although he considered that previous to appointment there might be a private arrangement made that he should resign under certain conditions, or that he should render an account of the fees to the Corporation, there was clearly nothing in the statute which could make such an arrangement legally binding on him.

Ev. 462–468. A memorial from several of the principal butter merchants of the town, complaining of the mode in which the butter market in Sligo is regulated, and of the conduct of the butter inspector, was tendered in evidence by Mr. Pollexfen, and will be found in the Appendix. (Appendix No. 17, page 389.)

The feud arising out of the Parliamentary contest over the Bill of 1869 has not yet died out, and exercises its influence upon almost every question, but Alderman Middleton and Alderman Kidd, who may be taken as representative members of the two parties in the Corporation—the one opposed to, the other promoters of, the Act then passed—although agreeing apparently upon no other point, both expressed their concurrence in this memorial.

Alderman Middleton, Ev 528–542. Alderman Middleton drew attention to certain disallowances which had been made by Mr. Finlay, and to the circumstances under which a bill of exchange, which formed the principal item in these disallowances, had been given by the Finance Committee* after their proper hour of meeting had expired, and he had left under the impression that no meeting would be held, there being no quorum present.

Ev. 544. This was not, it seems, the first time that Alderman Middleton had occasion to complain of the irregular mode of transacting committee business, and owing to his remonstrances a resolution was passed that no meeting should for the future be held unless a quorum assemble within half an hour.

Ev. 51–53. The landed property vested in the Corporation of Sligo is very small, and consisted in 1833 of only 19½ acres, Irish, then producing £98 a year, Irish currency, and some cottages, then let at about £10. The present Corporation still hold this property, but

Ev. 54–58. in 1848 about 5½ statute acres were, under the authority of the Lord Lieutenant, appropriated for a public cemetery, leaving 24 statute acres available for letting, which

Ev. 62, 63. are let in nine lots, on yearly tenancies, and yield a rent of £66 16*s.* 1*d.*, the Poor Law valuation being £48 9*s.* Two of these small lots are let to members of the Corporation :—One to Alderman Tighe, containing 3A. 1R.; Poor Law valuation, £5 4*s.*, and rent, £7 5*s.* 6*d.*; and the other to Alderman Woods, containing 6A. 1R. 10P.; Poor Law

Ev. 53. valuation, £9 15*s.*, and rent, £14 19*s.* 6*d.* The cottages now yield a rent of £9 4*s.* 6*d.*, English currency.

Ev. 65–70. The lots were let originally in 1849 by advertisement, and the present tenants are all either the persons to whom they were then let, or tenants substituted by the original lessee, with the consent of the Corporation. The land was revalued in 1855,

Ev. 71–74. and the rent raised in consequence from an average of £3 5*s.* per Irish acre, to £3 13*s.* 6*d.* The Poor Law valuation of the land allotted to the cemetery is £11 7*s.*

U. CORBETT. (*Seal.*)

H. A. Robinson,
Acting as Secretary.

* The resolution authorizing the acceptance of this bill of exchange is here extracted from the minutes of the Finance Committee, as follows :—

"Resolved,—That having examined Mr. Gillmor's bill, amount, £148 9*s.* 8*d.*, for printing, &c., in relation to the Borough Improvement Bill, when proceeding through Parliament, we direct that our Treasurer accept a bill for the amount of said account at four months.

"Passed. James Kidd.

'Extract from Minutes of Finance and Works Committee, November 16th, 1870." "31st October, 1870.

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By the Municipal Corporations Act (3 and 4 Vic., c. 108) the old body corporate of the town and county of the town of Galway was dissolved, and all the real and personal estate of such body corporate, and the advowsons of St. Nicholas' Collegiate Church were vested in Commissioners appointed under the 6 and 7 Wm. IV., c. 117, which was the first special Act for Galway. By this Act certain charter tolls known as "Tolls Thorough" were abolished, and other tolls of the same nature henceforth known as "Ingate" and "Outgate" tolls were substituted and vested in the Commissioners created by this Act, and their successors for ever—to be applied in the first instance, to defraying the expense of cleansing, lighting, and watching the said town; and, in the event of a surplus, in watering the same, and erecting fountains therein, and a watch-house, shambles, and public cranes and weighing places, and generally for the benefit and improvement of the said town, within one mile of St. Nicholas' Church.

Mr. J. Redington, Ev. 5.

FIRST SPECIAL ACT FOR GALWAY (6 & 7 Wm., IV., cap. 117).

Mr. Redington, Ev. 25.

In the year 1853, at the instance of these Commissioners, "The Galway Town Improvement Act" (16 and 17 Vic., cap. 200) was passed, which Act incorporated the Commissioners Clauses Act, and Towns Improvement Clauses Act, and other general municipal Acts of 1847; and after confirming and continuing the schedule of tolls annexed to the preceding special Act of 1836, and directing that they should form part of the improvement fund thereinafter mentioned, fixed certain tolls, customs, rents, and stallages for the markets and weigh-houses, which are set out in the Schedule D of this Act (1853). By this Act the area over which the Commissioners were to have jurisdiction was enlarged to a radius of two miles from the church of St. Nicholas; and for the purpose of electing Commissioners under the said Act the town was divided into four wards, for each of which six Commissioners were to be elected, and incorporated as the "Galway Town Improvement Commissioners," which body constitutes the present municipal authority of the town.

SECOND SPECIAL ACT—"THE GALWAY TOWN IMPROVEMENT ACT (1853)."

Mr. Redington Ev. 116–119.

Ev. 118.

Ev. 5.

The 9th and 10th sections of this, the governing statute, fixed the qualifications for Town Commissioners and electors.

The former who are elected for three years must be residents within the limits of the Act, and be either rated to the relief of the poor within such limits, upon a rateable value of £20 and upwards, and have paid all poor-rates due in respect thereof, or must be possessed of rents, or profits of lands within the said limits, of the annual value of £20 or upwards, and be registered as Parliamentary voters in respect of same.

Ev. 6–8.

Electors must be either rated to the relief of the poor within the same limits in the annual sum of £8, and be upon the register of Parliamentary voters for the borough, or they must (*vide* 16th & 17th Vic., c. 200,) possess the second qualification—that in respect of property—for Commissioners. They are thus brought under the 24th section of the "Commissioners Clauses Act" (10th Vic., c. 16), incorporated herewith, which enacts that—

Ev. 9.

Ev. 10-12.

"When by the Special Act the owners of property and ratepayers are entitled to vote in the election of Commissioners, and no scale of voting is prescribed, every such owner and ratepayer shall have the number and proportion of votes according to the scale therein mentioned."

"COMMISSIONERS CLAUSES ACT," 10 Vic., c. 16, sec. 24.

i.e. one vote in respect of property rated up to £50; two between £50 and £100; three between £100 and £150; four between £150 and £200; five between £200 and £250, and six if it amount to or exceed £250.

This is the only town we have visited in the course of our inquiries under the present Commission, in which any system of plural voting for municipal elections is in force.

The Act of 1853, vested in the Commissioners to be elected under that Act, all property, &c., to which the Commissioners under the Act of 1836 were entitled, and rendered the former liable for all debts and engagements contracted by the former Commissioners under the last named Act. By the 20th section, borrowing powers were conferred on the new Commissioners to the extent of £40,000, and the Commissioners were empowered to pave, drain, watch, cleanse, and light the town, and to provide a park or place of public recreation; to make new streets and widen others therein described, to construct waterworks according to deposited plans; to erect toll-houses and toll-gates; to acquire lands for new markets and provide market places; and to erect slaughter-houses, &c.; and by the 69th section of the Act, they were further empowered to levy a 1*s.* improvement rate, to be applied (among other things) in defraying the expenses incident to the Act, and in making streets and sewers.

"GALWAY TOWN IMPROVEMENT ACT, 1853)" continued.

Mr. Redington Ev. 13.

Until last year, when the Commissioners obtained a loan from the Public Works Loan Commissioners of £8,000 for sewerage works upon the security of this rate, no

Ev. 96.

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such rate was ever levied, nor any part of the £40,000 taken up which they were empowered to borrow, nor were any of the works contemplated by this Improvement Act carried out, or even commenced, with the exception of providing a toll-house and a public slaughter-house, the latter of which is still in such an unfinished condition that it cannot be fully or properly used.

Mr. Redington, Ev. 14–21. Ev. 22. Ev. 125, 126, 164. Mr. R. N. Somerville, Ev. 468, 472.

Considerable sewerage works are now in course of construction, and will be, it is hoped, completed for less than £8,000, which the Public Works Loan Commissioners have agreed, if necessary, to advance, and of which a portion only has been as yet taken up.

Mr. Redington, Ev. 95–98. Ev. 108.

In 1863 the Town Commissioners, not having availed themselves of their powers under the Act of 1853 to purchase lands and construct waterworks, obtained another Local Act (26 & 27 Vic., cap. 162), authorizing them to take water from the river Corrib, and to construct waterworks, &c., and to levy a public water rate of 3*d.* and a domestic water rate of 10*d.* in the pound within the municipal limits; and by the same Act they were empowered to borrow on mortgage of the water rates £15,000, and were required to erect not less than six public fountains within the town. These waterworks and the six public fountains have been erected and a good supply of water obtained; and in 1875 a loan of £15,000 was obtained from the Public Works Loan Commissioners, repayable, principal and interest by an annual payment of £5 8*s.* 8*d.* per cent. for thirty years, when the debt will be completely extinguished.

Ev. 18–20. "THE GALWAY WATER ACT, (1863)."

Mr. Redington, Ev. 253–254. Ev. 23, 102. Ev. 103.

With this they have paid off mortgages, at 5 per cent., amounting to £13,531 0*s.* 3*d.*, which were contracted for the original construction of the works and the incidental expenses.

For some time prior to the year 1874, the whole maintenance, repairs, and cleansing of the streets of the town, had been suffered by the Town Commissioners to devolve upon the Grand Jury of the county of the town, who, by degrees, took up and presented for portions of the streets, until the whole were presented for by them. In the spring of that year the judge of assize (Mr. Justice Fitzgerald), expressed an opinion, which was confirmed by a decision of the Court of Queen's Bench on the 9th of May, 1874, that the Grand Jury could not legally grant presentments for streets and roads within the jurisdiction of the Town Commissioners, who then, finding themselves without funds for the necessary repairs, applied to the Local Government Board for a Provisional Order for rating powers, to the extent of 2*s.* in the pound, and in the meantime, obtained advances from their treasurer (the bank), for their immediate necessities. For these advances their treasurer charged interest amounting to £19 12*s.* 8*d.*, which was disallowed by the auditor.

Ev. 58–63.

Ev. 58–61.

Ev. 63–66.

"KINGSTOWN AND GALWAY PROVISIONAL ORDERS CONFIRMATION ACT, (1875)."

The "Kingstown and Galway Provisional Orders Confirmation Act" of 1875 empowered the Commissioners to levy a 2*s.* rate, to be called "The Paving and Repairing Rate;" and the Commissioners have since, under this authority, levied two rates of 10*d.* in the pound each; but on the 29th September last, at which time the second of them had not been wholly collected, they were still in debt to their treasurer £653 6*s.* 8*d.* upon this, "the streets and roads account" [see Abstract of Accounts, Appendix No. 18, page 391.]

Mr. Redington, Ev. 91, 92. Ev. 184.

One instalment of the £15,000 loan of 1875 upon waterworks account, amounting to £328 4*s.* 7*d.*, was paid prior to the 29th September last, and there was then a balance of £461 8*s.* 7*d.* to the credit of this account.

Ev. 246.

The Commissioners also keep a separate account of their sewerage and sanitary expenditure, which, at the same date, showed a balance in favour of the Commissioners, of £36 19*s.* 7*d.* out of the first instalment (£500), of the loan already referred to, which they had contracted for sewerage purposes; but it should be noted that the salaries of the sanitary officers, and other payments not properly chargeable to capital, were defrayed out of this loan, and only £241 1*s.* 9*d.* was expended during the year upon the sewerage plans and works.

Ev. 237. Ev. 98. Ev. 233, 234.

The remaining account kept by the Town Commissioners, and not hitherto noticed, is (No. 1) the principal account, consisting of the tolls and customs, and the petty sessional and other fines, which, previous to their levying their first rate in 1875–76, formed the Commissioners' only sources of income.

Ev. 113–147.

TOLLS AND CUSTOMS.

These tolls, which in 1833, when the Municipal Corporations Commissioners made their report upon Galway, were let at £1,260 per annum, were, as already mentioned, substantially renewed by the Act of 1836, and subsequently in 1853, as "ingate and outgate customs," and shortly prior to the repeal of the Corn Laws they had risen to about £2,000 a year. There was then a rapid decline in the amount, but during the last five years they have again risen from £1,056 9*s.* 9*d.* in 1872 to £1,490 12*s.* 5*d.* in 1876.

MORTGAGE TO GAS COMPANY.

These tolls (which do not include the fees on weighing, &c., set out in schedule D of the Act of 1853) became mortgaged to the gas company, which was formed in Galway in

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1837, under circumstances which were not very clearly explained, but of which the best explanation obtainable will be found in the evidence of Mr. James Davis, who has been a Town Commissioner since 1840, and a Receiver was appointed under an Order of the Court of Chancery, bearing date (as I found subsequently) the 3rd of January, 1862, who, after deducting from the gross receipts his own salary of £60 a year, and the wages of his sub-collectors, pays five-sixths of the balance to the gas company, and the remaining one-sixth to the Commissioners. In the form in which the accounts are kept it will be seen (*vide* Abstract, No. 1 Account, Appendix No. 18, page 392), that the Commissioners debit themselves with the gross receipts, and charge as expenditure the payments to the gas company, and the Receiver, collectors, &c. No balance appears to have been struck or arrived at upon any account taken between the Commissioners and the gas company since the 1st of October, 1868, when it was agreed upon both sides that the sum of £2,815 13*s.* 7*d.* should be taken as the proper amount then due.

Ev. 28–31. Mr. James Davis, Ev. 485–492. Mr. Redington, Ev. 28. Ev. 29, 30. Ev. 45–50. Ev. 51, 52. Ev. 41.

The five-sixths paid to the gas company was intended to be applied in the first instance to pay for the current lighting, and then to pay the interest, at four per cent., on the mortgage to the company, and the surplus, if any, was to go towards the liquidation of the capital debt. No balance having been struck for eight years there is reason to fear that a serious difference now exists between that shown by the Commissioners' books and that upon the books of the gas company. This was noticed by the Local Government auditor at some length in his last report, and Mr. Redington says that he believes the gas company would now claim about £2,400 as the balance due to them, whereas by the Commissioners' books it would appear to be only £1,610 13*s.* 11*d.*

Ev. 42–45.

It is obviously very desirable that the correct amount should be ascertained with the least possible delay, and the debt wiped off, and the auditor suggests that the question of amount (which, it is believed, arises upon the proper construction to be placed on the language of the Chancery Order in regard to whether interest is payable not only on the original debt, but also upon the additions thereto from time to time accruing), "could be probably best decided by a statement of facts being laid before the Receiver Master. The present Receiver," he goes on to say, "though some years in office, has never submitted an account to the Master."

In 1875 the Commissioners actually got a second Provisional Order, authorizing them to raise £3,000 to pay off the gas debt, but they have not yet borrowed this money, their application to the Loan Commissioners having been, it seems, rejected on the ground that "they were not authorized to grant the money for such purposes."

Ev. 63–68. Ev. 64.

The total receipts last year upon No. 1 Account, including a balance brought forward of £21 13*s.*, amounted to £1,690 7*s.* 6*d.*, and the account shows a balance in hand on the 29th of September last of £124 6*s.* 1*d.*, which, with the balances already noticed to the credit of the waterworks and the sewerage accounts, nearly counterbalances the debt owing at the same date upon the streets and roads account.

Ev. 147. Ev. 248. Ev. 247–250.

The municipal area of Galway comprises a radius of two miles beyond St. Nicholas' Church, while the area of the county of the town, which is conterminous with the Parliamentary borough, takes in an outer radius of two miles further, the Church of St. Nicholas being the common centre. In consequence of the maintenance of the streets and roads within the municipal boundary being now wholly cast upon the Town Commissioners, the ratepayers in the outer circle have to pay a larger cess for the maintenance of their roads than they were formerly liable to, when the property within the municipal area contributed to the roads throughout the county of the town; and it appears to be generally felt that some further legislation has become necessary by which the outer circle should be relieved, and the cost of a double staff of officers avoided.

Ev. 70. Ev. 71, 72. Mr. Browne, Ev. 261.

The Chairman of the Town Commissioners, Captain O'Hara, has consequently, with a view to its being laid before the Select Committee on Local Taxation, prepared a report on this subject, suggesting four different arrangements. Captain O'Hara, who was unable to appear before us in consequence of accident, wished it to be understood that this report embodies the greater portion of the evidence he would have tendered if present, and wished me to submit it *in extenso*, which I have here done, omitting only some preliminary matters already noticed:—

Ev. 81–89.

"The borough at the present time (1876), for fiscal purposes (maintenance of roads, &c.), comprises two distinct districts—one described by an inner circle of two miles radius from the Church of St. Nicholas; the other a two mile circle outside this, and nearly described by a radius of four miles from the Church of St. Nicholas.

"No. 1, or inner circle of two miles, has a valuation for rating of £26,160, and the annual cost of maintaining the roads in this area and the streets of the town amounts to about £1,000.

"Staff Employed—Secretary, town surveyor, and town steward.

"The rate required for £1,000 on the above valuation—9½*d.* in the pound.

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"No. 2, or outer circle of two miles to the confines of the county, has a valuation for rating of £6,526, and the annual cost of maintaining the roads in this area is £700.

"Staff employed by Grand Jury, in whose charge those roads are at present placed—County of town surveyor, secretary, and treasurer.

"The rate required for £700 on the valuation above—2*s.* 2*d.* in the pound.

"The expenses falling on both these circles alike, commonly called Imperative Presentments, and which are presented for by the County of the Town Grand Jury, are as follows :—

	£	s.	d.	£	s.	d.
PARLIAMENTARY VOTERS LIST.						
John M. O'Hara,	20	0	0			
Secretary Town Commissioners,	30	0	0			
				50	0	0
JURORS LIST.						
Poor-rate Collector,	10	0	0			
Clerk of the Peace,	10	0	0			
Sheriff,	7	10	0			
Applotment,	15	0	0			
				42	10	0
INDUSTRIAL SCHOOLS.						
Boys',	140	0	0			
Girls',	70	0	0			
Reformatories,	20	0	0			
				230	0	0

	£	s.	d.	£	s.	d.
SALARIES, ETC.						
Clerk of the Crown,	74	0	0			
Clerk of the Peace,	93	0	0			
Treasurer,	92	6	2			
Secretary,	37	0	0			
Interpreter,	10	0	0			
Sheriff and Crier (Assizes and Sessions),	39	0	0			
Courthouse-keeper,	10	0	0			
Constabulary,	10	0	0			
Weights and Measures,	4	0	0			
Lunatic Asylum,	700	0	0			
Gaol,	800	0	0			
				1,869	6	2
PRINTING.						
Contract,				50	0	0
				£2,241	16	2

"It is evident that this anomalous state of things should not continue, but that the above facts, with results of different arrangements that might be effected, should be laid before the Select Committee of the House of Commons now sitting on the subject of 'Local Taxation.'

"ARRANGEMENT No. 1.

"To extend the Four Wards, into which the inner two-mile circle is divided, as far as the bounds of the County of the Town, placing this whole area under the jurisdiction of the Town Commissioners for all fiscal purposes.

"The rating under this arrangement would be on a valuation of £32,686, and the cost of maintenance of roads alone, in the amalgamation, would be £1,700, which would be met by a rate of 13*d.* in the pound, half of which would be paid by the owner and half by the occupier.

"The Grand Jury of the County of the Town continuing to discharge the criminal business, there would be no change in the expense of, or reduction in staff.

"The ratepayers of the inner two mile circle would have to contribute 3*d.* in the pound more than at present for the maintenance of roads alone, and the only advantage they would derive in return for this would be : having the outer circle of two miles, with a valuation of £6,526 to levy on conjointly with the inner circle for sewerage works.

"This would, in some degree, be a benefit to the ratepayers of the outer circle at present holding under lease ; but as it will be strenuously opposed by owners of property, and is in effect reimposing a tax for roads on the ratepayers of the inner circle, of which by last year's legislation they were relieved, it is as well to consider what other arrangements are possible.

"ARRANGEMENT No. 2.

"To merge the roads in the area of the outer two mile circle with the baronies of the county at large on which they abut, namely—Moycullen, Clare, and Dunkellin baronies.

"The effect of this would be that that portion of the outer two mile circle lying to the west of the River Corrib, should become, for all fiscal purposes, a part of the barony of Moycullen.

"That portion of the outer two mile circle lying between the River Corrib and the road from Galway to Monivea, should become, for all fiscal purposes, a part of the barony of Clare ; and

"That that portion of the outer two mile circle between the Monivea-road and the sea at Oranmore Bay, should become, for all fiscal purposes, part of the barony of Dunkellin.

"The valuation of the whole outer two mile circle is £6,526.

"That portion of it to be thrown into the barony of Moycullen comprises the townlands of—Part Poulnaroma West, Part Mincloon, Part Rahoon, Part Barnacranny, Part Lower Dangan, Knocknacarragh, Shangort, Clybawn, Ballagh, Bushy Park, Kentfield, Gortaleva, Tonabrocky, Keeraun, Ballyburke, Ballymoneen East and West, Usheen, Shanballyduff, Kimmeenmore, Ballynahown East, Cappagh, Boleybeg East and West, Drum East and West, Corboley, Ailie, Lenabower, Gortnalecka, Cloonagower, Derryloney, Barna, Ballard East and West, Cloghscoltia, Loughinch, Trusky East and West, Knockaunacarragh, Lenarevagh, Freepoint, Seapoint, Achaglugger, Lacklea, Furramoyle East and West, and New Village, having a

	£	s.	d.
Rating valuation of	2,974	2	0
Add to this Moycullen,	16,266	18	0
Amalgamated value,	19,241	0	0

"Grand Jury Cess—Moycullen—spring levy of 1876 was at 13¼*d.* per pound, taking double for one year, say 2*s.* 2½*d.*

"PRESENTMENTS FOR HALF-YEAR.

	£	s.	d.	£	s.	d.
Spring Assizes, 1876,	892	17	8			
Double for whole year, say				1,784	0	0
Add cost of maintenance of roads transferred from borough,				316	0	0
Total for future presentments,				2,100	0	0

"This would have to be met by a rate on the valuation of the amalgamation of 2*s.* 2½*d.* per pound, neither loss nor gain to barony.

"That portion of the outer circle to be thrown into the barony of Clare, comprises the townlands of part of Menlough, part of Coolagh, part of Castlegar, part of Ballybanebeg, part of Glenard, Ballybrit, Ballygaraun, Kilroghter, Coarsefield, Cloonaucaneen, Killeen, Parkmore, Ballindooly, Anglyham, Carrabrowne, Poulkeen, Brockagh, and part Doughiska, having a—

	£	s.	d.
Rateable valuation of	2,121	8	0
Add to this Clare,	46,196	1	0
Amalgamated value,	48,317	9	0

"Grand Jury Cess, Clare, spring levy of 1876, was struck at $10\frac{3}{4}d.$ per £1. Double for one year, say 1*s.* $9\frac{1}{2}$ per £1.

"PRESENTMENTS FOR HALF-YEAR.

	£	s.	d.	£	s.	d.
Spring Assizes, 1876,	2,126	4	6			
Double for whole year, say				4,252	9	0
Add cost of maintenance of roads transferred from borough,				246	3	6
Total for presentment,				4,498	12	6

"This would be met by a rate of 1*s.* $10\frac{1}{2}d.$ on the amalgamated valuation—being a loss to the barony of Clare of 1*d.* in the pound.

"That portion of the outer two mile circle to be thrown into the barony of Dunkellin comprises the townlands of—part of Murrough, Merlin Park, part of Rahylin Glebe, part of Ballybanemore, Doughiska, Curraghrean, Roscam, having a—

	£	s.	d.
Rateable valuation of	1,457	15	0
Add to this Dunkellin,	37,846	16	0
Amalgamated value,	39,304	11	0

"Grand Jury Cess, spring levy of 1876, for Dunkellin, was struck at $9\frac{1}{4}d.$ per £1. Double for a year, say 1*s.* $6\frac{1}{2}d.$ per £1.

"PRESENTMENTS FOR HALF-YEAR.

	£	s.	d.	£	s.	d.
Spring Assizes, 1876,	1,434	2	2			
Double for a year, say				2,868	4	4
Add cost of maintenance of roads transferred from borough,				130	17	4
Total for presentment,				2,999	1	8

This would be met by a rate of 1*s.* $6\frac{1}{4}d.$ on the amalgamated valuation, being a gain of $\frac{1}{4}d.$ per £1 to the barony.

"By this arrangement all ratepayers in the outer two mile circle would substitute contribution to the imperative presentments of the county-at-large for their obligations, as at present to contribute to those of the borough and the rate on them in Moycullen for maintenance of roads and all presentments would be about 2*s.* $2\frac{1}{2}d.$, instead of 3*s.* 7*d.*, at which it is at present. In Clare it would be about 1*s.* $10\frac{1}{2}d.$ instead of 3*s.* 7*d* ; Dunkellin, 1*s.* $6\frac{1}{4}d.$; neither loss nor gain to Moycullen barony ; a loss of one penny per £1 to Clare ; a gain of $\frac{1}{4}d.$ per £1 to Dunkellin.

"This arrangement would doubtless be a great boon to the ratepayers of the outer two mile circle, but would impose the share they had hitherto paid of imperative presentments of the borough, amounting to about £450, on the ratepayers of the inner circle, or about 4*d.* in the pound, added to the present rate.

"The Grand Jury would still continue to discharge the criminal business.

"ARRANGEMENT No. 3.

"To abolish the County of the Town Grand Jury, both as to its criminal as well as fiscal jurisdiction, and to extend the four wards of the present municipal area to the limits of the borough, or four mile radius from the Collegiate Church of St. Nicholas ; and similarly to extend the jurisdiction of the Town Commissioners for all purposes, except the criminal business for Judges of Assize, which could be taken up by the Grand Jury of the County, with trifling, if any extra trouble, and with much saving to the ratepayers of the borough.

"By this, as regards taxation, the ratepayers of the outer circle would contribute to all borough taxes, the rateable valuation of which is £32,686.

	£	s.	d.
By Cost of Maintenance of Roads,	1,700	0	0
Imperative Presentments,	2,200	0	0
Sewerage Work,	300	0	0
Annual Charge—Total,	£4,200	0	0

"This £4,200 on the valuation, would be equivalent at present to a rate of about 2*s.* 8*d.* in the pound for all purposes, but would on the falling in of the superannuation allowances, consequent on the abolition of the Grand Jury, be reduced by the salaries of the Grand Jury officers, &c., namely, about £330, equivalent to a rate of $2\frac{1}{2}d.$ in the pound.

	s.	d.		s.	d.		s.	d.
There would then be road rate at	1	1	Imperative presentment rate at	1	2	Sewerage rate,	0	$2\frac{1}{2}$

or about 2*s.* $5\frac{1}{2}d.$ for whole year for all purposes ; a considerable reduction on present rates, in which ratepayers of the outer two mile circle would participate.

"Occupiers would under this arrangement be relieved of half the rate, as a rating for relief of poor—a change which will naturally be opposed by owners of property, who have let their lands without anticipating, or taking into consideration in the rents at which the lands are let, such a radical alteration ; and who may not, on other grounds, desire to see such sudden and extended powers given to the Commissioners.

"There is yet another arrangement which, with the foregoing (No. 3), would necessitate the obtaining, by the Commissioners, of powers to levy rates over the borough area, to meet the so-called imperative presentments, or part of them, which are now presented for by the Grand Jury.

"ARRANGEMENT No. 4.

"To abolish the Grand Jury of the county of the town both as to its criminal and fiscal jurisdiction, and, as in No. 2 Arrangement, absorb the portions of outer two mile circle with the baronies on which they abut, namely—Moycullen, Clare, and Dunkellin.

"The effect of this would be to place the whole of the borough, for fiscal purposes as well as criminal, in the hands of the Grand Jury of the county, but with a charge on the Town Commissioners for superannuation allowances to officers of the county of the town Grand Jury, whose offices are by this arrangement abolished.

"All other imperative presentments hitherto made by the county of the town Grand Jury become a charge on the county at large, the municipal area contributing its quota on the valuation of £26,160.

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"This would, by centralizing the management, effect much economy, and relieve ratepayers over the whole borough.

"The Town Commissioners would have to obtain power to levy a rate for the imperative presentments.

"The committee have merely laid facts before the Commissioners to enable them to decide by the vote of the majority of the board which, if any, of these arrangements they will adopt, and will recommend to the Select Committee of the House of Commons on 'Local Taxation' (Ireland)."

Ev. 85.

No direct preference, it will be seen, is expressed by Captain O'Hara and the Committee appointed with him in the preparation of the foregoing report in favour of any

Ev. 85, 90.

one of the four schemes embodied therein; but upon the discussion of the report by the Town Commissioners, arrangement No. 3 was finally adopted by a majority of nine to two; and the chairman was requested on behalf of the Commissioners to give evidence on the subject before the Select Committee of the House of Commons.

Mr. J. A. Browne, Ev. 259–272.

Mr. F. L. Comyn, Ev. 513, 519.

Mr. John A. Browne, who owns property within the outer circle, and Mr. Francis Lorenzo Comyn, a large landowner in the county, and also within that circle, came forward to express their opinions on these suggested arrangements, the subject being one which creates great interest both in the town and neighbourhood; and Mr. Comyn expressed to me afterwards his hope that he might have an opportunity of being examined by the Select Committee. Both these gentlemen, it will be seen, object very decidedly to No. 3 or any arrangement by which the municipal and parliamentary boundaries would be made conterminous, and the property within the outer circle thus made liable

Ev. 514, 517–519, and Mr. Browne, Ev. 265, 266.

to the municipal taxation; and both give as reasons for the unfairness of any such proposal the purely rural character of the outer district and its residents, and the difficulty there would be in extending to that district any compensating benefits from improved sewerage or water supply.

Ev. 262, 263, 267–272.

Mr. Browne, indeed, objected to all the four proposals, and was of opinion that a sufficient relief to the ratepayers in the outer circle would be found by throwing upon the whole parliamentary area the entire salary of £100, of which £95 is now contributed by the outer circle only, towards the salary of the county surveyor, who acts for both

Mr. Denis Kelly, Ev. 280–282.

the county and the county of the town. The remaining £5 is a charge upon the municipal funds, and by direction of the last judge of assize at Galway is applotted by the Grand Jury upon the municipal borough. The Town Commissioners have, it should be

Mr. Redington, Ev. 93, 94.

observed, since the decision of the Court of Queen's Bench in 1874, appointed a borough surveyor at a salary of £50 a year, so that one result of the present state of things is to multiply officers, whereas a single staff might probably, under a different arrangement, well suffice for most of the duties imposed upon the Town Commissioners and the Grand Jury of the county of the town.

Mr. Comyn, Ev. 515.

Arrangement No. 4 would effect an economy in this respect equally with No. 3 by entirely abolishing the Grand Jury of the county of the town, and this would seem to be the arrangement which most commends itself to Mr. Comyn, who would prefer the adoption of either that or No. 2 arrangement.

SANITARY CONDITION OF GALWAY.

The only remaining matter to which it appears necessary to advert specially in this report is the sanitary state of the town of Galway, which certainly exhibits some of the worst features which have yet presented themselves to our notice, and upon which the whole

Rev. P. Kiernan, Ev. 320–380.

evidence of the Rev. Peter Kiernan, one of the Roman Catholic curates of the town, merits very careful attention. This gentleman's statements were made most dispassionately, and with an evident absence of all sensational exaggeration, and there can be no doubt he was simply actuated by a strong sense of duty in coming forward to detail the revolting condition of at least a very large proportion of the dwellings of the poorer classes in the

Dr. Clayton, Ev. 543–566.

town. These statements were fully corroborated by Dr. Clayton, the sanitary officer of

Mr. Hynes, Ev. 383–405, 418–422, 426–432, 455–459, and 465.

the district in which Mr. Kiernan resides, and even by Mr. Hynes, the sub-sanitary officer, to whose negligence and apparent indifference the continuance of the evil condition of these dwellings must be, in at least some measure, attributed. At the same time it is

Mr. Stack, Ev. 588, 607–613.

but fair to say that the habit of keeping pigs and other animals in the very same rooms in which these poor people live and sleep, appears to have become so ingrained in their very nature, as to present great difficulties in the way of a far more active officer. For

Dr. Greely, Ev. 629.

instance, Dr. Greely, the other sanitary officer, said—"To my knowledge, when the sanitary officer goes to the house the pig is hunted out, and returns as soon as the officer is gone."

Mr. Kiernan, Ev. 327, 330, 333.

One quotation from Mr. Kiernan's evidence will suffice to illustrate the state of things with which sanitary reformers have to contend in Galway :—

"Do they keep pigs in their houses here to a very large extent?—Yes. At present the pig season is over, but when the pigs are in season there is scarcely a house in the poorer part of Oranmore in which pigs are not kept in the houses. In some cases horses are kept with them, in some cases, donkeys. In one house near the club-house, there is the father, the mother, the three children, and a horse all living in one house. The consequence is, that in that house I have had the father, the mother, and the children sick over and over again.

"Do the father, the mother, the three children, and the horse, all occupy the same room?—They sleep and live in the one room, and, of course, all the horse's tackling and harness are kept there. During the day the bed which the horse uses at night is gathered up, and of course the effluvium of the place is dreadful. The bed on which the horse lies is as contiguous to the bed on which the parents lie as that book is to the desk there. And that has been going on for years. I give this case as an example; there are many others. *Ex uno disce omnes.* In Claddagh the pigs are all kept under the bed. In another house, in the same locality, there are three heifers, a donkey, two pigs, a grandfather—an old man—three children, a husband and a wife. There are two rooms in that house, but the whole house is only about twelve feet by twenty, I think. And this has been over and over again in fever.

"Are there many similar instances?—Oh, yes; in the suburbs of Oranmore there are pigs kept up in the very garrets."

The inspection and regulation of the lodging-houses is moreover a perfect farce. It is the duty of the sub-sanitary officer to visit and report on them, and to distribute copies of the by-laws, but no copy has been ever seen in any of these lodging-houses; and the executive sanitary officer said it was known to every Commissioner in Galway that no notice was taken of the regulations of the by-laws. Some of the old and dilapidated town-houses of the county families which are now occupied as tenement houses, and one at least of which belonged to a Commissioner, are shockingly crowded and devoid every convenience for decency. In some of these houses animals are slaughtered, and every butcher in the town appears to kill sheep in his own house.

Mr. Kiernan, Ev. 346-357, 359-363. Dr. Clayton and Mr. Stack, Ev. 611, 612. Mr. Kiernan, Ev. 340, 342. Mr. Hynes, Ev. 451-454. Ev. 455-460.

Dr. Brodie, the resident Local Government Board inspector of the district, also volunteered to give evidence as to the "glaring nuisances which were allowed to pass unabated in the most public parts of the town." He said he had had occasion to report the sub-sanitary officer for culpable neglect of duty, in consequence of which he was called upon to send in his resignation, but the Commissioners had asked the Local Government Board to give him a further trial. Dr. Brodie and Mr. Kiernan both gave it as their opinion that the majority of the Commissioners were favourably disposed towards the abatement of these nuisances, and a more vigorous execution of the Sanitary Acts, but that individual members were opposed to this.

Dr. Brodie, Ev. 568-575. Ev. 570. Mr. Kiernan, Ev. 373, 374.

U. CORBETT. (*Seal.*)

H. A. ROBINSON,
Acting as Secretary.

CASHEL.

CASHEL, which had been previously under the Act of 9 Geo. IV., c. 82, adopted in 1855 the Towns Improvement Act of 1854. The number of the Town Commissioners is eighteen, and all are duly qualified save one, who was elected at the last election without having been twelve months a rated occupier. The municipal is less than the old parliamentary area, and portions of the Commissioners' lands, hereinafter mentioned, are not within the municipal, although they are within the old parliamentary boundary. The valuation of the town was not given. The Town Clerk stated he could not furnish it, as no rate had been ever struck, nor could he give a return of the rated occupiers. The entire income of the Town Commissioners is derived from rents of land and house property—from tolls of the butter market—and from the dog tax, and some small miscellaneous receipts. Part of the property is subject to a debt of £1,000, raised on mortgage twenty years ago—for what purpose I was unable to ascertain further than that it was to pay off debts contracted by the old Corporation—and the present Town Clerk stated he believed that the sanction of the Lords of the Treasury had been obtained for this loan, without any provision for its liquidation by a sinking fund. The present mortgagee is Mr. Cornelius Hanly, the agent or receiver of the rents, &c., of the Corporation. The Town Commissioners own gas works, which were erected out of the corporate funds hereinafter mentioned, and the town is lighted by them. It is difficult to know what the gas works really cost. At first the Town Clerk stated that they cost only £1,992, but he afterwards stated that the contractor must have been paid £2,200, as that was the amount of the contract, and that in addition £95 was paid for the site and superintendence of the erection of the works, but the payment of more than £1,992 to the contractor cannot be traced in the books. The Commissioners worked the concerns up to the year 1853, but whether at a profit or not did not appear. In 1853 they leased them to a Mr. Ryan, a resident of Cashel, for fourteen years, rent free, on his engaging to supply private consumers with gas at 6*s.* 3*d.* per 1,000 cubic feet, and the public lamps at 6*s.* 8*d.* a month each, and he was to keep everything in repair. That lease

Mr. Corby. Ev. 4-5. Ev. 12. Ev. 9-15-71. Ev. 21-27. Ev. 22-30. Ev. 31. Ev. 814-15-16. Ev. 785-812.

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expired in 1867, and the then Commissioners made him a new letting for three years on the same terms. This expired in 1870, and they again let them for three years more on the same terms; but when the price of coals advanced he abandoned the works in September, 1872, in very bad order, when the Commissioners took them up and worked them by a manager, Mr. Anderson, and it then cost them a considerable sum to put the works into repair. It was stated that in the first year after doing so they realized a profit of about £40 by raising the price of gas, but it was not ascertained if any profit had been made in the subsequent years. Mr. Anderson resigned the management about last August, and the Commissioners then appointed the same Mr. Ryan as their manager. When Mr. Ryan's lease was out in 1867 the premises were in bad repair, and he promised to repair them, and they were in a similar condition in 1870, when the third letting was made to him, without the Commissioners seeing that he had put them in repair according to his agreement of 1867. He must, however, have repaired them to some extent in 1867, as it was stated that he could not have made gas in the state the concerns were in then without doing something to them. It appears that the Commissioners did not require Ryan to execute any lease, or give any security to carry out the contracts, or to keep the premises in repair; and being a person of limited means, they could not recover from him the cost of the necessary works to put the premises into order. The water supply is also insufficient, at least for some periods each year. By the scheme hereinafter mentioned, £1,000 was to have been expended in supplying the town with water. £238 9*s.* 7*d.* of this was laid out in 1843, but in what manner was not stated, and no further expenditure was made in procuring a supply until the year 1859, when a tank was constructed by a Mr. Fahy, an architect, who was closely related to four of the then Commissioners. The making of it was advertised for, and Mr. Fahy alone put in a tender, but he was not required to sign any contract or give any securities, though his doing so was provided for by the specification. The tank was utterly useless, as was also a wall which was built round it, at a cost of about £317 10*s.* for both. It was stated that the tank leaked, because the plan prepared was not a proper one, but that Mr. Fahy had executed his work according to the contract. He also afterwards laid pipes, at a cost of £220 10*s.* 9*d.*, without signing any contract or giving security as required by the specification, and these turned out to be a failure. Mr. Fahy, however, was paid, on the certificate of the engineer, that he had performed his contract. A sum of £790 has since been expended in laying proper iron pipes, under the superintendence of a skilled engineer; and by an expenditure of about £900 on a proper reservoir, it is believed that a proper and sufficient supply of water can be obtained for all purposes. This sum the Commissioners expect to be shortly able to expend out of the balance which they hope to have to their credit on foot of their account for the year ending May, 1877, and by money which they expect to get from the accumulation of the Loan Fund hereinafter mentioned. The fact remains, however, that the trusts imposed on the Commissioners of the day to lay out a sum of £1,000 under the scheme of 1843, hereinafter mentioned, has not been effectually carried out up to the present; and it now appears that by the neglect of some person or persons the two sums of £317 10*s.* and £220 10*s.* 9*d.* above mentioned have been uselessly paid out of the funds in the hands of the Commissioners for the time being who paid them.

Mr. Corby, Ev. 803.

Ev. 798.

Mr. J. Mullins, Ev. 392-393.

Mr. Corby, Ev. 35, 879-893.

Ev. 884-5.

Ev. 901-910.

Ev. 901.

Ev. 65.

The Town Commissioners are not an urban sanitary authority, and the condition of the town as to its sanitary arrangements is not by any means satisfactory. The Commissioners complain of the neglect of their duty by the rural sanitary authority so far as relates to the town. A kennel of hounds, which is kept in the centre of the town, causes much annoyance to those who live in the immediate locality. Complaints have been made as to this, but without any effect.

Mr. Mullins, Ev. 386-391.
Mr. Corby, Ev. 136-180.
Dr. Laffan, Ev. 991.
Mr. Corby, Ev. 920-25.

The sewerage of the town also appears to stand much in need of more attention and supervision, and although several nuisances exist in the town, in addition to that mentioned above, nothing has been done by the sanitary authorities to have them abated.

Ev. 136-180.

There are 750 houses in the town, about 200 of which the Town Clerk stated were inhabited by human beings and animals at the same time, while the street superintendent and inspector stated that there were about fifty houses in which the people kept horses and asses with themselves. This, however, was denied by the consulting sanitary officer of the rural authority. The Commissioners before 1874 used to have the houses of the poor disinfected and lime-washed, but that has not been since done by the Guardians. Fairs are held in the town, but no tolls are now received therefrom. At page 471 of the Report of the Commissioners for Municipal Corporations in Ireland (1835), it is stated that the Archbishop had the power of holding two fairs, and that tolls and customs were formerly charged there; but that the then Archbishop, on a representation made to him of the disadvantage to the public from the collection of those tolls and customs, discontinued them, and that the fairs had increased considerably

Ev. 164.
Mr. Corcoran, Ev. 348-350.
Dr. Cormack, Ev. 443.
Mr. Mullins, Ev. 390-1.
Mr. Corby, Ev. 78-80.

from that time with advantage to the public. These tolls, however, appear to have afterwards, in some manner that I could not ascertain, become vested in Mr. Avery Jordan, Town Clerk, who collected them for his own benefit with other tolls belonging to the Corporation which were also vested in him, but how I could not discover. Mr. Corby, Ev. 81–89, 98.

The property vested in the Commissioners is very considerable, amounting to about 2,270 Irish acres of land, besides houses and other premises in the town. The principal portion of the landed property consists of 1,548A. 3R. 5P. Irish, equal to 2,508A. 3R. 3P. statute acres of land, called the Comyn or commons land. It appears from the Report of the Municipal Inquiry Commissioners in 1835 that 1,264A. 1R. 14P. of these commons lands had been let to a Mr. Bolton on a 99 years' lease, which expired in the year 1830, at a rent of £87 6*s.* 6*d.* a year, and for which he had paid a fine of £200, and that on the 30th September in that year a new lease of these lands, with an additional parcel, was made by the then Corporation to Richard Pennefather, for a term of 99 years, at a rent of £93 11*s.* 9*d.* a year late currency. The particulars connected with the making of this lease are fully stated at page 469 of the Report above alluded to; and it will be seen that, although the quantity of land was stated in the lease to contain only 1,314A. 3R. 34P. Irish, they were found to contain in measurement 1,548A. 3R. 5P. Irish. The information mentioned in that Report was not heard before the Lord Chancellor of Ireland until the 19th January, 1843, when he made a decree setting aside the lease, and made a reference to the late Master Litton to take an account of the rents and profits received by the Defendant, William Pennefather (who was the representative of Richard Pennefather the lessee), out of the lands and premises, from the commencement of the lease to the taking of the account, and also to approve of a proper scheme for the appropriation of the income thereafter to arise from the estate mentioned in the pleadings in the cause, and of the funds which should be paid into court in respect thereof. The reference proceeded before the Master; and it was represented to him that the rents and profits of the lands amounted to the annual sum of £600; and it was agreed between the parties in the cause that William Pennefather should pay a sum of £6,000 as and for the mesne rates of the lands. Mr. Hanly, Ev. 833. Ev. 723.

It is impossible to believe that the net annual income of the lands was then not more than £600 a year; for it appears from the Report of the Municipal Commissioners, that at the expiration of Bolton's lease, the lands demised to him (which did not include all the lands in Pennefather's lease) were yielding him an income of about £1,550 a year; and at the inquiry it was admitted that Mr. Pennefather also received an income of £1,550 from the lands at the time the lease was set aside. I was unable to obtain any rental of the lands during Pennefather's time, as the Town Clerk stated he could not find any among the papers of the Corporation. Mr. J. Corby, Ev. 200. Ev. 949–951.

As hereinafter stated, however, it will be found that the then Town Commissioners had, in the autumn of 1843, made new lettings of the entire lands comprised in the lease for new rents, amounting in the aggregate to the sum of £633 18*s.* 6½*d.* a year; and this may account for the representation then made to Master Litton as to the annual value of the lands, and on the faith of which his report was made on the 2nd January, 1844, and by which he approved of a scheme for the appropriation of the £6,000 and the annual income of the lands calculated at £600 a year, and which was in substance as follows:— Ev. 208. Mr. Hanly, Ev. 235, 723.

SCHEME for the appropriation of the sum of £6,000 Mesne Rates.

(This is set out in full in Appendix No. 19, p. 394.)

1st. £700 to be expended by the then Commissioners, under the Act of 9 Geo. IV., c. 82, in paving, &c., the streets of Cashel.	1st. The entire of this sum is stated to have been duly expended, and £90 in addition. Mr. J. Corby, Ev. 49.
2nd. £300 to be applied in payment of the costs therein specified.	2nd. It is stated that the £300 was paid for costs, and also a further sum of £740 14*s.* 10*d.* This latter sum could not have been legally charged against or paid out of the £6,000. Ev. 819.
3rd. £2,000 in erecting gas-works, &c.	3rd. £1,992 appears by the books to have been expended originally on these works. Ev. 31–47.
4th. £1,000 for procuring a water supply.	4th. £238 9*s.* 7*d.* is all that appears by the books to have been originally expended in procuring water. Ev. 35.
5th. £100 towards the formation of a lying-in hospital.	5th. £54 only was applied to fitting up one of the Corporation houses for this purpose. Ev. 52.
6th. £460 to be applied in purchase of Rev. Mr. Whitty's interest in Cottrell's lot.	6th. The £460 was so applied. Ev. 53. Ev. 55. Ev. 823.
7th. £200 in making and repairing roads.	7th. The £200 was so applied. Mr. Burke, Ev. 456.
8th. £240 to be applied in erecting a mechanics' institute and temperance hall in Cashel.	8th. No portion of this money was so expended, save £9 in the year 1858. Mr. Corby, Ev. 375, 383, 824.
9th. £1,000 to be advanced to the Cashel Loan Fund Board in connexion with and under the control of the Dublin Board.	9th. This was duly applied, and the funds have now accumulated to over £3,000. Mr. Mullins, Ev. 394.

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Mr. Corby, Ev. 822. It will be seen that the above sums comprised the entire £6,000, and it was found by the Report that the expenditure of the above sums except the last for £1,000 should be duly accounted for by the said Commissioners before the Master in the cause. No such account was, however, furnished, nor was the expenditure even vouched before him. During the two first days of the inquiry the Town Clerk stated he could not find any trace in the books of the receipt by the Commissioners of this sum of £6,000, although Ev. 871. there was no doubt that it had been paid, but on the last day he produced what purported to be a printed account of the receipts and expenditure of the Borough for the year ending the 25th March, 1845, and in which the then Treasurer (the late Mr. Charles Doheny) charges himself with the receipt of the sum of £2,560, a portion of the mesne rates, and in the account of the following year with a further sum of £3,365 1*s.* 9*d.*, under the head "proportion of mesne rates." These sums were mixed up with the other funds of the Corporation, and no separate account was kept of them as ought to have been done, as it was to have been applied as ordered by and accounted for to the Court of Chancery, and no part of it should have been applied, as it undoubtedly was, in an Ev. 872. illegal manner. Mr. Doheny's accounts were audited by some of the Commissioners from time to time until the year 1848, when he left the country, and there was then a Mr. J. Mullins, Ev. 873. small deficiency on them which was made good by his sureties; without devoting more time than was at my disposal to a close inspection of all the books and accounts of the treasurer for the years 1843 to 1848, it would be impossible to say what became of the sum of £2,055 10*s.* 5*d.*, the balance of the £6,000, after crediting the sums which were duly expended. No reason was suggested why the balance was not applied according to the scheme or why the then Commissioners who must have been fully aware of all the facts, and that they were trustees of this property for the benefit of the inhabitants of Cashel, had not required a separate account to be kept of the fund, and accounted for it as required by the Master's Report. The scheme also provided for the expenditure of the annual income, therein stated to amount to £600 a year, as follows:—

10th. £160 a year, portion of the rents of the said premises, to be applied by the Commissioners towards lighting, cleansing, and supplying with water the City of Cashel.	10th. A larger sum than this has been annually expended on the contemplated objects.
Mr. J. Corby, Ev. 903–4. Mr. J. Mullins. 11th. £200 a year, further portion of said rents, to be applied to the support and maintenance of two schools in Cashel, viz., £180 a year for two day schools, one for boys and the other for girls, under the control of the National Board, and £20 a year for the support of similar schools under the control of the Protestant minister.	11th. £180 a year has been and is regularly paid to the Roman Catholic Archdeacon, but the whole of it is not expended on the National Schools. The Commissioners do not interfere further with it than paying it to the Archdeacon. The £20 a year is paid to the Protestant Dean. Mr. Corby, Ev. 184–196, 911, 914. Mr. Mullins, Ev. 402–406.
Mr. J. Corby, Ev. 51. Mr. C. Hanly Ev 336. 12th. £120 a year, further portion of said rents, to be applied towards the support and maintenance of the Lying-in Hospital.	12th. No portion of this has been ever so applied. It is stated that no one would use the Hospital, and therefore it was not kept up. Ev. 397. Mr. Hanly, Ev. 342.
Mr. J. Corby, Ev. 194–870. Mr. J. Mullins, Ev. 871. 13th. £40 a year, further portion of said rents, to be applied in the purchase of blankets to be distributed to the poor housekeepers of Cashel, at Christmas, by a committee of the clergy of Cashel of all denominations.	13th. £40 worth of blankets are annually bought by the Commissioners, of which £36 worth are given to the Roman Catholic clergy for distribution, and £4 worth to the Protestant. For some years, between 1844 and 1851, the money was not expended, nor were the blankets distributed. Mr. Corby, Ev. 51. Ev. 197–8. Ev. 876–7.

It will be perceived that if the whole of the above annual sums had been duly applied there would have been a large annual surplus, which could have been easily ascertained from time to time if a separate account had been kept of the receipt and expenditure of the rents of these lands, and the scheme accordingly provided "that as soon as there should be any accumulation of the surplus rents and profits an application should be made to the Court to have same expended for any charitable purposes which circumstances might render advisable." At the most £400 a year only of the rents have been expended as provided by the scheme, so that there remained an annual surplus of £233 18*s.* 6½*d.* a year, even on the new lettings of the property, less the necessary outgoings for agent's fees, poor rates, &c. This surplus should have been accumulated annually, and only applied under the sanction of the Court of Chancery. This was never done. The rents were always collected and lodged by the agent to the credit of the general account of the Commissioners, and the surplus was expended by them as they thought fit, and without any regard to the obligations imposed on them as trustees for the public under the decree. In the year 1856 the then Commissioners passed a Mr. J. Corby, Ev. 187-196. resolution to give an annual payment of £50 to the Christian Brothers' Schools if they Mr. Mullins, Ev. 406. were established in the town, and this sum has been paid annually since the year 1868, when the schools were first established; and the present Commissioners justify the payment on the resolution passed in the year 1856, and not on any resolution or order made by the Commissioners who were in office in 1869 or since. The then Commissioners

also leased the house which had been settled upon for the lying-in hospital in the year 1853 to the then parish priest, at a rent of one shilling a year, as a house for the National schoolmaster, and some years afterwards it was given by the parish priest to a classical teacher to open a school in the town. This failed after a few years, and the house was lying idle for a short time, when some young men in the town applied to the then Commissioners to let it to them for a temperance institute. They did so, and the young men expended some money in repairing it, but after a short time the Commissioners put them out of it. Some of the mechanics of the town then applied for it, to form an institute, and offered to pay rent for it. They had the house in 1858 for a short time, and the Commissioners then expended a sum of £9 out of the £240 specified in the 8th article of the scheme in putting it in repair; but they afterwards took it away from them, and the house is now used as a Christian Brothers' School, and no rent is paid for it save the nominal one of one shilling a year. The action of the Commissioners with respect to the mechanics of the town (numbering about 50), and their continued neglect in refusing to expend the £240, or to rent them a house for the purpose of an institute, was much complained of by them, and a strong feeling exists on their part against the Town Commissioners for their action against them on this subject. Although I asked for it, no person gave the slightest explanation on the part of the Commissioners as to their neglect in providing the institute for the mechanics, as provided by the Master's Report.

Mr. J. Mullins, Ev. 397–406.

Ev. 391–376. Mr. Burke, Ev. 450–460.

I now proceed to detail the dealings of the Commissioners with respect to the commons lands, which demands serious attention. It has been already stated that when Pennefather's lease was set aside, the rents received by him from the lands were at least £1,550 a year, and that within a few months the same lands were let to the same tenants, save in a very few instances, for £633 18*s.* 6½*d.* a year. The explanation as to how this happened was given by Mr. Mullins, the present chairman of the Town Commissioners. He stated that on the setting aside of Pennefather's lease, the tenants refused to acknowledge the Commissioners as their landlords, and that the opinion of the late Baron Greene was taken on the subject, who advised that new lettings should be made to them on a valuation to be made of the lands by two valuators, one to be appointed by the Commissioners and one by the tenants; that this was agreed to and arbitrators were appointed, who valued the lands at the rent then and since received, save in one or two instances. I called for any evidence, either in the books of the Commissioners or the bills of costs furnished by their solicitors, or for any documents from the Commissioners' papers to prove that any such opinion was given, or that any case was laid before that distinguished lawyer, but nothing of the kind was produced. It is impossible to conceive that there could have been any ultimate difficulty in the Commissioners getting possession of the lands from those whose title thereto depended solely on that of their landlord, which had been set aside. I also called for the production of the valuation stated to have been made, but no trace of its contents could be shown from the Commissioners' books or otherwise, save that the Town Clerk produced a book purporting to be a rental, from March, 1844, to 1845, in which the rental of the lands comprised in Pennefather's lease is set out as amounting to the sum of £633 18*s.* 6½*d.* a year, and £13 18*s.* 6½*d.* for tithe-rentcharge. From whatever motive, or with whatever object it was done, there can, however, be no reasonable doubt that some such valuation was made in the year 1843, because it was stated that a resolution was adopted in that year, that at any time within thirty-one years (which has expired), the tenantry could get leases by paying 10 per cent. over the rents mentioned in the valuation. This proposal was submitted to the tenants, who refused to accept it, and the rents stated to have been put down by the valuators, without even the addition of the 10 per cent., have been since received by the Commissioners, and the reason for this, as given by the chairman, was that the Commissioners since felt themselves bound by the resolution then adopted.

Mr. Mullins, Ev. 407–409.

Mr. Corby, Ev. 205–6.

Mr. Hanly, Ev. 526–7.

Mr. J. Mullins, Ev. 408.

This resolution was not recorded on the books, and it was stated at the Inquiry that there was not any record of the appointment of any valuators or any valuation made by them, but since the Inquiry closed the Town Clerk has forwarded to me resolutions, which he states he had since found on the books, a copy of which as sent is as follows:—

EXTRACTS from the MINUTE BOOKS of the TOWN COMMISSIONERS of the CITY of CASHEL.

1843, *October* 20.—The object of the meeting having been to appoint valuators for the Corporation lands. Moved by Mr. Dolan, seconded by Mr. Coman—

"That Thomas Heffernan, of Ballynathin, and John Loughnane, of Boytenrath, be appointed to value said lands, and that they be paid a sum of ten pounds each for such valuation, they first subscribing a declaration to the following effect:—

"We, Thomas Heffernan and John Loughnane, do solemnly declare, according to the provisions of the statute in that case made and provided, that we will truly, faithfully, and diligently examine into the value of

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the different lands, farms, and tenements (the corporate property of the city of Cashel) which we may be appointed to value by the Commissioners of the said city, and that we will estimate the value of said lands, farms, and tenements to the best of our judgment, knowledge, and skill, at such value as would be, according to our judgment, knowledge, and skill, a fair and reasonable rent between landlord and tenant in this county, according to the circumstances of each case."

1844, *February* 26.—Moved by Mr. Coman, seconded by Mr. Power

"That leases be made to such of the tenants as apply at the rent, exclusive of the rentcharge, ascertained by the valuation, and that our agent be directed to take proceedings against those tenants that do not settle."

An amendment was moved by Mr. Corby, seconded by Mr. Desmond—

"That leases be only made on the old rents."
The motion was carried by a majority of 10 to 3.

Moved by Mr. Dolan, seconded by Mr. Coman—

"That the tenancy commence at 29th September, 1843."

From these extracts it is likely that Mr. Mullins is inaccurate in his recollection as to the terms of the resolution offering leases to the tenants, and that they were not in
Mr. Mullins, Ev. 407. fact then offered leases at an increase of ten per cent. beyond the valuation, and that he is also inaccurate in saying that one valuator was named by the tenants, as from the extracts it would seem that both valuators were appointed by the Commissioners, and were to be paid by them. It does not, however, appear that they or either of them ever made the statutable declaration mentioned, or were paid for the valuation, nor is the original valuation to be found. It is also manifest that if the Town Commissioners who succeeded those in office in 1844 felt themselves bound by the resolution passed by the Commissioners of that year as to the granting of leases to the tenants at the rents in the new valuation, as stated by Mr. Mullins, they ought to have confined the
Ev. 408. terms thereby granted in the leases afterwards executed by them to terms of thirty-one years from the 29th September, 1843, in which event all such leases must have expired in the year 1874, when the then Commissioners, if so inclined, could have obtained a fair rent for the lands out of lease. This was not done in a single instance; and thus the existing leases hereinafter mentioned (if valid) will prevent the inhabitants of Cashel from enjoying the full and fair income properly derivable from their property during the continuance of the leases, through the action of the Commissioners who executed them while they were only trustees for themselves and others. It further appears that in some cases the rents, when leases were made, were reduced below the prices fixed by the valuators.

I now proceed to give the particulars of the Commons land and its valuation, which for convenience I set out in a table showing the acreage, rent, and Griffith's valuation, the entire being divided into five lots.

Name of Lot.	Acreage, in Statute Acres.	Present Rent.	Griffith's Valuation.
	A. R. P.	£ s. d.	£ s. d.
Mr. Hanly, Ev. 723. No. 1. Owens' and Biggs',	143 0 27	94 14 7	102 7 9
„ 2. Lalor's Lot,	989 1 12	217 7 3	426 1 0
„ 3. Hill's,	400 0 32	100 15 6	160 12 0
„ 4. Attykitt,	491 3 12	96 1 9½	176 12 0
„ 5. Carron,	484 1 0	124 19 8	218 0 0
	2,508 3 3	633 18 6½	1,083 12 0

From ten to twelve leases appear since to have been made of portions of these lands, the particulars of which are as follows, so far as I could ascertain them in the limited time at my disposal:—

Tenants' Names.	Date of Lease.	Contents.	Rent.	Griffith's Valuation.
		A. R. P.	£ s. d.	£ s. d.
Ev. 479. No. 1. Reps. of Mathew Hanly,	4th September, 1854,	30 3 0	11 17 0	27 0 0
„ „ Do. (Lalor's Lot),		7 1 2	2 8 7	
Ev. 504. „ 2. Do. Owens' and Biggs' Lot,	Do.,	9 1 20	15 19 11	15 0 0
Ev. 507–8. „ 3. Mrs. Dolan (Lalor's Lot), This farm had been let to Daniel Phelan, as yearly tenant, at same rent as in lease.	2nd December, 1862,	68 2 3	24 13 10	47 5 0
Ev. 522. „ 4. Thomas Carew,	2nd July, 1852,	58 0 39	23 13 9	38 0 0

The rent for 41A. 3R. 14P. of this holding paid by Thomas Carew was £39 0*s.* 10*d.* while he was a yearly tenant, but on making the lease in 1852 it was reduced to £23 13*s.* 9*d.*, and he got 16A. 1R. 25P. of land additional. Mr. Hanly, Ev. 547–550.

Tenants' Names.	Date of Lease.	Contents.	Rent.	Griffith's Valuation.	
		A. R. P.	£ *s.* *d.*	£ *s.* *d.*	
No. 5. Avery Jordan, . . .	11th February, 1857,	161 2 31	101 15 11	170 0 0	Ev. 551.
„ 6. Pierce Grace, ...	4th September, 1854,	51 3 1 of Carron, at 7*s.* 8½*d.* an acre. 22 3 22 of Attykitt, at 6*s.* 2½*d.* an acre.	27 1 0	42 0 0	Ev. 555–6.
„ 7. Thomas Hogan, . . .	Do., .	36 0 30	15 15 2½	34 0 0	Ev. 562.
„ 8. Denis Hogan, . . .	Do., .	36 1 21	16 13 3	34 5 0	Ev. 565.
„ 9. Thomas Carew, . . .	Do., .	20 1 12	10 0 0	7 4 0	Ev. 567.
„ 10. —— Cahill, . . .	1854, .	80 2 0	31 15 6	46 0 0	Ev. 307–319.

The leases Nos. 1, 2, 3, on the above list were granted to Matthew Hanly, the lessee, at the time he was a Town Commissioner, under a resolution of the 9th January, 1854, set out at question 491, which was passed at a meeting at which he was present, and they never were put up to any public competition or tender. Mr. Cornelius Hanly at first stated that his father had previously bought the interest of a yearly tenant named Maloney in the lands comprised in leases Nos. 1 and 2 for about £150, but he afterwards stated that the land only cost £70, and that there was a crop and other things on the land which made £70 more. Maloney's rent had been 12*s.* or 13*s.* the Irish acre. At the lesser sum of 12*s.* an acre Maloney's two holdings must have paid a rent of about £23 a year; and when the leases were granted to Mr. Hanly they were given to him for rents amounting to £14 5*s.* 7*d.* a year, without the slightest reason being suggested on the books or otherwise for the making such a reduction, and giving him a lease for 31 years from September, 1853. When the agent was asked his opinion as to the letting value of these two lots, his answer was that it was unfair to ask him, as he might have an interest in the question, and would not, therefore, like to put a valuation on those farms, but that he might do so in the case of other persons. How far he adhered to the latter part of this answer will be perceived by the perusal of his evidence, when he declined to give answers to several questions put to him as to the value of farms held by others. Mr. Matthew Hanly had also given £18 or £20 for the interest in about five acres of the land comprised in the second lease before it was made to him, and which was then paying a rent of 30*s.* an acre.

Mr. Corby, Ev. 488. Ev. 491. Ev. 492. Ev. 494. Mr. Hanly, Ev 496–870. Ev. 495. Ev. 499. Ev. 511, 601, 699, 638, 652, 830, 831. Ev. 501. Ev. 502.

The lease to Mrs. Dolan of lot No. 4 on the above list was made to her under a resolution of the 1st April, 1861, set out at question 509, which authorized the granting of a lease to her for 31 years at the rent of £24 13*s.* 10*d.* a year, the then rent paid by Daniel Phelan, a yearly tenant; and an amendment—set out at same question—was proposed to that resolution, that the lease should be granted to her only for an unexpired term of 14 years, to which the late tenant, Daniel Phelan, was supposed to be equitably entitled, under the resolution of 1844. This amendment was evidently proposed to carry out the spirit of the resolution of 1844, that the tenants were to get 31 years' leases from 1843; but it was negatived by a majority of 9 to 3. Mrs. Dolan was the widow of a Town Commissioner, and had given Phelan £650 for his interest in the farm, and this was publicly known at the time the resolution was passed. Mr. Hanly, the agent, declined to give an opinion of the value of this land at the time, but on being pressed he said that in its original state it was worth 10*s.* to 12*s.* an acre. Even taking this estimate of its value to be correct, it is easy to see why Mrs. Dolan gave so large a sum for the tenant's interest on getting a lease for 31 years at a rent of £24 13*s.* 10*d.* a year.

Ev. 509. Mr. Hanly, Ev. 280, 281. Mr. Corby, Ev. 516–519. Mr. Hanly, Ev. 511, 512.

On Lalor's lot, 41A. 3R. 14P. of the land comprised in the fourth lease in the above list had been held at a rent of £39 0*s.* 10*d.* by Thomas Carew, under a resolution for a lease ordered to be made to him in April, 1844, for 31 years from September, 1843. He was then a Town Commissioner. This lease was not made, but on the 2nd July, 1852, he got an additional quantity of 16A. 1R. 25P., and a lease was made to him of the new and old farms, making in all 58A. 0R. 39P., for 41 years, from about that date, at the reduced rent of £23 13*s.* 9*d.* a year. No resolution is to be found on the books for the granting of this lease, nor was the slightest excuse or explanation offered as to the reason for such a transaction (which speaks for itself) having taken place.

Mr. Corby, Ev. 532. Mr. Hanly, Ev. 544–548. Mr. J. Corby, 550.

The next lease in the above list was made to Mr. Avery Jordan, while he was Town Clerk. He claimed to be entitled to collect tolls in the market, under the Pennefather family, and he had held the lands comprised in that lease under them, but at what rent

Mr. Hanly, Ev. 325–6, 551.

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we could not ascertain. He gave up his alleged right to those tolls, and in consideration of his doing so the lease was granted to him on the 11th February, 1857, for 31 years from the 25th March, 1856, at the rent of £101 15*s.* 11*d.* a year.

Mr. Corby, Ev. 84.

Mr. Hanly, Ev. 569.

The sixth lease was made to Pierce Grace, a son of a Town Commissioner, and it is alleged that the land was put up to public competition, and that proposals were put in by four persons for them. A resolution was passed on the 7th July, 1850, for granting a lease to Mr. Grace (a Commissioner then present) for thirty-one years from the 29th September, 1850, but the lease was not executed until September, 1854, from which time the thirty-one years commenced. No information was given as to the rents offered by the others, but the rent of 6*s.* 2½*d.* the Irish acre for the portion of Attykit comprised in the lease, was much below what had been paid for other portions of the same lands in the Pennefathers' time, as will appear from the rents reserved in the leases set forth at question 999.

With respect to the leases 7 and 8 in the list, no resolution was produced authorizing their being granted, and it was stated that the same lands had been let in the Pennefathers' time at 12*s.* and 13*s.* an acre, so that even if such was the fact the present rents are much less.

Ev. 564.

Ev. 307–319.

Another lease was made to Mr. Cahill in 1854 of 80A. 2R., Irish, on Hill's lot, at £31 15*s.* 6*d.* a year, for thirty-one years. The value of that farm is considerably more, and it was described as being a very good lot, but not quite as good as the agent's father paid £2 an acre for.

Woods' lease.

I have now dealt with the cases in which leases have been granted since 1844 by the Commissioners of portions of the commons lands, so far as they were brought before me, but there are two leases still recognised by them which require to be noticed.

Ev. 528–534, 698–701.

The first is a lease alleged to be vested in the representatives of a Mr. Richard Woods. In 1843 Richard Woods, then a Town Commissioner, claimed to hold a lease made to him by William Pennefather, for ninety-nine years, of 61A. of Foxsden, part of Hill's lot, at a rent of £26 a year. This lease, if valid, will not expire for several years, but it appears to me to be as invalid as the original lease to Woods' lessor. The Commissioners, however, have never taken any steps to set aside this lease, or get possession of the lands, and, on the contrary, have continued to recognise the Woods as tenants, paying only £26 a year for them. The value of the lands comprised in this lease is best proved by the fact that they are now let by the representatives of Woods on lease for thirty-one years, from 1859, to Daniel Foley, at a rent of £100 a year, and which he has regularly paid. Griffith's valuation of this farm is £43 10*s.*, which shows the relative value of the land to the valuation, although Mr. Hanly declined to give an opinion as to whether the valuation was too high or not; but the farm is on the same lot (Hill's) as Mr. Cahill's last above-mentioned farm of 80A. 2R. Irish, which was described by the agent as a very good lot.

Mr. Daniel Foley. Ev. 726–738. Mr. J. Hanly, Ev. 698. Ev. 699. Ev. 316.

Wogan's lease. Spa Fields. Mr. Hanly, Ev. 722.

The second is a lease alleged to be vested in the representatives of a person named Charles Wogan. Before Pennefather's lease was set aside he had demised 45A. of part of Lalor's lot, called the Spa Fields, at a rent of £13 14*s.* 4*d.* a year, for a term which, if the lease was valid, would expire in about six years. James Phelan, a Town Commissioner, afterwards became entitled to Wogan's interest in the lease, we presume by purchase, but could not ascertain the particulars. James Phelan afterwards sub-demised the premises to John Scully, a solicitor in Cashel, and then also a Town Commissioner, at a rent of £2 10*s.* an acre, for a term which expired in the year 1875. Mr. Mathew Hanly, Town Commissioner, the father of the agent, bought Mr. Scully's interest in the sub-lease for £250, and he or his representatives continued in possession of the lands until its expiration, and James Phelan, or those claiming under him, are now in possession, and claim to hold it for the residue of the term in the original lease executed by Pennefather to Wogan. This lease appears to me to be as invalid as that to Pennefather, and no reason was suggested for the Commissioners having continued to recognise it, and receive the wholly insufficient rent payable under it. The valuation of the lands in this lease is £75 a year, and Mr. Hanly, the agent, stated that he did not think the valuation excessive.

Ev. 664–681.

Ev. 672.

It is quite manifest that by gross neglect, if not from some other motive, £174 a year has been lost to the inhabitants of Cashel on Woods' and Phelan's farms alone for the last thirty-four years, and also a much greater loss has accrued in the aggregate during the same period from the other lettings above mentioned, and a larger loss is likely to take place as long as the management of the property is continued by the present so-called trustees, as they and their predecessors have managed it from time to time.

I now proceed to detail the action and conduct of the Commissioners from 1843 to the present, with respect to the rents of the commons lands in the hands of the yearly tenants, as far as I was able to ascertain them in the limited time at my disposal, and not having any power to compel the attendance of witnesses or to examine on oath.

Mr. Corby, Ev. 209. Mr. Hanly, Ev. 324.

From 1843 the rest of the commons lands have been held by the parties then in

possession, or their representatives or assignees, at the rents stated to have been then put on their holdings by the valuators then appointed.

In the month of December, 1875, Mr. Hanly brought before the Commissioners the fact that the leases of some of the property were soon to fall in, and applied for instructions as to reletting the lands. Mr. Scully, one of the Town Commissioners, on the 13th December, 1875, gave notice of moving at the next monthly meeting the motion mentioned at question 860; and Mr. Hackett then gave notice of moving the amendment mentioned at the same question. Mr. Scully's resolution was carried unanimously on the 18th January, 1876, whereupon Mr. Hackett gave notice that he would move at the next monthly meeting that the resolution passed that day be rescinded, which however does not appear to have been done. On the 7th February, it was ordered that the agent be directed to offer to the tenants leases of their holdings in accordance with the terms of the resolution passed on the 18th ult., and report to the next meeting whether they will accept leases on these terms. On the same day Dr. Laffan gave notice that he would move at the next monthly meeting "That for the future for all of the lands for which no lease is now in force the rent at present payable shall be continued, if such be not less than the Poor Law Valuation; but if less than same, that then the rent shall be raised to a sum equal thereto, the increased rents to be charged from the next date, which by law shall be allowable, and that the agent do take immediate steps to carry this resolution into effect." This resolution was moved by him and seconded by Mr. Scully, whereupon Mr. Hackett moved and Dr. Molony seconded, as an amendment, "That an advance of ten per cent. per annum be put on all the rented lands on the Commons which are now running out of lease, and other lands where no leases are existing, which were rated in Griffith's Valuation." Notwithstanding the passing of the resolution of the 18th January this amendment was carried on a division by seven to two, and thereupon Dr. Laffan and Mr. Scully handed in a protest which is set out in full at question 860. In moving his resolution on the 20th March, 1876, Dr. Laffan made a statement which he repeated before me of such importance that I think it right to state it fully here. His statement, speaking with reference to what was said by some of the tenants of the Commons at a meeting held shortly before, was—

Mr. Corby, Ev. 857–8.

Ev. 860.

Ev. 860.

Ev. 860.

Ev. 860.

Dr. Laffan, Ev. 1012.

"That he agreed with the tenants who stated that the Pennefathers had been the perfection of landlords, but that when they made these rash statements they quite forgot that the Commissioners had in their archives every document connected with the Pennefathers' lettings, that he had made complete extracts from them, and that he challenged the Commissioners to test their correctness by examination for themselves; that he had stated on former occasions that the lands were let at nominal rents, and that the valuators had received instructions not to be too particular; that he was authorized that day by the then law agent of the Commissioners to state that the Commissioners' valuator having exceeded his instructions, a valuation was the result which the then Commissioners declared had they foreseen, they would sooner have put their hands into the fire than have consented to. Better far, however, than the statement of any gentleman, however honourable or respectable, was the evidence of figures and documents, some of which he then presented in a tabulated form as follows:—

Tenants' Names.	Present or Nominal Rent per Irish Acre.	Pennefathers' Rent.	Proposed New Rent.
	£ s. d.	£ s. d.	£ s. d.
Michael Corcoran, .	0 8 2	1 11 6	0 15 0
John Corcoran, .	0 8 2	1 11 6	0 15 0
Denis Corcoran, .	0 8 2	1 11 6	0 15 0
—— Hogan, .	0 8 8½	0 13 0	0 12 11

"He stated to the Commissioners that he gave the foregoing figures as a sample to show them that he did not propose to charge the tenants more than half the rent in some instances, which those deservedly popular landlords laid on to the great gratitude of even the second generation of their quondam tenants."

After the passing of the resolution of the 7th February, Mr. Hanly, as agent, sent out a printed circular to each of the tenants, as follows:—

"Cashel, February 22nd, 1876.

"Sir,—I have been directed by the Town Commissioners to inform you that they are willing to give you a lease of your holding on the Commons in accordance with the terms expressed in a resolution passed by them on the 18th ultimo, a copy of which is given below, and I have to request that you will inform me, in writing, on or before the 5th proximo, whether you desire to take such lease.

"I am, Sir, your obedient servant,

"C. Hanly.

"To Mr. ——.

"'Resolved,—That in all cases tenants on the Commons who have heretofore been paying rent less than the Poor Law Valuation shall be offered leases of their holdings for thirty-one years, dating from the last gale day, provided the rent in future to be paid by them shall equal the present Poor Law Valuation.

"'And in all other cases that such leases be granted at the rents now paid.'"

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After the amendment was carried on the 20th March, he also sent out another printed circular as follows :—

"Cashel, April 26, 1876.

"SIR,—I beg to acquaint you that by a resolution of the Cashel Town Commissioners passed on the 20th ultimo, a copy of which is given below, the rent of your holding at has been raised to £ per annum, and I have to request that you will inform me in writing, on or before the 13th proximo, whether you will continue to occupy your farm on these terms.

"I am, Sir, your obedient servant,

"To Mr. ——.

"C. HANLY.

"'RESOLVED,—That an advance of ten per cent. per annum be put on all the rented lands on the Commons which are now out of lease, and on the lands where no leases were existing which were let under Griffith's Valuation.'"

Up to the time of the holding of the inquiry not a tenant had accepted the terms offered in either circular.

The probable reason why the tenants have not accepted this offer will be understood by the statement of the footing on which the yearly tenants at present stand with the Commissioners, as hereafter detailed. Daniel Foley, who holds the lease under the Woods above alluded to, also holds about twenty acres of the lands of Attykit, which was described by Mr. Hanly as the worst townland he ever saw.

Mr. Hanly, Ev. 553.

Mr. Foley, Ev. 733-753.

This 20A. had been held by a man named Keatinge, as a yearly tenant, at a rent of £7 11*s.* 4*d.* a year and he sold his interest in it to Foley's father-in-law for £140, who made a present of it to Foley's wife several years ago, and Foley has been since recognised as the tenant at the same rent. When Foley received the circular above set forth he replied to it in a letter to the Commissioners, as follows :—

Ev. 752.

"GENTLEMEN,—I have the circular of your agent, together with a copy of the resolution of the Town Commissioners, in reply to which I beg to call your attention to the fact that I bought the tenant's interest in the lands of Attykit, with the sanction of the Commissioners, with the full understanding, expressed by them to me, that I would not be disturbed so long as I paid rent : under the circumstances I refuse your offer and object to any change in the terms of my tenancy.

"Yours truly,

"DANIEL FOLEY."

Having now stated the latest action of the Commissioners, with respect to the Commons lands, I proceed to detail their action with respect to them after 1844.

Notwithstanding the resolution of the 26th February, 1844, the Commissioners of that time do not appear to have taken any proceedings against the tenants to compel them to take out leases, and nearly all were continued as yearly tenants at the reduced rents.

The Commissioners, on the 1st February, 1847, passed a resolution as follows :—

Mr. Hanly, Ev. 589.

"That no tenant on the Commons of Cashel under the Commissioners be allowed to assign or sublet their holdings to any person without the consent of the Commissioners."

Ev. 624.

And again, on the 7th March, 1860, another resolution was passed, to the effect—

"That any tenant parting with a portion of his land without the consent of the Commissioners be ejected."

Appendix No. 19, p. 394.

And on the 7th May, 1860, it was also resolved :—

"That the resolution entered on the minutes of the 6th March last, ordering James Keatinge to be ejected in consequence of his having subdivided his farm, shall be rescinded, but that in future any tenant parting with a portion of his land, without the sanction of the Commissioners, shall be dispossessed."

It is not easy to understand why these last mentioned resolutions were passed, if the then Commissioners fairly intended to carry out the resolution of the 26th February, 1844, as it was contended that under it all the tenants were to get leases for thirty-one years from 29th September, 1843, and they might thus have been considered equitably entitled to such leases without restriction during that term, but the subsequent acts of the Commissioners would go to show that they were passed for the purpose of giving them the opportunity of seeing that a tenant in possession was, according to their opinion, properly compensated for his interest. This view is borne out by a resolution passed by the Commissioners on the 4th June, 1860, whereby it was ordered :—

Mr. Corby, Ev. 955.

"That the agent, Mr. Conan, be directed to have a notice to quit served upon Richard Stapleton for having entered into possession of Judith Ryan's farm without liberty from the Commissioners, and for not satisfying the tenant in a just and reasonable claim which she had in the land."

This is the only instance appearing in which they interfered with the assignments, notoriously made from time to time, and which also shows that in this case they took an active part with respect to the change of tenancy on one of the farms. Be the motive however what it may for the passing of these resolutions, it is perfectly manifest that the successive Boards of Commissioners of Cashel, ever since these resolutions were

passed, have been consenting parties to very many cases of assignment and subletting, in which some of the yearly tenants from time to time have sold their interests in their tenancies. Notwithstanding the so-called valuation in 1843, and the statements of Mr. Hanly and some of the tenants, that the lands were let at nearly a fair value at their present rents, it will be hereafter seen that several cases of sales have taken place by tenants in which very large sums of money have been paid for small portions of the ground. One tenant stated "that there were not any of the tenants parting with the land but those who were getting money for doing so; and that they could all get money for it." Mr. Michael Stapleton, Ev. 782. Mr. Hanly, Ev. 274.

The next step which appears to have been taken about these lands was on 7th May, 1860, when the Honorable Martin J. French, then one of the Town Commissioners, gave notice that he would move at the next monthly meeting—

"That a competent person be appointed to value the unleased portion of the Corporation lands, and that he shall receive instructions to the effect that the Commissioners only require a reasonable valuation to be made, and in the event of the valuation exceeding the present rent that each tenant shall be at liberty to show cause why that rent should not be raised." Mr. Corby, Ev. 955.

On the 4th June, 1860, Mr. French gave another notice, as follows:— Ev. 955.

"That he would move, at the next monthly meeting, that the resolution of February, 1844, be rescinded, which granted a right to all tenants of the Corporation to obtain leases at a valuation which had been then made, and that a competent person be appointed to ascertain the present letting value of each unleased portion of the Corporation lands and also the particulars, nature, general cost, and existing value of each tenant's own unexhausted improvements, that upon obtaining such valuation, leases for 31 years should be offered at such a reasonable rent as should appear fair and equitable towards the several tenants."

Mr. French does not appear to have brought forward that resolution, but he was the Chairman of the meeting on the 21st July, 1860, when it was proposed by Mr. Murphy and seconded by Mr. Corby, that the resolution passed and entered on the minutes of the 20th February, 1844, be rescinded, whereby it was agreed to grant leases to all the Corporation tenants at the then valuation. An amendment was proposed and seconded to the effect that the Commissioners did not consider it expedient to alter the arrangement entered into between them and their tenants. The resolution was carried by five to three, but as there were only twelve members present, four of whom did not vote, and as two-thirds of the number, say eight, were required to rescind the resolution of February, 1844, which had been passed at the former meeting, the Chairman decided that the resolution was not carried in compliance with the provisions of the 46th section of the Commissioners Clauses Act, 1847 (10 Vic., c. 16). Ev. 955.

Matters remained in this condition until the proceedings which took place during the period between December, 1876, and April, 1877, which have been already alluded to, and the tenants who held the unleased lands in 1843, or their assignees, have since held and now hold their several farms at the rents then determined on, and which are much below the real annual value. It would take too much time to state in detail the numerous instances in which the yearly tenants have sold their interest in their farms, but the following table will show some of the most remarkable:—

Tenant's Name.	Irish Measure. Quantity of Land, and on what Lot.	Rent.	Griffith's Valuation.	Sold for, and to whom.	
	A. R. P.	£ s. d.	£ s. d.		
John Sturdy, . . .	7 to 8 acres on Owens and Biggs' Lot.	5 13 0	6 15 0	—— Kearney, for £100.	Mr. Hanly, Ev. 570–588.
—— Shea, . . .	1 1 12 (Lalor's Lot).	0 9 6	1 10 0	—— Purcell. Could not ascertain amount.	Ev. 589–602.
Robert Taylor, . .	12 0 0	8 11 0	11 10 0	Michael O'Sullivan, Town Commissioner. Could not ascertain amount.	Ev. 615–623.
Michael Hogan, . .	2 0 0	1 5 3	2 10 0	William Moloughney. Could not ascertain amount.	Ev. 686–691.
Pat Ryan, . . .	29 0 0	19 18 6	26 15 0	Richard Stapleton, for £333, including stock, &c.	Ev. 693–697. Mr. Richard Stapleton, Ev. 762–772.
J. O'Connell, . . .	5 0 0 Owens and Biggs' Lot.	7 10 0	7 15 0	Mathew Dwyer, £200.	Mr. Hanly, Ev. 289–295.
Mrs. Barry, . . .	4 2 0 Owens and Biggs' Lot.	8 18 8	8 5 0	Mathew Dwyer, £125 or £150.	Ev. 296–301.
William Ryan, . .	7 0 0	4 15 0	6 5 0	John Ryan. Supposed to be £180.	Ev. 641–647.
William Ryan, . .	11 3 35	4 3 3	10 5 0	Denis Ryan. Could not ascertain amount.	

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Mr. Hanly, Ev. 274.

The foregoing cases in which sales have taken place show the value of the holdings of the yearly tenants, and these interests are being sold from time to time openly and notoriously; but it was impossible to ascertain the full particulars of those sales, or the prices paid as purchase money. Another instance of what appeared to be a letting at a

Ev. 724-725.

gross undervalue was that of land held by William Casson. A person named Judith Keating had held 27A. of Attykit at a rent of £15 8s. 3d., Griffith's valuation being £18 12s. In some way which I could not ascertain, the holding became vacant, and 2A. 3R. 27P. were added to it, and by a resolution of the 5th April, 1852, both holdings, making in all 29A. 3R. 27P., were let to William Casson at the reduced rent of £10 15s. 8d. a year. No reason could be assigned as to why this was done.

The other property of the Town Commissioners consists of the following lands and houses:—

	No. on Rental.	Name of Lands or House Property.	Acreage, in Irish Acres.	Rent.	Griffith's Valuation.
			A. R. P.	£ s. d.	£ s. d.
Ev. 415.	2	Hickey's Lot,	125 0 0	80 2 3	119 3 0
Ev. 420.	3	Land lots, and property in the town,	342 0 0	328 17 8	480 6 0
Ev. 424.	4	Small lots on Commons, exclusive of part in Pennefather's lease,	252 0 0	205 5 2	244 0 0
Ev. 426.	5	Shambles in town,	—	7 15 0	—
Ev. 427.	6	Lots and houses on the Green,	—	23 17 10	—
	7	Friar-street houses,	—	48 10 5	—

Ev. 415-419.

The entire of Hickey's lot No. 2 is held by yearly tenants, save about twenty acres which is held by Thomas Carew, under a lease for thirty-one years from 1854, at a rent of 10s. the Irish acre.

Ev. 420-423.

About 230 or 240 Irish acres of rental No. 3 are held under three or four leases, some of which will expire in six or seven years and some in eighteen or twenty years, and the rest is held by yearly tenants.

Ev. 424-5.

One hundred and ten Irish acres of rental No. 4 is held by a Mr. Price, at 9s. an acre, under a lease which will expire in about two years and the rest is held by yearly tenants.

Ev. 426-7.

The premises comprised in rentals 5, 6, and 7, consist of small houses and shops, which are mostly let at weekly rents varying from 5s. to 1s. 6d. a week.

From the great difficulty in obtaining any satisfactory evidence as to the lettings made by the Commissioners with respect to the six last rentals, and the leases made of the portions of the land let on No. 3, I thought it would only involve an unnecessary waste of public time to prolong the inquiry with respect to the lettings made of the lands and premises comprised in those rentals, but it will be perceived that there would appear to be a great undervalue in the lettings of the premises comprised in the lots 2, 3, and 4, having regard to the amount of Griffith's valuation as above set forth. I may further add that I do not think I could have been able even by giving further time to the inquiry to ascertain the rent, particulars of the lettings, and value of the different farms, from the limited means I had of procuring evidence. It will be seen, however, that even if the leases made of portions of these lots are valid, several of them will fall in within a limited period, and it would appear to me from the past history of the dealings of the Commissioners with regard to the past lettings of the Corporate property, that it will demand your Grace's serious consideration, whether some steps must not be taken to ensure that at least all future lettings of the Corporate property shall be made at a fair letting value. At the close of the Inquiry the Town

Mr. Corby, Ev. 1006-7.

Clerk produced some leases, the particulars of which are set forth in questions 1006 and 1007, and some of which show the correctness of the statements made by Dr. Laffan as to the lettings to the Carews in Pennefather's time.

Mr. Hanly, Ev. 833.

It will be seen that the entire of the landed property of the Commissioners amounts

Ev. 429.

to 2,270A., Irish, of land surrounding the town, and their entire income from house and landed property amounts to the sum of about £1,328 1s., and of this, as has been already

Ev. 267.

stated, the Pennefather portion of 1,548A. 3R. 5P., Irish, produces only £633 18s. 6½d. a

Ev. 272.

year, while Mr. Hanly himself admitted that it was richly worth from £1,000 to £1,100 a year. His expression of his opinion of its value was obtained with great difficulty, as he frequently refused to answer or to express an opinion as to the value of individual

Ev. 511-601-652, 638-699, 830-831.

farms; and he further stated that he was not competent to do so, as he was not the agent of the Commissioners, but merely their receiver, although he had, however, pre-

Ev. 211-262, 271.

viously stated that he was their agent for three years. The Commissioners do not pay

Ev. 834-5-6.

the least attention to this large property or its management. Mr. Hanly never looks

after the lands, and merely receives the rents in his office in town. They have not any agent, or even a bailiff to look after them, or to see that the fences are kept up, and that the land is not worked out or exhausted. From the interests, however, which the tenants have in the lands, it is very unlikely that they would be tilled in an unhusband-like manner. A great interest was taken in the Inquiry, the Court being thronged while it lasted by several of the people of the town on the one hand, and the tenants on the other; and the townspeople, from remarks frequently and openly made, were and are of opinion that the lands are let at a gross undervalue, and that the Commissioners, in the discharge of the trusts imposed on them, have not done their duty to those for whom they are trustees in their management of this large property. Having, as I thought, concluded the Inquiry on the 17th October last, I was induced to return in consequence of many representations made to me in writing by people in the town; and I accordingly continued the Inquiry on the 29th and 30th December. By so doing I was enabled to ascertain the matters on which I have made the foregoing report—I fear at too great length—in relation to the management of this large estate by the successive Boards of Commissioners of Cashel, and which, I venture to think, are well worthy of your Grace's attention.

WM A. EXHAM. (*Seal.*)

H. A. ROBINSON.

Acting as Secretary.

MINUTES OF EVIDENCE.

PORTADOWN.—March 8, 1877.

(Before Mr. Commissioner Lawless, Q.C.)

Mr. William John Paul, Chairman of Town Commissioners, examined.

1. Mr. Lawless.—Are you the chairman of the Town Commissioners?—Yes.

2. Under what Act are the Town Commissioners of Portadown constituted?—The Act of 1854—17 and 18 Vic. chap. 103. We placed ourselves under it immediately after it was passed.

3. When?—We adopted it at the close of 1854.

4. Did you adopt that Act in its entirety?—We did.

5. How many Town Commissioners are there?—15.

6. Is that number now full?—It is.

7. What is the rateable valuation of the town within the municipal limits?—£15,178 5*s.*

8. Is that the valuation in 1876?—Yes.

9. Can you give me the acreage?—657A. 2R. 7P.

10. Can you give me the population of the town?—The population by the census of 1871 was 6,735.

11. Has it increased since that?—Yes, and very considerably. Even that population shows a larger increase in population proportionately than any other town or city in Ireland, with the exception of Hollywood.

12. Do you mean since the census of 1861?—Yes; and the population has very considerably increased since the last census.

13. Do the Town Commissioners possess any property?—They do; they have the town hall, in which you are now sitting, and which we value at £2,000, held by lease under the Duke of Manchester at the yearly rent of £1 4*s.* 3*d.* payable in November.

14. Is the lease a lease for ever?—Yes; we have also markets, or rather we have shambles valued at £700, held by lease under James Calvert and Thomas Shillington at the yearly rent of £22 2*s.* 5*d.* payable half-yearly, 1st May and 1st November, and part of which we have let off and receive a rent for of £22 15*s.*

15. What have you let that for?—For buildings, leaving a profit rent of 12*s.* 7*d.*

16. What are the cranes, which I see mentioned in this abstract of your account?—Some weighing machines which we have at present.

17. I want to know if you have any other property for which you receive any rent or income?—No, we have not. We have chattels in the town hall value for £50 but we don't receive any income in the shape of rent for property.

18. Are the Commissioners the owners of, or entitled to receive any tolls from fairs or markets?—We do not charge tolls, nor are we the owners of fairs or markets at present, but the Duke of Manchester has kindly agreed to give us such.

19. Is the Duke of Manchester the owner of the market rights in this town?—Yes; we have received a draft of the lease by which he hands over to us the fairs and markets.

20. Is he about to grant to the Commissioners for the benefit of the town his market rights?—Yes.

21. I suppose at some nominal rent?—At a mere nominal rent—1*s.* a year, I think.

22. Is it the intention of the Commissioners to form public markets in the town?—Yes.

23. Do they propose to do that under the powers of the Towns Improvement Act of 1854?—Yes; and the Local Government Act as well. We will avail ourselves of the powers under it. There is a very great necessity for such powers being exercised at present. The cattle fair is obliged to be held in the open street, and of course at very great inconvenience to the public. The Pork market is also held on the street, and very frequently we find great difficulty in preventing the cattle from standing on the footpaths and interfering with the business of the town. We have secured a fair-green, and we are only waiting for the powers from the Duke of Manchester to enable us to transfer the fairs to it.

24. Do you consider that the holding of the fairs and the pork market in the public street amounts to a public nuisance?—We do.

25. Is the holding of the fairs and markets on the street universally objected to by the inhabitants of the town, or are there any who wish to retain them?—There are a few who wish to have them continued on the street, but the great majority wish to remove them to the fair-green.

26. What class of people wish to have the fairs retained in the street?—Well, the principal opposition has arisen from the innkeepers, or the proprietors of licensed houses, although even they have not universally opposed it; only a few of them did so.

27. Do you mean by licensed houses, houses that are licensed for the sale of spirits?—Yes. I mean the public houses; but all the proprietors of these licensed houses are not opposed to the removal of the fairs and markets from the streets; some of them are in favour of it.

28. Are there any of those proprietors of licensed houses members of the body of Commissioners?—I think not; no, not that have given opposition to the removal of the fairs and markets.

29. Will you tell me what rate do the Commissioners here levy in the town?—Yes; the rate for this year is 1*s.* in the pound.

30. Under what Act?—Under the Towns Improvement Act, 1854, and under the Towns Improvement Clauses Act, 1847—2*d.* in the pound for a sewerage rate and 3*d.* for securing loans.

31. Your rate, you said, was this year 1*s.* in the pound for the town improvement rate?—Yes.

32. Was there more than one class of sewerage rate? I see in the abstract of your accounts that there is a rate for private assessment?—Yes.

33. Is that private assessment rate comprised in the 2*d.*?—It is not. It is in the case where property is sewered for the advantage of the property. It is not for the advantage of the public generally.

34. Does the improvement rate of 1*s.* in the pound represent the average rate?—We have never exceeded it. The improvement rate for 1876 was 11*d.* in the pound.

35. So that you have increased it 1*d.* this year?—Yes. We tried it at 11*d.*, but that rate was found to be insufficient; we could not meet our expenditure with it.

36. How much did the rate produce that year?—£692 0*s.* 6*d.*, including the sewerage rate.

37. But I mean the improvement rate?—That rate produced £630 16*s.* 1*d.*

38. At what time is that rate struck?—The rate is made in March.

39. Your financial year ends the 13th of May?—Yes.

40. I find by the last account audited by Mr. Simms, the auditor, that there remained at the time of the audit a sum of £600 0*s.* 9*d.* uncollected?—Yes.

41. Of course the time for collection between the months of March and May is very short?—The whole rate uncollected for the year amounted to £72 17*s.* 6½*d.*

42. At what time?—Up to the end of the year, prior to the striking of the rate for this year.

43. When does your year end?—The year audited by the Government auditor ends on the 13th May,

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but you can see from the time the rate is struck it would be impossible to have all the rates collected.

44. Up to the 31st December, 1876, of the rate struck in March, 1876, there was only £72 odd uncollected?—Yes; £72 uncollected, and £44 of that arose from a mill in town being closed, the proprietors being in liquidation, and we could not recover the money at the time.

45. Has it been recovered since?—The matter is not finally settled yet.

46. I find in the abstract of the audited accounts here a return of rates uncollectable to the amount of £14 0*s.* 11*d.*?—Yes. These were remitted, owing to the houses being unoccupied, and some other causes. Sometimes the person from whom the rates were recoverable was dead, or had passed away out of the town, and of course in such cases they were not collected.

47. By whom is it decided that rates have become uncollectable and are to be wiped off?—By the Town Commissioners.

48. Do you mean by the Town Commissioners at a public meeting?—Yes, at the meeting in public. Every case is gone through by the committee in the first instance, and the different names reported to the board, and then a motion declaring the rates to be uncollectable is made, and the matter discussed and decided.

49. With respect to the receipts of the Town Commissioners, I shall not trouble you with going through the details. I only want your explanation about one or two matters. The Commissioners charge themselves in respect of the town hall, assembly rooms, and public offices with £39 16*s.* How is this sum made up?—These are the receipts for the letting of the assembly room and of this room as court-house. We get £10 a year for this court-house, which is used as a petty sessions court.

50. Will you explain to me how the item under the head of "shambles" is received, and how it is made up. The account is debited with £128 6*s.* 3*d.* under this head?—That money is received for the letting of the sheds and stalls, and for the profits of the weighing in connexion with the shambles.

51. Are the shambles a public market?—They are.

52. Are they the property of the Commissioners?—Yes; they are.

53. Is there any toll charged or chargeable as such in these markets?—There is nothing charged in this market but for weighing; it is merely charged to cover the expenses.

54. Is it only a meat market, or a market for the sale of any other produce?—Butter and eggs and hides are sold in it.

55. What is the item of £80 8*s.* 5*d.* under the head of cranes?—It is for weighing the pork and grass seed, and grain. With the grain it has comparatively little to do, because the merchants weigh it themselves at their offices or stores.

56. What is that item of £235 0*s.* 9*d.*, under the head of county contracts?—We contract with the county for the flagging of the streets, and in some cases for the repair of the streets, and we pay one-half of the amount necessary for carrying out the contract.

57. Does this sum of £235 0*s.* 9*d.* represent the amount you received from the Grand Jury for one year?—Yes; that represents the amount for one year.

58. What is the item of £200 represented as a loan from the Belfast Bank?—That was for the fire-engine.

59. What do you mean by "for the fire-engine"?—We bought a new fire-engine, and we are paying off the cost of it by instalments of five per cent. annually and five per cent. interest. Before borrowing it we applied for liberty from the Local Government Board to enable us to do so.

60. What security did you give for the loan?—We gave the rate of the town as security; it is being paid off at £20 a year, and five per cent. interest. We have paid off £20.

61. On looking over the expenditure side of your account, I see that the items charged in it are those ordinarily necessary in a town like this. There is not any that I wish to make particular inquiry about, with the exception of one or two, to which I shall now call your attention. I see £11 18*s.* charged as interest on loan, what is that?—That is interest on the town hall loan.

62. When was that loan contracted?—In August, 1856.

63. What was the original amount of the loan?—£400; ten debentures of £40 each. That is one of our loans.

64. How much of it is now due?—£240. We pay five per cent. interest on it.

65. Does that sum include interest and instalments?—It includes everything.

66. If you look again to the audited account, you will see "£13 7*s.* 8*d.* interest on loan." What is it?—On the shambles we owe £280 which was borrowed in 1859, at the time the shambles were purchased.

67. What was the original amount of that loan?—£280; it still exists.

68. Has none of the principal been paid off yet?—No; none of it is paid off yet.

69. At what rate of interest was it borrowed?—At five per cent.

70. Do you see in the account two items: interest on sewage loan and on fire-engine loan, which amount to £9 19*s.* 2*d.*; what are those loans?—In the year 1860 we borrowed £500 on debentures for the sewerage, and of that sum we now owe £100.

71. And you borrowed £200 for the fire-engine?—Yes; and of that sum £20 has been paid. It was paid since 1876.

72. On the sewerage loan, which you say was £500, there is now only £100 due?—Yes.

73. And on the mortgage on shambles £280 is due?—Yes.

74. And on the fire-engine loan from the bank, £180?—Yes.

75. Will you just look to the items of the receipts on the receipt side of the account passed by Mr. Collot the auditor?—Yes.

76. Can you, from your own knowledge, say whether the different items on the receipt side of that account comprise all the receipts of the Town Commissioners as such for the year ending 15th May, 1876?—They do.

77. Do the items of expenditure mentioned on the other side of the account represent to your knowledge all the expenditure made by the Town Commissioners as such during the same year?—Yes, they do.

78. I will just ask you to give me again the details of your capital debts?—On the town hall loan £240 at five per cent. is now due.

79. And on the loan for sewers from James Calvert?—£100 on it.

80. And how much on the loan for the shambles?—£280 to Dr. Bredon. It is subject to five per cent. interest.

81. And how much to the Belfast Bank on the fire-engine loan?—£180 is now due on it.

82. What is the total amount of your capital debts at present?—£800.

83. The result of your account for the year ending 13th May, 1876, is a balance to your credit of £83 16*s.* 7*d.*?—Yes.

84. Will you let me see your bank-book?—Yes. (Hands in bank-book.)

85. The balance in the hands of the treasurer on the 13th May, 1876, was £83 16*s.* 7*d.*?—Yes.

86. There was a small sum mentioned here to your credit—a sum due by the former clerk, of £7—has that been realized?—Yes.

87. What is the item of £20 mentioned here under the head of "Present clerk;" does it mean money in the hands of the present clerk?—Yes; it means advances for the present month—advances for paying the scavengers, and so on. All our payments are made by cheque on the Belfast Bank.

88. Do the county Armagh Grand Jury levy county cess all through this town?—They do.

89. What was the rate for the year 1876?—1*s.* 9*d.* in the pound. It amounted to £1,328 1*s.* 6*d.*

90. And you received from the Grand Jury presentments for that year the sum of £235 0*s.* 9*d.*?—Yes.

91. Now will you tell me what officers the Town Commissioners employ: in the first place, the Belfast Banking Company are the treasurer?—Yes; the Belfast Bank are the treasurer. We employ a town clerk.

92. At what salary?—£60 a year. A town constable at £40 a year, and clothing, which costs £10 8*s.* 6*d.*, and a courtkeeper at £17 a year, with apartments.

93. Are the apartments in this building?—Yes; then there are market officials, the weigh-master, and so on. There is a weigh-bridge clerk (who has charge of the shambles as well), at a salary of £39 a year.

94. Are there any other people employed?—There is a grain master who is paid 4*s.* 6*d.* a day.

95. Is he employed during the whole year?—He is employed two days in the week at certain seasons of the year, and one day in the week at other times. Then we have another clerk who is also paid 4*s.* 6*d.* per day when employed.

96. Another clerk at the market?—Yes; there is also the pork trier, at 4*s.* 6*d.* per day on market days. Then we have three weightmen at the butter sheds who are paid 3*s.* per day each.

97. According to the time they are employed?—Yes; and we have four porters at 2*s.* 6*d.* per day, and one at 2*s.* per day, when employed. The scavenging is done by the Commissioners, who employ men for that purpose. After deducting the amount received for manure sold, the scavenging costs about £115 a year. You will find it under the head of "cleansing" in that account. The amount produced for the year by the sale of manure, was £28 12*s.* 10*d.*

98. There is an item on the expenditure side of your account which I forgot to ask you about. You will see £414 16*s.* 7*d.* under the head of county contracts, will you tell me what that is?—That is our expenditure. It is just the amount we expended for the year on those county contracts. We do not always receive the money at the time the expenditure is made.

99. These are the contracts for flagging the town?—Yes; and for the repairs of streets passing through the town.

100. How many people are employed as scavengers by the Town Commissioners?—Six men, who are under the control of the town constable and are employed constantly.

101. Are they employed annually?—They are paid by the week, but they are employed the whole year round.

102. At how much per week?—At 10*s.* per week. They are occasionally employed overtime—on market nights for instance, and they are then paid additional. Our market is held on Saturdays, unfortunately in some respects, and some attention has to be paid to the streets in order to make them passable on Sunday.

103. Are the streets here after the fairs on Saturdays cleaned up on Saturday night?—Not the whole of the streets of course—the crossings and the approaches to the places of worship are swept, and at the beginning of the week the general cleansing is attended to.

104. Do the Municipal Commissioners employ any other people besides those you have already mentioned?—No.

105. Do the Commissioners, as the urban sanitary authority, employ a sanitary staff?—Yes.

106. By whom are the rates collected here?—The Commissioners employ a collector.

107. You did not mention him before?—Well, he is paid by the Commissioners.

108. By a per-centage, I suppose?—Yes; a per-centage of 4½*d.* in the pound—4½*d.* in the pound on the amount of rates collected.

109. Does he collect all the rates?—He does.

110. Does he collect the receipts from the markets?—No.

111. By whom are they received?—By the town clerk.

112. Does the collector of rates give security with sureties?—He does.

113. In what amount?—£200; two sureties, a joint and several bond for £200.

114. Does Mr. Simms when he is auditing the accounts require to have that bond produced before him?—No; he did not ask for it.

115. Is the collector bound to lodge his receipts in the Belfast Bank?—Yes.

116. At any specified intervals?—Regularly as it is collected.

117. Is the town clerk bound to lodge his receipts in the Belfast Bank?—He is bound to lodge them monthly.

118. Does the town clerk give security?—He does.

119. How much?—£300.

120. With sureties?—Two sureties.

121. Are the sureties for these officers living?—They are.

122. Now will you give me the names of your sanitary staff?—Dr. Stewart, the consulting sanitary officer, at a salary of £10 a year; R. M'Clatchey, the executive sanitary officer, at a salary of £10 a year; and the town constable, as sub-sanitary officer, at a salary of £10 a year. Of course Dr. Stewart is sanitary officer to the Board of Guardians as well.

123. In fact he is both sanitary officer and consulting sanitary officer?—Yes; I should say that the accounts are all checked and examined by the town clerk and submitted to the finance committee who check them also, and recommend them for payment to the Commissioners, and the Board of Commissioners either adopt or reject their recommendation at their monthly meeting.

124. Are the cheques signed by three Commissioners and the town clerk?—Yes; and all paid by the Belfast Bank our treasurer.

125. Are the streets through the town kept in repair by the Grand Jury of the county?—They are kept in repair at the expense of the Grand Jury.

126. Do you mean all the streets in the town—large and small?—Yes.

127. Do you say that the flagging of the town is done by the Town Commissioners?—It is; but we receive one-half of the expense from the Grand Jury.

128. Is the scavenging of the streets done entirely by the Commissioners?—It is done entirely by the Commissioners out of the rates. It was formerly done by a scavenger, to whom it was let yearly by contract, but the Commissioners found this plan was not satisfactory, and they then adopted the present course.

129. How is the town lighted?—By gas.

130. At whose expense? What gas company is there in the town?—A joint stock gas company, and the Commissioners' contract with them for the supply of gas for the town; 110 lamps are supplied at the rate of 32*s.* per lamp, which amounts to £176. The lighting and extinguishing amounts to £22 10*s.*, and these sums make the total cost of lighting the town £198 10*s.*

131. That is for the year ending May, 1876?—Yes; it is from 15th September to 15th April.

132. I find here by the last report passed by the auditor that the cost of lighting for the year 1874–75 was £220 15*s.*?—Yes; that was for the previous year.

133. Was there any change made in the price of the gas?—Yes; it was reduced, because the price of coal was reduced.

134. Are these lamps, for which you pay £1 12*s.* each, lighted all the year?—No; they are lighted from the 15th September to 15th April.

135. Have you any body of watchmen in the town?—We have not.

136. Do you pay for night watching by the constabulary?—No; we have two stations of constabulary in the town, one on the east side of the river, and one on this side.

137. Are you able to speak as to the state of the drainage or sewerage of this town?—Yes.

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138. Are there main sewers through the public streets?—There are.

139. Are they through all the streets?—We have at present made an application to the Local Government Board for a loan to be applied for the purpose of carrying out additional sewerage, which is required.

140. Who is the officer of the municipal Commissioners having the care or superintendence of the sewers?—The town clerk; he is surveyor as well as town clerk. We have maps of the whole districts, with the sewerage constructed, which we can show you. The maps were made by an engineer.

141. When were they made?—About two years ago. We paid £47 10*s.* for the maps. You will see the item on the expenditure side of the account for the year 1876. (Hands in the map.) The amount of the loan for which we applied to the Local Government Board for the construction of new sewers was £700.

142. I infer from what you say that the existing drainage is not sufficient for the requirements of the town?—It is not at present.

143. Are the houses in the streets where there are main sewers at present connected with them by means of connecting drains?—They are.

144. Have the Commissioners had occasion at any time to order the execution of work of that kind?—They have had to do so occasionally.

145. By whom are they informed of the necessity for such work being done? Was it by the sanitary officers or the town constable?—Both by the town clerk and the sanitary officers. We receive suggestions from the sanitary officers if they consider there is a nuisance requiring abatement.

146. And do the Town Commissioners require people whose houses are within 100 feet of the main sewer to make connecting drains?—They do.

147. Do you find that the requirements of the Commissioners in this respect are complied with?—Generally they are. Sometimes we have had a little difficulty in getting them to make connecting drains with the main sewers, but latterly we have had less difficulty than formerly. Under the Local Government Board we have less difficulty in getting the law carried out.

148. Do you ever find it necessary to serve notices or cause notices to be served upon the people with respect to matters reported to you by the sanitary officer?—We do.

149. Do you find it necessary, or have you at any time found it necessary to institute proceedings before the magistrates?—In some instances we have found it necessary to do so. This is the form used under the Sanitary Act for summoning the people in such cases. (Hands in form of Summons).

150. Is there any minute-book kept by the Commissioners containing a record of the proceedings under the Sanitary Act?—Yes.

151. Does that book show what orders were made by the Commissioners on the reports which they received from the sanitary officers?—Yes; the book is kept regularly.

152. Can you let me see it?—Yes. (Hands in book.)

153. Notice, I suppose, is given by the sub-sanitary officer to the sanitary officer, and he makes a report to the Commissioners?—Yes.

154. And then is it the duty of the executive sanitary officer to carry out whatever orders the Commissioners make in relation to the subject-matter of the report?—Precisely. (Hands in the Sanitary Officers' Report Book).

155. To whom are these reports made?—To the Town Commissioners at their monthly meeting. The Commissioners' orders on the reports are entered in that book.

156. This also gives the action taken on the notice by the owner or occupier of the premises, as the case may be?—Yes. If it was not complied with the fact would be stated, and then we would issue a summons against the parties responsible.

157. Is there a complete record kept of the reports made by the sanitary officer to the Commissioners, and also of the action taken by the Commissioners on such reports?—There is. You will find it all in that book.

158. Did the Commissioners of this town do any of this sanitary work under the provisions of the Act of 1854, before the passing of the other Act?—Yes; so far as they could.

159. Do you mean so far as they had powers under the Act of 1854?—So far as they could manage under the Act. It was very difficult sometimes. They were sometimes required to expend 30*s.* or £2, and could not recover the amount in less than two years, and of course you can now recover it at once.

160. Do the Commissioners here find it necessary to exercise the power they have of compelling people to make privies and water-closets?—Yes; in some cases they do.

161. Are the houses in the town fairly provided with such accommodation?—They are being provided; a great many are already provided; the great bulk of the houses are provided. We have had some difficulty with some of the poorer class of houses, but latterly the people are carrying out the views of the Commissioners in this respect. We were obliged in some cases to put the law in motion, and it has had a good effect.

162. Are there houses in the town which are absolutely and entirely in want of such accommodation?—There are, but they are very few in number, and we are now seeing that the law is put in force with respect to them.

163. Are the Town Commissioners doing their best to bring about a proper sanitary state of things in the town?—Yes; they are doing all in their power. I may say with reference to the subject of drainage, that we are subject to one great difficulty, which arises from the periodical flooding of the river.

164. Do you refer to the river Bann?—Yes; the sewers which discharge into the river are sealed at those periods of flooding, and of course that interferes with the sanitary operations.

165. Would not that state of things exist by reason of, or be caused by very full water in the river, without there being actual floods?—No; not at all. It arises entirely from the floods. There would at all times be a perfect discharge if we had no floods. The sewers are made under the expectation held out to us by the Drainage Commissioners at the time of their making improvements in Lough Neagh, that we would be protected from these floods, and if they had carried out their agreement with reference to that, we would now be able to work our sewers without any difficulty.

166. Has the flooding to which you refer been rendered more frequent by reason of the improvements at Lough Neagh?—Not by the improvements at Lough Neagh, but by the improved drainage of the country. The improved drainage caused the water to rush into the river more rapidly than formerly. It used to require two or three months to enable it to make its way into the river, and the quantity of water coming in at the same time was not so great as it is now. The improvements made at Lough Neagh were based on the then delivery of water, which at that time sent only about one-third of the water into the river at once that it does now.

167. Is it contemplated by the Commissioners that any part of the money they now propose to borrow shall be applied towards remedying this state of things?—With reference to one part, the work they are now doing, will accomplish that purpose, but there are other parts—outlying parts of the town—where it would be impossible to accomplish it.

168. How, then, is it proposed to drain these low-lying parts of the town?—We cannot drain them any better than they are being drained at present.

169. Is the river Bann the only available outlet for the drainage?—It is.

170. Have you got any public water supply in this town?—We have only got pumps; we have no high pressure supply.

171. How many pumps are there?—There are eighteen pumps.

172. Are they kept in repair by the Commissioners?—Yes; they are kept in repair by contract. You will find an item of £45 5*s*. 4*d*. charged under that head, which includes the cost of sinking a well, putting up a new pump, as well as for keeping the pumps in order.

173. What is the contract by which they are kept in order?—£34 4*s*. yearly; it is a three years' contract.

174. Is the contract found to be fulfilled satisfactorily?—Yes; we have control of the contractor who does the work. We have an agreement that he is to carry out the works satisfactorily, and we see that he does so.

175. What course is taken if they were not attended to?—Complaint is made to the Commissioners, and some of the officers are ordered to go and examine into it, and the Commissioners get the work done, and charge the cost of doing it.

176. Do these pumps constitute the only supply of water for the town?—Yes, except the Bann, the water from which is used for some purposes. There are a good many private pumps in the town.

177. Do you consider the present supply of water to be sufficient?—Yes.

178. Have you ever had the water from these pumps analyzed?—Not the water from all of the pumps. In one case of foul water we had it analyzed.

179. By whom was the analysis made?—By Dr. Hodges of Belfast.

180. What was the result of it? Did he say the water was unfit for use?—There was one well into which offensive water had leaked, but that was corrected.

181. Is that the only case that occurred?—Yes; the only one.

182. Have the Commissioners in contemplation the getting of a public high-pressure water supply?—Not just now; at present we cannot see our way to do so. I should say that although there is an analyst for the county, strange to say, water is one of the things he is not bound to analyze, unless he is paid for it expressly.

183. The county analyst?—Yes; it appears to be rather an anomaly.

184. I suppose he is appointed only for analyzing articles of food?—Exactly; but water being so important an article of consumption it seems strange that it should be omitted.

185. Who is the county analyst?—Dr. Whitla of Monaghan.

186. Are the people here in the habit of keeping pigs or other animals in their houses?—No; we would not permit that to be done.

187. Have you had any occasion to interfere for the purpose of preventing it?—I never knew of an instance.

188. I suppose if such a case were brought before the Commissioners they would take steps at once?—At once; it would not be tolerated for a moment.

189. You mentioned one of the officers of the Commissioners called the town constable; what are his duties?—His duties are to see after the streets; to see that no breaches of the law, such as causing obstructions of the thoroughfares take place. He also superintends the scavenging, serves notices for the Commissioners, and also on parties who are required by the Commissioners to do any work in the town. He also sees that the footpaths are swept regularly every morning.

190. Are the footpaths swept by the inhabitants?—Yes; the people are required to sweep them before eight o'clock in the morning.

191. I suppose if they neglect to do so there is a summons issued against them?—Yes, if they continue to neglect it after remonstrance.

192. Do you enforce the rules with regard to common lodging-houses here?—We have just adopted by-laws for that purpose.

193. Is there any registry for lodging-houses here?—There is now a registry for this year. It was in abeyance for some time, but we have introduced it again.

194. And whose duty will it be to see that these things are carried out?—It will be the duty of the town constable.

195. Have these rules and regulations been actually published, or are you only about to publish them?—They were published, but fell into disuse some years ago, and we are just introducing them again now. The rules were submitted to the Commissioners and passed, and ordered to be carried out. (Hands in copy of the rules and regulations for lodging-houses, the notices to be served on the lodging-house keepers, and of the application for licenses.)

196. Are there public slaughter-houses in this town?—There are no public slaughter-houses.

197. There are private slaughter-houses—are they inspected?—Yes, regularly.

198. And properly cleaned out?—They are.

199. And not allowed to become a public nuisance?—No, they are not.

200. Nor injurious to health?—No.

201. Do the Commissioners present an annual report of the state of affairs of the town to the ratepayers?—They do.

202. Is this the report for the year ending May, 1876?—Yes.

203. I find by this report that their liabilities, including the amount of capital debt, for that year are represented at £1,031 5*s*. 6*d*.?—Yes.

204. And their assets, including the amount of uncollected rates and the value of the shambles and of this town hall, at £3,678 3*s*. 10*d*.?—Yes.

205. What is the balance to the credit of the Commissioners in the hands of the treasurer?—About £65 to the credit of the Commissioners up to the 1st March, 1877. We have no cheques outstanding.

206. And of course the rate is coming in now?—Yes; not one penny of the rate has been collected yet or lodged.

207. There could not be, I suppose?—No; the collector has not got his warrant yet; it has not been signed yet. I just wish to make the following statement:—The grain sold in the market here, including wheat and oats, amounts to 12,000 tons annually. Potatoes vary in quantity according to the state of the crop for the season, but the delivery of potatoes for the last five months would be about 1,700 tons. The quantity of hay and straw sold would be about 25,000 tons, the number of pigs (dead pork) 10,964, and of grass seed 1,030 tons. Breadstuffs received and delivered by the railway company for the year amount to 45,000 tons, the weight of coal by river and canal 9,500 tons, breadstuffs by canal 3,000 tons, and 2,000 tons of general produce. We have a monthly fair, and the number of cattle sent from this town by rail during the year was 4,000, besides those sent by road. That 4,000 would be all for export. We expect that when the provisions for our markets, which we have now in progress, are completed, the facilities will be such as to increase the business of our markets very considerably.

208. I suppose you wish to make the markets remunerative?—Our object is rather to accommodate the dealers and sellers, and so induce them to come to the market. Our object is not to make money by the markets, but to render them self-supporting.

209. You mentioned something about a fire-brigade. You have no paid fire-brigade here?—No.

210. I see you have a fire-engine?—Yes.

211. How is it worked?—There are twelve persons who form a volunteer fire-brigade. They employ hands at a fire to pump the water. Any expense that is incurred is paid out of the rates, and of course whatever money is recovered from the insurance companies is put to the credit of the account.

212. Does not a similar arrangement exists in Lurgan?—Yes; it is just the same.

PORTADOWN.
March 8, 1877.

Mr. Averell Shillington, J.P.

Mr. AVERELL SHILLINGTON, J.P., examined.

213. Mr. LAWLESS. — You, I believe, have been Chairman of the Town Commissioners of Portadown? —Yes; I was succeeded by Mr. Paul.

214. Have you been a long time a member of the body of Commissioners?—Not long. I was a member a good many years ago, but of late I have not been until within this last few years.

215. In relation to what matter in particular do you wish to make a statement?—With regard to the county rates. It is the opinion of the Town Commissioners that the county rates, with the exception of the county-at-large charges, should be under the control of the Commissioners.

216. You mean of course the county rates levied in the town only?—Yes; the rates levied within the municipal boundary—within the limits of the town. Private contractors interfere with the keeping of the streets in good order.

217. By private contractors you mean contractors under the Grand Jury?—Yes; under the Grand Jury.

218. I presume what you wish to express is this: that it is the opinion of the Commissioners whom you now represent, that the entire care and control of the streets of Portadown should be vested in them, and that they should have powers enabling them to do all the required works, and the town relieved from the levy of county cess?—Yes.

219. You think such powers would be better placed in the hands of the Town Commissioners than that they should be left in the hands of the Grand Jury?—Yes; we are only anxious to have control of the roads and streets within the town. Private contractors taking contract from the Grand Jury do not perform the work satisfactorily. The town pays county rates to the amount of £1,328 1*s.* 6*d.*, which is very much in excess of the county money that is laid out on the town.

220. The town paid £1,093 0*s.* 9*d.* last year more than it received?—Yes.

221. The county rate amounted to £1,328 1*s.* 6*d.*, and of that £235 0*s.* 9*d.* was given back for that year?—Yes.

222. I understand that the only matter with reference to which the town receives a contribution from the county out of the county cess is for the flagging of the streets, and the keeping up the roads in the town, and the sidings?—That is so.

Dr. William Stewart.

Dr. WILLIAM STEWART examined.

223. Mr. LAWLESS.—Are you the sanitary officer of Portadown?—Yes.

224. And I understand that you are also the consulting sanitary officer?—Yes.

225. Is there a sub-sanitary officer who makes reports about nuisances to you, and an executive sanitary officer who puts into force the orders made by the Town Commissioners on your reports?—Yes.

226. The executive sanitary officer is the town clerk?—Yes.

227. Have you an extensive knowledge of the affairs of the town?—Yes; I am the dispensary officer, and I have a pretty accurate knowledge of them.

228. Is the town, generally speaking, in a good sanitary state?—Well, the greater part of it is, but there is a good deal of the suburbs of the town that is not in a good sanitary state.

229. What, in your opinion, is required to be done, in order to bring those parts into a proper sanitary state?—A good many houses several years ago were built without back doors, and without the necessary accommodation as regards privies and ashpits, but something is now being done to remedy that.

230. Is it being done by the orders of the Town Commissioners?—It is.

231. Do they make orders for the erection of the necessary accommodation in those places?—They do; but there seems to be very great difficulty in getting them carried out. The owners of property try to evade it as much as possible. They make temporary shifts which are not at all satisfactory, and which of course after a few years become totally useless. The Commissioners' instructions would be satisfactory enough if they were carried out, but the people do not seem willing to do so. I saw a case of the sort the other day. The Commissioners ordered some persons to erect privies and ashpits, and they put up a kind of wooden affair which will be a great nuisance. In fact the place will be worse than it was before.

232. Is it not the duty of the sub-sanitary officer to report this to you?—It is.

233. And you then report to the Commissioners?—Yes; I report to the Commissioners. (Hands in form of notice for the abatement of nuisances.)

234. Is it upon account of the expense that the owners of property do not like to carry out these works?—Partly owing to that and partly, I think, because they seem to believe it is not necessary. When pressure is brought to bear on them to cause them to do it they do that sort of thing to which I have referred in a great many cases. Many of the workmen's houses in the town have no back doors, and it is hard to do anything with them.

235. What becomes of the refuse from their houses? — In some instances it is thrown out on the streets, and the nuisance in the houses is also thrown out. I see that frequently when I am on my rounds through the houses. Unless there is some means taken to make back doors, I do not see what can be done. In many cases they have no access to the rere of the houses at all.

236. Have you ever found any difficulty in getting the necessary steps taken to provide privy accommodation or anything of that kind with regard to houses that were owned by members of the body of commissioners?—No; as a rule the Commissioners attend to that sort of thing.

237. In the case of their own property?—Yes. The property I refer to now belongs to persons outside the town. The owner of the property I refer to lives at Lisburn or near it.

238. But the place itself is within the town?—Quite true, but he resides outside the town.

239. Mr. *Paul.*—We have just taken proceedings against him.

240. Dr. *Stewart.*—I never saw anything so ridiculous as the condition of the place is.

241. Mr. LAWLESS (to *Witness*).—Do you find, Dr. Stewart, that your reports are attended to and are acted upon by the Town Commissioners?—Well, latterly they are. Some time ago there was some want of attention on the part of the Commissioners, but latterly the reports have been attended to. I do not think, however, the neglect was perhaps to be attributed to the Town Commissioners. I think they had a very inefficient town clerk at the time, and that he did not bring the reports before them as he should have done. I think the Commissioners themselves would be willing to act if the cases were brought properly before them.

242. Have you had in the discharge of your duty to report any places on more occasions than one. Suppose you reported a nuisance did you find it still unabated notwithstanding your report?—Yes; I have had that to do frequently. In fact a large number of houses that I reported were not attended to, and I had to report them again, but, as I said, the town clerk was not discharging his duty well enough, and did not bring the matter before the Commissioners. The Commissioners are now willing to do what they can.

243. Mr. *Paul.*—There was, besides, one property in Chancery which we found it almost impossible to manage, and it was one of the worst places we had to deal with. They were a very low class of houses and we would not know where to get our money back from if we expended it on them.

Dr. William Stewart.

244. Mr. LAWLESS (to *Witness*).—Is it your duty to visit and examine the public lodging-houses?—No; not unless the accommodation of the house is not what it ought to be—or unless it is not kept clean.

245. Do you know the general character of the lodging-houses?—I do.

246. Are they, in your opinion, properly kept?—I am afraid that some of them are not. Latterly I think there has been some defect in the licensing of them. I think that is not attended to. The police have complained to me that they have found it difficult to deal with them or to know who kept lodgers on account of their not having a notice over the sign-board.

247. How many are there in the town?—I could not say what number there are. Perhaps the town clerk could.

248. *Town Clerk.*—There are about forty.

249. *Witness.*—I think it is a most important matter that the lodging-houses should be properly licensed and properly looked after. A good many tramps of apparently suspicious character pass through the town, and the police authorities ought to be able to have a watch over them.

250. Do you find that disease is generated by these lodging-houses?—No; not exactly by the lodging-houses. I think that disease is mostly brought by labourers from England and Scotland, who go to those countries for employment, and who, when they are attacked by sickness, come home to be nursed. For the last fifteen or sixteen years I have been able to trace the outbreak of smallpox to that cause alone.

251. Mr. *Paul.*—We have no outbreak at present. *Witness.*—No.

252. Mr. LAWLESS (to *Witness*).—Do they return here when they are unable to work any longer in England?—They do.

253. Is there much contagious disease in this town?—Not just now. We are pretty free from it at present, though we had an epidemic of fever here lately.

254. In the case of the houses inhabited by labourers and others, in which you say there is no access to the reres, I suppose the defect could not be remedied without the acquisition of more ground?—In many cases there is ground enough, but in many others the houses are built facing the county road, and the people living in twelve or thirteen of them have to go through the one passage. Many houses that I know could have accommodation if they opened back doors in them. Some places of course have nowhere to erect privies or ashpits.

255. Do you find now that your suggestions or directions in sanitary matters are fairly attended to?—The Commissioners at present are most active, and are willing to attend to anything that is brought before them.

256. Mr. *Paul.*—I think the bulk of the houses without back premises are those in Fox-lane, and are the houses which I referred to as being at present in the Court of Chancery.

257. *Witness.*—There are many others besides.

Mr. JOHN ECCLES examined.

Mr. John Eccles.

258. Mr. LAWLESS.—You wish to make some statement?—Yes. The gas company in this town are paid one-third, or nearly one-third, of the town rates for lighting the streets; and it appears to me that such being the case, the Town Commissioners (I only make this suggestion) should be the owners of the gasworks for the time being, in order to prevent any improper influence being exercised with regard to the terms of lighting. In many towns the Commissioners are the owners of the gasworks, and in those places there is much more satisfaction felt than here. In my opinion it would be better that no director or shareholder in the gas company which supplies the public lighting should be a member of the body of Town Commissioners, unless, as I said, that the Commissioners for the time being should be the owners of the gasworks. Some dissatisfaction exists here (though not to any great extent) on account of several of the Town Commissioners being directors of, or large shareholders in, the gasworks. Where there is a large amount of the rates paid to the gas company, and where each member of that company is personally or equally interested in it with his brother shareholders, it would be more satisfactory that no Town Commissioner should be a director or shareholder in it.

Mr. WILLIAM JOHN GUY examined.

Mr. William John Guy.

259. Mr. LAWLESS.—Do you, sir, desire to make any statement?—I do; I wish to say that when the question of public lighting comes before the Board of Commissioners, those Commissioners who are shareholders in the gas company could not, by the Act of Parliament, vote or interfere in any way in connexion with it. I think it right to make that explanation.

260. Mr. *Eccles.*—I know that the Act of Parliament does not allow them to vote, but at the same time they can advocate their own interest, and they have done so in my presence.

261. Mr. *Paul.*—I happen to be a shareholder in the gas company, and I am sorry to say that our dividend has been extremely low. We have been supplying the town with gas at first cost or below it. On no occasion has any Town Commissioner made use of any influence with respect to the contract for the supply of gas for the town.

Mr. ANTHONY GOWDY examined.

Mr. Anthony Gowdy.

262. Mr. LAWLESS.—Do you wish to make any statement with reference to this matter?—On several occasions I have been present at the Commissioners' meetings when the subject of the contract for gas was brought up and several shareholders in the gas company took part in the discussion. I do not say that they voted on the question, but they entered into the discussion very warmly on behalf of the gas company which I thought myself was very improper.

Mr. JOHN JOHNSTON examined.

Mr. John Johnston.

263. Mr. LAWLESS.—What do you wish to say, Mr. Johnston?—I wish to say, with regard to the interference of the Commissioners on behalf of the gas company that I have had a little experience of it, and I must say that I have seldom or never been satisfied with the way in which this business was conducted. They always charged a high price for the gas, and I know that for many years the gasworks paid remarkably well. Lately it has not paid so well. I have also to complain that members of the municipal body sometimes supply goods for which they are paid by the municipal body.

264. Have you ever brought this before the attention of the Commissioners?—Yes, I have; and got alterations made several times.

265. The remedy for that would be to make it illegal for members of the municipal body to supply goods to the municipal body?—I think that is the law at present.

266. To what case can you call our attention?—I will ask any of the Commissioners "was there a contract given to a member of their body for making a scavenging cart?"—Mr. *Paul.*—I never heard of it. Of course there was a cart ordered. There was an order given to a Commissioner to make a cart. There was no price mentioned for it. He was merely told to make it as cheap as he could.

DUNDALK.
March 9, 1877.

DUNDALK—MARCH 9, 1877.

(Before Mr. Commissioner LAWLESS, Q.C.)

Mr. Edward Ferrar.

Mr. EDWARD FERRAR examined.

1. Mr. LAWLESS.—Are you the town clerk of Dundalk?—Yes.

2. Under what Act are the Town Commissioners of Dundalk appointed?—The 17th and 18th Vic., cap. 103, the Towns Improvement Act of 1854.

3. When was that Act adopted here?—In the following year—1855; it was adopted early in 1855.

4. How many Town Commissioners are there?—We have eighteen Commissioners.

5. Is that the number originally appointed?—It is the number originally appointed under the Towns Improvement Act. I am not aware exactly what the number was under the previous Act.

6. Before 1855 by what Act was this town regulated?—The 9th Geo. IV., cap. 82.

7. Is the town divided into wards?—Yes; it is divided into four wards.

8. Will you give me the names of the wards?—Seatown ward, which is the largest in point of valuation, Middle ward, and the North and South wards—four altogether.

9. Can you give me the valuation of each of these four wards?—The valuation in 1876 was, Seatown ward, £7,794 10*s.*; Middle ward, £6,119 15*s.*, North ward, £3,010 15*s.*, and South ward, £2,876 15*s.*—total, £19,801 15*s.*

10. Is that the entire valuation of all the property within the municipal limits?—It is.

11. Can you give me the number of municipal voters?—Yes, Seatown ward, 299, which of course includes rated occupiers and lessors of property.

12. Yes, I include all those?—299 was in the last published list for the municipal elections; Middle ward, 306 voters; North ward, 188, and South ward, 177—making a total of 970 persons entitled to vote at municipal elections.

13. How many Commissioners are returned by each of those wards?—Seatown ward returns six members, Middle ward six, North ward three, and South ward three each—eighteen altogether.

14. Are there now eighteen members of the municipal body; is there any vacancy at present?—There are actually only sixteen at present. One gentleman was disqualified for non-attendance under the Act, six months having elapsed without his signing his declaration. The other Commissioner is only recently appointed—in fact at the last meeting of the Board, and therefore he could not sign his declaration; he was appointed in the place of a gentleman who died.

15. Can you give me the population of the town; by the last return it was 11,327?—I was not furnished with the Census returns, and I never got an order to procure the county Louth census from the Government office.

16. Will you tell me what officers are employed by the Town Commissioners here?—First, myself, the town clerk.

17. How long have you been acting as town clerk?—I was appointed in 1864.

18. At what salary?—My present salary is £65 as town clerk, and I have £16 5*s.* under the Sanitary Act, and then the town hall is in the hands of trustees, who are of course trustees for the ratepayers, and I derive £22 a year from that department.

19. What other officers are there?—The town surveyor—surveyor under the Act of Parliament.

20. How much is he paid?—A salary from the general fund of £30 a year. Then we have an inspector of nuisances, who is also sub-sanitary officer under the Towns Improvement Act. He has a salary of one guinea a week, and as sub-sanitary officer he has as nearly as possible one quarter of that amount—£13 12*s.* 6*d.* a year.

21. Do you employ any other officers?—We have a rate collector.

22. Is he paid by a salary, or by a per-centage?—By a per-centage of 6*d.* in the pound on the amount collected.

23. Does he collect all the rates levied by the Commissioners?—Yes.

24. Who is your treasurer?—The Belfast Banking Company's branch.

25. Do the Commissioners employ a staff of scavengers?—The fact is, we have only two in our permanent service. These are regularly employed and also a man with a horse and cart to remove the rubbish from the lanes and other places.

26. What officers do the Commissioners as the urban sanitary authority employ as sanitary officers?—I am the executive sanitary officer.

27. Is there a sanitary officer?—Yes; the medical sanitary officer is Dr. Browne.

28. Is there only one sanitary officer or are there two?—There is only one medical officer.

29. Do the Commissioners pay him any salary?—They pay him as consulting sanitary officer; but not as sanitary officer.

30. How much is he paid as consulting sanitary officer?—We pay him £10 a year.

31. He is also the dispensary doctor?—Yes; the dispensary doctor of the district.

32. Are there people employed as sub-sanitary officers?—The inspector of nuisances is also sub-sanitary officer.

33. You have only one sub-sanitary officer?—Only one.

34. He is paid £13 12*s.* 6*d.* a year?—Yes.

35. And then the executive sanitary officer?—I am he—the executive sanitary officer; I have £16 15*s.* a year as executive sanitary officer.

36. Have you got a copy of one of the accounts last passed by Mr. Collot, the auditor in December, 1876?—Yes.

37. Can you let me see it?—Certainly. (Hands in copy of accounts.)

38. Have the Town Commissioners of Dundalk any property?—No; with the exception of the town hall, which is vested in trustees.

39. Have they no property except that town hall?—Except that, there is no property.

40. Do they receive any rents of any kind from any property?—No; except from the town hall. No rents whatever.

41. Do you receive any market tolls or dues?—No; we have none.

42. Nor fair tolls?—No; we have none.

43. Have the Town Commissioners anything to do with the management of the port and harbour of Dundalk?—No.

44. Is there not a distinct body called the Harbour Board?—Certainly there is.

45. Do the Town Commissioners derive any tolls or dues from the port or harbour at all?—No; they do not. We have nothing of that sort. The tolls do not come in to us.

46. Do you know under what Act of Parliament the Harbour Commissioners are constituted?—It is a special Act for Dundalk, as I understand.

47. Do the Town Commissioners levy any rates?—Yes.

48. What rates do they levy?—They levy a general rate—a rate for general purposes, of 1*s.* in the pound.

49. Was that the rate for last year?—Yes; and it has been the rate for several years.

50. What was the gross amount of that rate last year?—The amount collected on foot of all the rates last year was £1,117 2*s.* 9*d.*

51. What was the amount of the assessment and mentioned in the warrant for collection?—The warrant

bears date the 28th February, 1877, and the amount of the general improvement rate of 1*s.* in the pound, mentioned in that warrant for collection is £899 17*s.* 3*d.*

52. When was that rate struck?—The warrant bears date the 28th February, 1877.

53. Then it is only in course of collection now?—Yes; about £120 or so of it is now lodged.

54. What other rate do the Commissioners levy?—A mortgage rate of 3*d.* in the pound.

55. What was the amount of it?—£224 19*s.* 4*d.*

56. Under what statute or authority was that mortgage rate levied?—The Towns Improvement Act, and the Acts incorporated with it.

57. Under what section of it?—The 69th section of the Towns Improvement Act.

58. When was that rate levied?—A rate of 4*d.* in the pound for that purpose was levied in the autumn of 1865.

59. For what particular purpose was it levied?—To pay off the principal and interest of the debt upon the Town Hall, which was purchased by the Commissioners and vested in trustees.

60. Has it been levied every year since 1865?—Yes; it has been levied every year.

61. Not at the rate of 4*d.* in the pound?—No; not at a uniform rate.

62. What was the amount of principal and interest that that rate was required to pay off?—£4,000 was the principal; the interest fluctuated. What I mean is the rate of bank overcharge on overdrawn accounts, which was never less than five per cent., and it was seldom it did not exceed five.

63. You got £4,000 at bank rate?—Yes.

64. You say that money was raised for the purchase of the town hall here?—Yes; for the purchase of the town hall.

65. When was it obtained?—The money was obtained in the early part of the year 1865.

66. By whom was it obtained?—It was obtained at the request of the Town Commissioners.

67. Was it obtained by the Board of Commissioners as a body, or by some individuals of it?—It was obtained by the Board as a body.

68. Do you know how the £4,000 was applied?—Yes; the buildings were in the hands of a company under the name of "The Dundalk Exchange and Markets Company (Limited)." They were the owners of the building, and they contracted with the Town Commissioners for their sale for public purposes for the sum of £4,000.

69. In whom are the buildings now vested; are they vested in the Town Commissioners?—No; they are vested in three trustees.

70. What are their names?—E. H. Macardle, William Robson, and Robert Haig.

71. Do you know upon what trust these buildings are vested in these gentlemen?—The immediate trust was to apply the revenue of the buildings, so far as they would go, in discharge of the principal and interest due to the bank.

72. Is there any instrument with reference to this?—There is a deed.

73. Is it in the possession of the Commissioners?—It is in the possession of the Commissioners' solicitor, or the trustees' solicitor.

74. Who is he?—Mr. Terence O'Reilly, Dublin; he has an office in Dublin.

75. Are these buildings now called the Exchange Buildings?—Yes; and the town hall. These are names for the same place.

76. Are the buildings used for public purposes?—Yes.

77. Is there any rent paid for them?—We pay no rent. The trustees pay no rent.

78. How much of that sum of £4,000 (if any) has been paid off?—I think just the half, £2,000 is still due, and the interest is fully paid up to the last half-year.

79. Has it been paid off by means of sinking fund or by payment of principal and interest?—No we just pay the bank the proceeds of our mortgage rate as long as we owe anything to them, and we never formed a sinking fund, we just lodge the money.

80. The £4,000 was reduced to £2,000 by the application of the mortgage rate from time to time?—Yes, and of course the revenue from the building as well.

81. Has the legality of that mortgage rate of 3*d.* in the pound ever been questioned here?—Yes; the gentlemen on the outskirts of the town—what might be called the rural district of Dundalk—felt they were aggrieved by being compelled to pay that rate, and also by being obliged to pay the general rate of 1*s.* in the pound, inasmuch as the main pipes of the gas works were not brought up within a moderate distance of their dwellings. They were reluctant to pay these rates, and we took proceedings against them at quarter sessions.

82. Did the Commissioners take proceedings for the recovery of the mortgage rate as well as the general rate?—Yes.

83. And what was the result?—The result was that the processes for both rates were dismissed.

84. Was the case heard before the assistant barrister?—Yes.

85. When?—The case was before the assistant barrister, I should say in about 1872 or 1873. The grounds upon which the process for our mortgage rate was dismissed was because the rates were consolidated. You will perceive that there is a library rate which is under a distinct Act of Parliament from the Towns Improvement Act. We amalgamated our mortgage rate, library rate, and general rate in one rate of 1*s.* 4*d.* in the pound instead of making three rates. This book (handing in book) will show it. The 1*s.* 4*d.* is to all intents and purposes made up of three distinct rates. The assistant barrister held that the consolidation of these various rates spoiled them all—that being bad in part they were wholly bad. Those were the grounds of dismissal.

86. Has there been any objection made lately to the legality of the mortgage rate?—Yes; there have been some parties who refused to pay it, but we have taken proceedings against them. The committee recommended proceedings to be taken; the matter went before the board and the decision was that the parties should get another chance to pay the rate and the collector was ordered to call on them again. Some of those who had refused to pay it said they would pay when he called upon them but there certainly are some who still refuse to pay.

87. Do they object to pay on the ground of the 69th section of the Act of 1854 having been repealed?—I question if those parties knew whether that section was repealed or not.

88. I see by the accounts here that you levy another rate?—Yes; a library rate.

89. How much is it?—One penny in the pound.

90. Under what authority do you levy that rate?—Under the authority of the 18 & 19 Vic., chap. 40, an Act for further promoting the establishment of public libraries and museums in Ireland, our power of rating is 1*d.* in the pound.

91. What was the amount of that rate in the last warrant?—It was exactly one-third of the amount of the mortgage rate—that is £74 19*s.* 4*d.*

92. At what time of the year do the Commissioners strike their rates?—The rate was struck in October, but the warrant was signed in February.

93. Will you just look to the receipt side of your last account, audited by Mr. Collot? Do the different items of receipt mentioned there under the head of "Ordinary Town Account," viz.—the rates, Government allowance in lieu of rates, sanitary allowance, licenses, fines from the borough court, incidentals, &c., comprise the entire receipt of the Municipal Commissioners as such for the year?—Yes.

94. There is an item of £36 mentioned as received from the Harbour Board for lighting the quay lamps. Do they pay the Town Commissioners for the lighting

DUNDALK. *March 9, 1877.* Mr. Edward Ferrar.

of those lamps?—They pay £3 per lamp for lighting lamps which are in the vicinity of the quays.

95. Now, look at the disbursement side of the account. Do you see the first item of expenditure on that side, "General repairs, £164 2*s.*;" what is that sum expended for?—It is expended on the pathways throughout the town.

96. The next item is £78 4*s.* 5*d.* for cleansing and watering; what is it?—For cleansing in the lanes and along dead walls, and for removing the rubbish—carting it away. Two scavengers are employed for that purpose.

97. Is that the entire amount expended by the town for the year for scavenging purposes?—Yes; and of course it includes the cost of watering the streets in the summer time.

98. Watering the public streets?—Yes; they are watered by means of two watering carts that we have.

99. Can you tell the amount expended for watering the streets in the summer?—No; I could not well say how much. Cleansing and watering are included in one head for years past. I suppose it would be about £20.

100. At all events, that £78 4*s.* 5*d.* is all you have expended under that head?—Yes.

101. I see a charge of £578 10*s.* 5*d.* for lighting?—That sum represents considerably more than the contract for the year.

102. Can you tell me what it does represent?—There was an arrear of £193 14*s.* 11*d.* due to the gas company from the previous year.

103. By whom is the town lighted?—By the Dundalk Gas Company (Limited).

104. Of course at the expense of the Town Commissioners out of the rates?—Yes, out of the rates.

105. What is the last contract that was made for lighting the town?—(Witness hands in contract with the gas company.)

106. The Town Commissioners here are not, as I understand, the owners of the gasworks?—No, they are not.

107. I see by this document that the contract is with the Dundalk Gas Company (Limited) to light the town lamps from the 15th August to the 17th May in the following year, upon the terms that they are to be lit forty-five minutes after sunset, and extinguished forty-five minutes before sunrise, except on moon-lighted nights; and the charge is £2 12*s.* 6*d.* per lamp, which includes cleaning and lighting and extinguishing?—Yes.

108. I see this is only an annual contract?—Yes, that is all.

109. At whose expense are the lamps repaired?—At the expense of the Town Commissioners.

110. Because I do not see anything about it in the contract?—No, it is not mentioned there.

111. How many public lamps are there in the town?—138 at the commencement of the existing contract, but there were three or four put up since it was entered into. That contract represents 138 lamps.

112. £2 12*s.* 6*d.* per lamp for that number of lamps would not amount to £578 10*s.* 5*d.*?—No.

113. Then how is it there is so much charged in the account?—You will find in the balance sheet for 1875 amongst the liabilities an accumulation of arrears amounting to £193 odd, which was paid within the last financial year, which is included in the amount charged to this year.

114. £193 14*s.* 11*d.*?—Yes; and then, of course, the cost of repairs, which would be something about £20, is also included in it. It would be about £20 for painting, glazing, and repairs.

115. I see that your next item of expenditure is £182 1*s.* 2*d.* under the head of salaries?—Yes.

116. I observe that for the last three years there is a slight variation in the amount paid as salaries?—Yes, so I see. The surveyor got an increase from £20 a year to £30, but I cannot explain the remaining difference.

117. I see £49 11*s.* 1*d.* charged for "sanitary expenses"—what are those?—They consist mostly of salaries.

118. Does that £49 11*s.* 1*d.* comprise the amount paid as salaries under the Sanitary Act?—Yes, the full salaries; but from that gross sum the allowance from the Local Government Board must be taken to find the amount paid by the Town Commissioners. That £49 11*s.* 1*d.* represents the full salaries paid to the different officials. There were my own salary as executive sanitary officer £16 5*s.*, the inspector's £13 12*s.* 6*d.*, and the consulting sanitary officer's £10. These amount to £39 17*s.* 6*d.* of that £49 11*s.* 1*d.*; the balance—£10—was expended for other sanitary purposes.

119. £10 is charged in the account for pump repairs. Are those public pumps?—Yes.

120. Are there many public pumps?—There are twenty.

121. Is there a public water supply—a supply by means of high pressure?—No, there is not.

122. Do you see the next item of expenditure under the head of "mortgage rate as follows." The amount is £223 2*s.* 9*d.*, and you make it up in this way—"Amount collected, £210 2*s.* 3*d.*, and Government allowance in lieu of rates £13 0*s.* 6*d.*" What is that last item for?—The Government allowance is apportioned in that way; it goes to pay off the debt on the town hall. I furnish the Treasury department with an account of the manner in which we apply our rates, and they make the allowance in the same way.

123. Will you tell me what that next item of expenditure—£74 7*s.* 7*d.*—under the head of free library committee is?—£70 0*s.* 9*d.* is the actual rate which was collected by the collector on account of the free library rate, and £4 6*s.* 10*d.* is the sixth part of what we got from the Government in lieu of rates.

124. How is that £74 7*s.* 7*d.* applied?—It is paid over to the treasurer of the free library committee.

125. Where does that payment appear in your accounts?—I hand it to the treasurer, and get his receipt for it, and charge the amount paid, and I am done with it then. I have at the same time the audited account of the committee.

126. Yes, I see it is passed by the auditor?—I have the audited account of the committee as furnished to the board.

127. Is that money applied to defraying the expense of keeping up the library?—Yes; for paying the salaries and buying books.

128. Is that library free to the public?—No. A nominal payment of 4*s.* 4*d.* per annum is charged. Those who choose to take advantage of it at that rate can do so.

129. Is that free library in the Exchange Buildings?—Yes; in the Exchange Buildings.

130. Will you look to the "Exchange Buildings account" in the abstract of accounts. I see they commenced with a balance in their favour of £151 0*s.* 5*d.*?—Yes.

131. Their first item of receipt is £223 2*s.* 9*d.*, the amount transferred by the Town Commissioners from the ordinary town account to this account?—Yes.

132. The next item of receipts is "Rents, £160 10*s.*" Will you tell me what rents are those?—First, the rent of a hall for one year ending 1st May, 1876, from the Harbour Commissioners, £10.

133. Is that for an office in the Exchange Buildings?—Yes; the Harbour Commissioners make use of our public room to hold their meetings once every fortnight, and inasmuch as the concern is in debt they pay us £10 a year.

134. Is that an annual letting?—Yes.

135. Are all the lettings annual lettings?—Yes.

136. I see that some small portions of the rents are struck off as irrecoverable?—Some of those items are a good while irrecoverable now.

137. Does that Exchange Buildings account represent on the one side the entire receipts with respect to the Exchange Buildings?—Yes; it represents it fully on the receipt side.

138. Will you look to the first item on the disbursements side of that account. I want some explanation from you about that item. It says—"Amount

of debentures Nos. 20 and 21, paid 25th March, 1876, £200;" and then there follows an item of £110 for interest on debentures. Were those debentures any portion of the £4,000?—Those debentures are collateral with the date of the borrowing of that £4,000, and these are the actual documents relating to them (handing in documents). Those are the actual debentures paid off in March last.

139. I see this debenture, dated 24th March, 1865, is issued for £100, in favour of the directors of the Belfast Bank?—Quite so.

140. Were all the debentures issued at that time issued to those directors?—Yes, and these were subsequently taken up by private individuals. This is the assignment of the directors of the Belfast Bank to the assignee (hands in assignment).

141. Did the payment of these debentures go in part liquidation of that debt of £4,000?—Yes.

142. Was the charge for interest on debentures, which follows that item of £200, interest paid on debentures being paid off or debentures due?—The entire debentures due, of course.

143. I see a disbursement, £15 13*s.* 5*d*, under the head of "newsroom"?—Yes.

144. Is it a public newsroom—open to the public?—Yes, at a charge of £1 5*s.* per annum for town members, and 12*s.* 6*d.* for country members.

145. Is the item of £115 12*s.* 1*d.*, which appears on the receipt side of this account made up of subscriptions to this newsroom?—Yes, and the proceeds of sales of newspapers and so on.

146. In this Exchange Buildings account there appears to be a balance in favour of the trustees of £176 19*s.* 11*d.*?—Yes.

147. The auditor says, "Balance in favour of the Town Commissioners, as per bank book £242 1*s.*, after deducting the amount of an unpaid cheque, £200." There was an unpaid cheque outstanding at the time?—Yes, and there is still.

148. A cheque not presented yet?—Yes.

149. With respect to the collection of the rents, is it the duty of the collector to collect them?—Yes.

150. Is he required to lodge the amount of his collection in the Bank?—Yes; certainly he is.

151. Is there any minute or by-law with reference to his lodgments? How often is he required to lodge?—I think our minute says fortnightly.

152. Does he, as a matter of fact, lodge fortnightly?—I think that at the commencement of the collection he lodges more frequently.

153. Have you got the bank book here?—Yes (hands in the bank book). The first lodgment was on the 1st March, and he seems to have gone on pretty rapidly since that date.

154. Does the collector give security?—Yes, his bond for £400.

155. Are there sureties in that bond?—Yes; it is a joint and several bond of £400.

156. Are the sureties living?—As I understand they are both living.

157. Does Mr. Collot, the auditor, require that bond to be produced before him?—I think I never produced it to him, but he is satisfied that it is a proper legal document, which in fact it is.

158. With respect to the annual collection of the rates; what means have the Commissioners of knowing the amount of rates outstanding and uncollected? Is it the duty of the collector to bring the state of the collection before the Commissioners, or before any committee of that body?—As a matter of fact the Commissioners do not insist upon that being done, the collector is furnished with a book for the purpose of making the collection. It is exactly the same as the poor-law system of collection. He is furnished with a little abstract book in which all the receipts are put down, and there is a summary at the end of the book which would show the state of his collection at the end of any week.

159. Is that book ever submitted to the Commissioners or to any committee?—There is a committee appointed at the close of each collection for the purpose of separating bad and doubtful rates from those that, from some circumstance, have not been got in, but may be good.

160. Is that only once a year?—Only once a year, when the committee sit for that purpose. The collector is ordered to submit his book at the meeting of the Board every week during the progress of his collection.

161. He has further to submit his collection-book at every meeting of the Board?—Yes; while his collection is proceeding, which is only about one-third of the whole year. In point of fact, the order requires him to finish the collection in three months.

162. Does he submit his collection book to the Commissioners at every meeting?—Well, it is brought up, but really the Commissioners do not require its production particularly. It is available whenever it is called for. I have also directions from the Board to compare the blocks of his receipts with the entries in his collection-book, which I do regularly while his collection is proceeding, on convenient days. Generally I do it once every fortnight, or may be every three weeks sometimes, and my initials are placed opposite the sums which I have checked off, between his block and the collection-book; so that that to some extent satisfies the Board.

163. This account was audited by Mr. Collot on the 27th December?—Yes; the report is dated the 27th December.

164. And I find the arrears of rates are returned there as £118 2*s.* 7*d.*?—Yes; we struck off since then, in the month of December, £23 15*s.* 5*d.*

165. That amount was struck off in the month of December?—Yes; here is the minute—

"12th December,—Ordered that £8 1*s.* 1*d.* be struck off on account of current year, and £15 14*s.* 4*d.* on account of arrears."

166. That £23 15*s.* 5*d.* cannot be part of the £118 2*s.* 7*d.*?—You will observe that the accounts are made up to June, and he only balanced the transactions up to June. Anything accruing in June would go into the ensuing year.

167. Are they struck off at the full meeting of the Commissioners?—Yes; upon the report of the committee. They are investigated by a special committee appointed exclusively for that purpose, and their action must be approved of by the Board.

168. What is the full amount of the debenture debts now outstanding?—£2,000.

169. Do the Town Commissioners owe any other debt?—No, they do not.

170. Is there any other charge on any other rate?—No.

171. Do any of the other officers of the Commissioners give security by surety or otherwise?—I do.

172. In how much?—I think it is £200.

173. Is it by bond?—Yes.

174. Is that bond in the Commissioners' office?—It is in the solicitor's office. I never saw it since the day I signed it.

175. Are there sureties?—There are two sureties.

176. Are they living?—They are both living.

177. Is the town in different baronies of the county Louth?—No; the borough forms part of one barony. The warrant for collection of county cess is made up according to baronies, and we have to approximate the portion of the levy on the borough. The levy was 1*s.* 11*d.* in the pound on the total valuation of £19,801 15*s.* for the year 1876.

178. Does 1*s.* 11*d.* represent two levies?—Yes; the two levies for the year.

179. What was the total amount of the levies?—About 1,900.

180. Do the Grand Jury of Louth keep the streets of the town in repair?—Yes.

181. By their contractors?—Yes; it is their duty to do so. Our streets did fall out of contract, and gave a good deal of trouble to the Town Board last year, but the county surveyor at the last assizes took up the contracts again.

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Mr. Edward Ferrar.

182. Do the Grand Jury contribute anything at all towards keeping the flagging in repair?—It is a long time since we got anything for that purpose. In previous years we certainly did. We got a grant of £52 for one of the pathways in the town.

183. Do the Grand Jury keep the pathways in repair as well as the streets?—Certainly they do not. Our streets are generally paved and not flagged. The barony contribution towards the county-at-large expenses for the year 1876 was as high as £1,941. For the summer half year, £853, and for the spring, £1,088, making a total of £1,941. Inasmuch as the valuation of the barony is £51,060, the proportion of that county-at-large charge, payable by the borough, should be £752.

Mr. John Murray.

Mr. JOHN MURRAY examined.

184. Mr. LAWLESS.—Are you the town surveyor?—Yes.

185. How long have you held that office?—For about five years.

186. What are your duties as town surveyor?—Principally to look after the sewers and drainage of the town.

187. Do you mean to superintend the making of sewers?—Yes; and the repairing of defective sewers.

188. You keep them in repair?—Yes.

189. Have you anything to do with keeping the streets of the town in repair?—No, not the streets; only the footways.

190. Is it the duty of the county surveyor to look after the streets?—Yes.

191. Has he charge of the entire streets of the town?—No; only those presented for by the Grand Jury. The Commissioners take charge of the narrow streets and courtways.

192. Have you done any sewerage work in the town recently?—When it is contemplated to form a new street, the first thing I require to be made is proper sewerage. That, however, has only occurred in one case.

193. Under what powers do the Town Commissioners require the people making a new street to construct sewers?—Under the Towns Improvement Act.

194. What is the condition of this town as regards main sewers and drains? Is it well sewered?—A portion of it has been very well drained some fifteen or sixteen years ago, but another portion of it is sadly defective, for want of extension of the drainage system.

195. Have the Commissioners been doing anything recently to improve the system of main drainage?—Not with regard to the main drainage; but an application was made some two years ago to the Grand Jury to have the drainage placed on the whole county, but it was rejected.

196. When was that application made?—About two years ago. It is a matter of very great importance to have it extended.

197. Who brought the matter before the Grand Jury?—The Town Commissioners.

198. What was the object of the application? Was it to extend the system of sewerage at the expense of the county generally?—Yes; its extension to the hospital was much required. The proposed extension to the gaol and hospital would embrace a very important district of the town, and one where it is badly needed. The district I refer to is up Dublin-street, where the houses have six or nine inches of water in them when the high floods take place. I made a complaint about the state of the drainage in that locality.

199. Was your complaint made in view of the application to the Grand Jury?—Yes.

200. Is the hospital you mention the Union hospital?—It is the county hospital.

201. Do you say that those two establishments, the hospital and the county gaol, are at present without a proper system of drainage?—Certainly. The sewage from the gaol passes through Lord Roden's demesne, and it is really most offensive all round that neighbourhood. It is quite open, and there is a National school near it, so that I do not know how the creatures manage to bear it. There is nothing but the roadway between the school and the county gaol. The sewage from the hospital first passes over into Lord Roden's demesne, within a few yards of the school, and empties into what I would call a cesspool.

202. Is this place within the municipal limits?—Yes, it is.

203. Does that sewer, as it at present exists, constitute a nuisance?—Yes. The sewerage is sufficient so far as it is made. It is quite perfect till it enters Lord Roden's demesne.

204. Where does the sewage go after it enters Lord Roden's demesne?—Into the open ditch, and afterwards I think into a small lake in the demesne. It is a great nuisance.

205. You mentioned some other place in Dublin-street?—Yes; when the river rises the whole of the tenements in Dublin-street are completely flooded. We have no means of preventing it. We keep the bed of the river cleaned, but it is of no use.

206. Where does the river discharge into?—Into the sea. The sanitary officer can speak more fully about this matter than I can.

207. Did the County Grand Jury base their refusal of your application on the fact that the Town Commissioners were the urban sanitary authority, and ought to do the work under the Sanitary Act?—No; the county surveyor said that the upper portion of the county was against expending any money for the benefit of the town of Dundalk.

208. Do you know whether the houses in the town are, generally speaking, connected with the main drains where such exist?—Where there are main drains the people in most cases take advantage of them at once, and make sewers from their houses into the main drains.

209. Have the inhabitants of houses been required by the Commissioners to do this?—We always gave them notice to do so.

210. From your statement it would appear that there must be many streets in which no such connexions can be made?—Yes.

211. Have you any means of having such main drains as there are in the town flushed?—Yes.

212. How do you do it; you have no public water supply?—We have the river. We can at all times turn the water of that river into the town sewers.

213. Is that ever done?—Frequently in summer; and during high tides in the winter the tide comes up a considerable way in the sewers.

214. As I understand there is one main sewer?—Yes; there are old existing sewers, and we try to do with them the best way we can. I should also state that in the main streets the main drainage is pretty good, because all the houses on the west side of that street discharge their sewage into Lord Roden's demesne, and there is a very good drain there.

215. What sewerage is available for the other side of the street?—There is a very old sewer.

216. With respect to those sewers which you say are available for Clanbrassil-street—is there any means of flushing or cleansing them?—No, there is not.

217. Are you acting under the Town Commissioners as sanitary authority?—I assist, of course. I should say I am the sanitary surveyor. When the sanitary officer recommends that I should visit and inspect a place of which complaint has been made it is my duty to do so.

218. Do the Commissioners exercise any control over the erection of new houses?—Decidedly they do. The rule is that the plans must be deposited with the Commissioners before commencing to build houses.

219. And are the plans submitted to you?—The plans are submitted to me, and if I find that the conditions are all complied with I advise the Commis-

sioners to pass them. If they are defective in any way I advise their rejection.

220. What are the conditions generally required by the Town Commissioners?—First of all, that the site is suitable for the tenements about to be erected.

221. Do they require that proper drains should be made for the houses when they are being erected?—The plan of the drainage is the first thing submitted.

222. Do you require that houses about to be built should be provided with proper privy accommodation?—Yes; everything of that sort; ventilators and everything of that sort.

223. Is it your duty to see that houses are not built until proper means of drainage is provided?—I insist on that the first thing.

224. Before whom does your report containing your approval or disapproval of any plans go: is it before the Commissioners?—Yes.

225. Does it ever happen that your reports are disapproved of or dissented from by the Commissioners?—There was only one case in which that happened; and it was a very trifling matter. I objected to a sort of store being turned into tenement houses.

226. On what grounds did you object to it?—Because there was no rere, or any place for the necessary accommodation.

227. It was proposed to make the store into houses?—Into tenements; the approach was by a gateway, and the rere of the adjoining premises was so limited (not more than eight feet), that I thought it was not sufficient.

228. When you sent in your report disapproving of that plan (which it appears to me you were right in doing), your objection was overruled, and the plan approved of?—Something of that sort took place.

229. To whom did that property belong?—To a person named Grant.

230. Was he a member of the municipal body?—No; he was not.

231. Have you anything to do with seeing after the condition of the public pumps?—Yes.

232. If one of the pumps gets out of repair, whose duty is it to report it?—It is the duty of the nuisance inspector. He is bound to report it to the contractor.

233. What do you mean by the contractor?—The repairing of the pumps is let out by contract. The inspector immediately notices the contractor and calls on him to have the pump repaired within a certain time. If that is not done, the inspector has instructions to get it repaired himself, so that the public may not be put to any inconvenience.

234. Do you know whether the Commissioners have ever had the water from these public pumps analysed?—I believe not. I am aware that sickness broke out in the school.

235. What school?—A school called the Marist Fathers' School; a very large establishment.

236. Was that outbreak of sickness the result of the bad quality of the water?—It was attributed to the bad quality of the water.

237. Have you anything to do with the scavenging in the town?—No. That is done by the contractor for the streets under the Grand Jury. We make it a rule, that all householders must clean before their doors.

238. Is the scavenging done by a contractor?—Yes; whoever has the contract for repairing of the streets does it also. It is part of his contract.

239. Is watering the streets included in that contract?—No; that is done by the Town Commissioners.

240. Is it well enough done, because I may say there appears to me to be very little money expended for that purpose?—I should say it is very well done. We have two carts for that purpose.

241. Are the small streets of the town watered as well as the principal streets?—No; we confine the watering to the principal streets.

242. Do you know what is done with the sweepings of the streets—with the manure?—When our last contractor was doing the work the sweepings were deposited on the Fair Green, which is a portion of land that was reclaimed from the river.

243. Is the manure taken from the streets sold by the Commissioners or given to the contractor as part of his remuneration?—It is used for the purpose of filling up places that require to be filled up.

244. Are the fairs or markets held in the streets of the town here?—Hitherto they have been, but since the establishment of the Fair Green they have been held in that neighbourhood.

245. When was that Fair Green established?—Some six or seven years ago.

246. Is it adjoining the town?—It is in the town, and will be a very suitable place when all the arrangements are perfected.

247. Are there any public markets here?—None except the Market square, where hay and corn are sold.

248. Is a public market held in that square?—Yes; the corn market is generally held at the lower end of the town—at a place called Church-street.

249. Are markets held in the other streets through the town?—Yes; but the corn merchants assemble in the Exchange Buildings.

250. Do I understand you to say that the fairs are now held in the streets?—No.

251. The town is not now exposed to that nuisance?—No.

252. Do you consider that the holding of the markets in the Market-square and in the streets constitutes a nuisance?—Yes, a very great nuisance.

Dr. JOHN BROWNE examined.

Dr. John Browne.

253. Mr. LAWLESS.—Are you one of the sanitary officers in this town?—Yes, the consulting urban sanitary officer.

254. Have you a sub-sanitary officer under you?—Yes, one.

255. He makes reports to you?—Yes, which I investigate and report on to the sanitary authority.

256. How long have you been acting in your present capacity?—Since October, 1874.

257. Do you find in the course of the discharge of your duties as sanitary officer that the reports which you present to the Commissioners have been properly attended to and acted upon?—Generally speaking they have. My book will show you the amount of sanitary work done. (Hands in sanitary book.)

258. I see the entries here begin in 1874?—Yes. I think there were about eighty-four reports made since then.

259. You have a book, I suppose, and retain the block of it?—Yes.

260. Is there any other book kept by you or the Commissioners?—Yes, this book (handing in one), which I write out myself.

261. I find here a report made by you so far back as November, 1874, with reference to Rafferty's-lane, off Clanbrassil-street, and your observation is "that the houses in this lane are scarcely fit for human habitation." What has been done in consequence of your report?—They were merely cleansed.

262. Is this place the property of Mr. Rafferty?—Yes; I think it properly belongs to Lord Roden, but Rafferty is the middleman. Nothing has been done beyond cleansing the lane, putting the houses in better order, and erecting a small privy at the end of the lane.

263. How many houses are there in Rafferty's lane?—Seven, I think, occupied.

264. Are they now fit for human habitation?—I do not consider that they are. There is no rere whatever to the houses. There is a privy erected at the end of the lane, and it is only by having it kept well cleansed that the place is in any sort of sanitary condition.

265. Did you ever on any subsequent occasion

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Dr. John Browne.

report Rafferty's-lane as being in a bad state?—No; my attention is generally drawn to these places by the sub-sanitary officer. I have spoken of the condition of this place at a meeting of the Commissioners, but I have not reported it a second time.

261. Was any report made to you about it since?—Never since.

262. Is it kept in a better sanitary condition now?—Yes, a good deal better. There is a very considerable improvement in that respect.

263. I find a report of yours in January, 1875, respecting a house occupied by a woman named Bridget Murphy?—It has since been repaired and put in order.

264. One of the complaints about it was that cattle were kept in the house?—Yes.

265. And you observed that this house was one of the most filthy you ever visited?—Yes.

266. Does the practice exist in this town of people keeping cattle or pigs in their houses?—They rarely keep them in the houses, but they keep them in the yards adjoining the houses.

267. Does the sub-sanitary officer report such a state of things?—Yes. A good deal has yet to be done with reference to this matter, and also with reference to the accummulation of manure in the yards.

268. Your reports, I find, were altogether eighty-four in number?—Yes; all but seventeen of those reports were complied with, and since then some others have been acted on. Two Commissioners were appointed to go over the books with me to see how much work was done, and what reports were left unattended to.

269. And the result of your examination of the books was that seventeen of those reports of yours remain still unattended to?—Yes.

270. Can you say whether or not the Commissioners have since taken steps to deal with those remaining cases?—Yes; in some they have. They brought them before the court of petty sessions, and have exercised their compulsory powers to have the work carried out. This winter has been such an extremely wet one that very little could be done in the way of sanitary improvements.

271. Can you say in what condition are the houses in this town as regards domestic accommodation, such as privies and water-closets?—We look after the state of that accommodation as much as possible and a great improvement has been made since the Sanitary Act came into force. The lanes in this town are very numerous, but we have got a good deal of work done in them. We erected two privies in Hill-street and one in Wynne's-lane, and one or two in the lower end of the town. Before that time the people were very badly in want of accommodation of this sort.

272. How many of those public privies are there altogether?—There are eight of those public privies constructed.

273. Are they under the care of the sub-sanitary officer?—Yes.

274. He sees that they are cleared out regularly?—Yes.

275. Who does that work?—The men employed under the sub-sanitary officer.

276. I presume that in the different districts in which it was necessary to construct those eight public privies, the houses are, generally speaking, without any back houses at all?—Yes.

277. Have the Commissioners taken steps to cause the erection of privies in private houses where there are none?—There has been a great deal done in that way too. So far as we could we compelled the people to erect privies to each of the houses; but of course that has only been partially done in consequence of the defective drainage of the town, to which Mr. Murphy has referred, particularly Dublin-street and Anne-street.

278. Is the defective state of the sewerage of the town the great evil?—Yes; it is a very great evil. I can refer you to Stapleton-place which for five or six weeks was flooded to the depth of four or five inches. I went into one house there and we had to approach the fire-place on planks. In Hill-street a large number of houses are regularly flooded. The bridge at the upper part of the river is too small and would require to be enlarged. The Rampart river is a fearful nuisance in the winter time, and it is also a nuisance in the summer owing to the smell that arises from it. Dogs and cats and dead animals of every sort are thrown into it. The bridge at Hill-street is defective in point of size and will not allow the water to pass through.

279. Do you mean that the out-fall of the river is too small?—Yes, and it is also imperfect. A portion of the water of that river is diverted into our main sewers for the purpose of flushing them.

280. Do you mean at all times, or only at intervals?—Sometimes they put a board on the grating to prevent the water from coming through. During all high tides the water runs through our main drainage and cleanses it perfectly. Two of our pumps were injured by reason of the water getting into them. I got the handles taken off till the water subsided again.

281. Was it the water from the river?—Yes.

282. Did you hear the evidence with regard to the state of the drainage from the hospital and gaol?—Yes; all that part drains into an open sewer in the demesne. In the summer time it gives forth a very bad smell. It is quite close to the male and female National school.

283. Is that in your opinion a nuisance dangerous to health?—I think it certainly must be so.

284. You were talking about the water percolating into two of the pumps. Have you had the water analyzed?—Not except in the rough way in which I could do it myself. I found a good deal of organic matter in some of them. We have no public analyst owing to some misunderstanding between Dr. Cameron and the road sessions, who offered him less remuneration than he would accept. It is very important that we should have one.

285. In how many of the pumps did you find much organic matter?—Two of them.

286. Are those the two you mentioned as being affected by the water from the river?—Yes; one in the centre of the street near the barrack, in what is called Roden-street. The other is in Hoyle's-court. These two are polluted in the way I have described. There is a third one at the entrance to Nicholson-street which is situate near a grave-yard.

287. With regard to the first two; have they been shut up?—They are very bad.

288. Do they contain much organic matter?—I cannot say that; there is saline matter. They were so bad that I applied to the sub-sanitary officer to have them shut up.

289. Are they now closed?—No; it was merely at the time they were flooded that there was anything astray.

290. Have you ever had occasion to take the handles off them more than once?—Yes; it has been done on several occasions.

291. You mentioned a third pump?—Yes; a pump which is in close proximity to a grave-yard.

292. Is it a public pump?—Yes; and is near the Protestant church, the Church of Saint Nicholas.

293. Have you examined its water?—I have examined it partially, and I find it abounds in organic matter.

294. Do you consider it to be unfit for human use?—I really think it should be closed up. There is another pump in the same condition opposite the entrance to Linen Hall-street.

295. Is the water in it also impregnated with organic matter?—Yes. Some of the pumps are Abyssinian pumps, and they give very good water.

296. When were they erected?—They were erected at various times during the past few years. The others should be done away with, and the Abyssinian pumps made use of. We have no sufficient supply of water for fires and other purposes.

297. Does the existing supply ever fail in the summer time?—The supply from the Abyssinian

pumps does not fail, but that from the others does sometimes.

298. Is there any public water supply by gravitation?—No. There was an effort made once or twice to get it, but it failed to succeed. We could not get the water at a less distance from the town than three or four miles. Even at that distance it is doubtful if the supply would be good in the summer.

299. Is St. Nicholas' grave-yard that you mentioned inside the town?—Yes; we have two grave-yards in the town.

300. In what condition are they?—Seatown grave-yard is kept in a very bad state. St. Nicholas' is the other. I think they are both more than full.

301. Are there any interments made now in that Seatown grave-yard?—No new graves are allowed to be made; but members of old families are allowed to be buried in it.

302. Was there an order from the Privy Council to close it?—No; it was merely an order made by the Commissioners forbidding any persons to bury there who were not connected with the town.

303. Is it your opinion that it should be closed up altogether?—Yes; decidedly, it is. I think it is time all grave-yards in towns should be closed even if they are not so full as ours. I speak more particularly of our own, and I think they should be closed up.

304. In your opinion is the condition of these grave-yards likely to be injurious to the health of the town?—Yes; if there was an outbreak of fever it would be unsafe and most injurious to continue to bury in them.

305. Are they properly kept or are any regulations made with regard to interments?—No; nothing beyond ordering the grave-digger to make the grave a certain depth.

306. Have you, in the discharge of your duties, occasion to visit the lodging-houses in the town?—I have never visited them in a sanitary point of view.

307. Have you ever been required to visit them?—No; I have not. They have been very well looked after by the sub-sanitary officer. He states they are all in a very good condition. In any of them I have seen I could not say there was anything to complain of.

308. It has been stated that the fairs are not held in the streets?—There is only one fair held in the streets—the fair on the 17th May. They still claim the right to hold it on the streets. The others are held on the fair-green. It is called the fair-green, but I am sorry to say it is not one. It is kept in very wretched order, and I should say, as sanitary officer, that it should not be allowed to continue in the state in which it is at present. Nothing has been lately done to put it in order, except to cleanse the stuff that is being thrown into it. The fair-green was a piece of slob land taken from the river. It has been reclaimed by a road running along the seaside, and is only partially filled up. I wanted to get some work done that would have very much improved the fair-green, and I brought the matter forward but it was put aside, and the matter remains in the same way still. It is in an unsanitary state, and I consider it a great nuisance. It could be greatly improved by the expenditure of about £100 or £150. One of the things that heretofore prevented any improvement from being effected was that the title to the ground on which the fair-green is, is doubtful. The late Lord Roden gave it to the Town Commissioners, but there never was a lease of it made to the Commissioners, and they of course felt some reluctance to spend money on it till they were fully satisfied as to their rights.

309. Have they considered the matter?—I have brought it before them a number of times, and I even went so far as to offer a certain sum of money for carrying out these improvements, provided a sufficient sum was raised without applying to the public funds. It was not taken up in the spirit in which I thought it might be, and there it remains still.

310. Have you ever had any occasion to make reports on the state of the slaughter-houses?—Yes; I should say that there are nine slaughter-houses in the town, but we have no public one. An offer was made by me to get a slaughter-house, but that was not taken up in the proper spirit. Those who have slaughter-houses already were very much opposed to it.

311. Are those slaughter-houses registered?—Yes; I believe they are.

312. You say you had occasion to make reports about the slaughter-houses?—Yes; I reported on two of them. There are nine altogether.

313. I see in this book a report made on the 6th January. The complaint was that there was a manure-heap kept there; and notice was served to have it removed. Now, has the sub-sanitary officer visited that slaughter-house since the notice was served, has the nuisance been removed, and have you had occasion to report on that one again?—I had to report it again yesterday.

314. Is it your duty to lay your reports before the Commissioners?—Yes.

315. There is another report dated March, 1876, about a slaughter-house?—Yes.

316. Has it been complied with?—Yes.

317. The slaughter-houses should be cleaned out after every killing. Do you know if that is done here?—I think not. There is a portion of the town in which there are no sewers.

318. Is that slaughter-house in that portion of the town?—Yes. No public sewer reaches it at all.

319. Do you find that contagious disease prevails much in Dundalk?—No; very little. I seldom see a case of fever.

320. Have the Town Commissioners any disinfecting apparatus?—No; they simply employ general remedies when houses require to be disinfected.

321. Is it the duty of the inspector of nuisances, or town surveyor, to see that the houses of the poorer class of people are kept properly in order?—Yes; it is. A great many of the houses are badly constructed. They have not sufficient drainage, and so on, and without pulling them down nothing could be done.

322. Is the water of the Rampart river, which you mentioned, polluted with sewage matter?—Very slightly: only at one point, and that is owing to the defective state of the drainage of Dublin-street.

323. Does it receive sewage only at that one point?—Yes, and very little of it there. Only a small portion of the sewage entered it at that point.

324. Is the water from the Rampart river used by any mill or manufactory?—It is used by the distillery company for the manufacture of whisky, and, of course, it is used by some other parties for steam-engines. My impression is that the distillery company claim the right to use it.

325. It is used by other people for engine purposes?—Yes, it is used by Mr. Kidd's mills.

326. Is it at a point above or below the distillery that it is used for condensing purposes by Mr. Kidd's mills?—It is above the distillery.

327. Is it above or below the point at which the sewage matter enters it?—It is below it.

328. Can you describe the point at which the sewage matter enters it?—It passes down behind what is called Wynne's-lane, and enters the river through a garden there. There is very little sewage goes into it. It is not so much sewage as the surface water from the streets during the time of a rainfall. There are a number of houses in Hill-street, the nuisance from which must, more or less, enter the river.

329. Is that above the distillery?—Yes, it is above the distillery. There must be more or less pollution there.

330. Is the distillery which uses this water inside the town or outside?—It is inside the town.

331. When this Rampart river enters the town it receives some pollution from Hill-street; then as it passes down it is slightly polluted by sewage from Dublin-street, and from Stapleton-place, and from the

DUNDALK. *March* 9, 1877.

Dr. John Browne.

places where you say you erected public privies?—Yes; but it does not receive any pollution from the privies.

332. Then it is used by the distillery?—Yes; that is the next.

333. Then by Mr. Kidd's mills for condensing purposes?—Yes, lower down.

334. Is the water when it is used for condensing purposes, turned into the river again?—Yes, between Mr. Kidd's mills and the distillery there is a tannery: formerly there used to be two of them, now there is only one.

335. Is the water used by the tannery?—Yes; and it gets pollution from it. There are two steam mills for sawing timber, which also use the water for condensing purposes: they are situated a little lower down than the tannery, and above the distillery.

336. Do the steam saw mills use the water for condensing, and then return it to the river?—I do not think they are condensing; I think they are high pressure.

337. Is the water from that river used by any of the people for domestic purposes?—Not that I am aware of. They may use it for washing potatoes, and for washing clothes, but I am not aware that it is used by anyone for drinking purposes. The water is taken from the Rampart river for the use of the distillery by a drain or pipe, from a place on the river above where it receives any pollution from the town, or from any mills or manufactories.

338. Can you give me any information about the bakeries?—No, not much: they are principally on a large scale. Mr. Kidd has one on a large scale, and Mr. Kelly has another: there are several others in the town.

339. Do you know if there are any complaints with regard to any of them?—No, I have heard of no complaints. The only one I myself had to complain of was a small bakery belonging to a man named Callan, living in Church-lane. I had to complain of it once or twice.

Mr. Laurence Curran.

Mr. LAURENCE CURRAN examined.

340. Mr. LAWLESS.—Are you the inspector of nuisances?—Yes.

341. What are your duties in that capacity?—I go round the town and visit the back streets and lanes, and any cabins in which, knowing the town as well I do, I suspect there is an accumulation of manure, or any other nuisance. When I find a nuisance existing, I either call on the parties to have it removed, or serve notice on them to have it done within forty-eight hours. These notices are generally attended to.

342. Do you serve notice on them without waiting to get directions from the Commissioners?—When there is a great accumulation of filth I do.

343. What steps do you take if your notice is not attended to?—I then summon the party who is responsible for creating the nuisance to the borough court.

344. Do you mean to the petty sessions?—No; to the borough court; there is a borough court held, in which the chairman of the Town Commissioners presides.

345. Is it your business to see that whatever nuisance is complained of has been abated?—Certainly.

346. And do you see it done?—I do. The borough magistrate generally gives the parties a week to do it, and if, at the expiration of that time, there is a repetition of the offence, fines, varying from 2*s.* 6*d.* to £1 are imposed.

347. Do you, on any occasions, make reports to Dr. Browne?—Yes.

348. Do you make a report to him on every occasion in which you think it necessary to serve a notice on the offending party?—Yes; except in trifling cases.

349. Suppose the people in those cases do not clean out the place as they ought to do, do the Commissioners take any steps to compel them to do so?—In every instance I bring them before the justices. In all the yards which I reported to the doctor, the drainage is defective. I report to the doctor, and he afterwards reports to the Commissioners.

350. Do you mean as regards private yards?—Yes.

351. There must be a good many houses in this town without domestic accommodation?—So far as we have gone, we found great difficulty in getting things done on account of the bad drainage, and it is a matter of impossibility to carry out the sanitary laws when proper drainage is not provided.

352. Are the common lodging-houses registered in this town?—They are.

353. Do you examine them?—I do.

354. How often?—There are only fourteen common lodging-houses in the town at present. The Town Commissioners closed up a great many of them. A good many of those that were pulled down belonged to Lord Roden.

355. Now there are only fourteen?—That is all

356. Have there been any regulations or by-laws published by the Town Commissioners for the control of these common lodging-houses?—Yes; when they come in to get their license the town clerk gives them a copy of the rules and regulations.

357. How often do you inspect these lodging-houses?—Sometimes I do it daily, and sometimes, perhaps, only once in a month. I generally inspect them on market-days. Some of them are really beyond all suspicion. Latterly tramps get a night's lodging in the workhouse, and for that reason there are no tramps to be found in the lodging-houses. It is principally dealers, and people of that class who stop at the lodging-houses now.

358. Do you find that the regulations of the Town Commissioners are attended to, generally speaking, in the lodging-houses?—They are.

359. Is it your duty to report any breach of their observance to the sanitary officer, or do you report to the Town Commissioners direct?—I report to the Commissioners, or else I summon the person who keeps the lodging-house; but I have not had occasion to do anything of the kind for a number of years past.

360. Do you say that these places are now all properly kept?—Yes, they are; there are no low lodging-houses in the town at present.

361. Is it your duty to inspect the slaughter-houses?—Yes, it is.

362. How often do you inspect them?—I inspect them daily.

363. I think it was stated that there are nine slaughter-houses in the town at present?—Yes. I think there is nothing offensive in any of them. I go into them and inspect them daily. Some of the people who have slaughter-houses hold land in the immediate neighbourhood of the town, and they remove the manure every week. They are all properly situated with the exception of two, but they were in existence before the adoption of the Act of Parliament.

364. Does one of those two you refer to belong to a man named Finnegan?—Yes; and the other to a man named Maginnis.

365. Do you require these slaughter-houses to be cleaned out after every killing?—Yes, certainly. They are all drained and bricked with the exception of the two I mentioned. I summoned the owner of one of them in consequence of his not having it properly conducted.

366. I suppose you often have occasion to notice people for having manure-heaps too near their houses?—Yes.

367. Have you ever had occasion to notice people for keeping animals in their houses?—Yes; but not in more than two or three cases during the last three years. There is nothing of that kind practised in Dundalk at the present time.

368. You think the practice has now died out?—I brought nine or ten cases under the notice of the doctor, in which they were kept close to the dwelling-

Mr. Laurence Curran.

houses, and they were removed by the people at once.

369. Do you know the condition of that place through which the sewage from the hospital and the gaol passes?—I do.

370. Is it to your knowledge in the condition described here to-day by Mr. Murray, the surveyor, and Dr. Browne?—It is; the matter was many times before the Town Commissioners. Lord Roden stated to the Grand Jury that he would stop it from going into the demesne. The hospital premises are drained into a cesspool, and there is a branch drain which takes off the sewage from the gaol, and empties it into an open drain near the male and female National school. It has a very bad fall.

371. The drainage from both the hospital and the gaol goes into that place. I understood from Mr. Murray that the sewage from both goes ultimately into the same drain?—No; it does not. I am not aware of that. There is a cesspool immediately in connexion with the hospital premises, into which the sewage passes. How that cesspool is cleaned I do not know. There is no drain but for the surface drainage.

372. You say the hospital sewage goes into a cesspool in connexion with the hospital?—Yes.

373. Is there any drain or sewer leading from that cesspool?—There is not.

374. Is that cesspool within the hospital premises?—It must be, of course. There is a large garden attached to the hospital premises.

375. Do you know how that cesspool is cleaned out?—No; I do not. I know there is a cesspool in connexion with the National School, it is an open cesspool and it is cleaned out frequently.

376. That I presume receives the sewage from the school?—It does.

377. And that cesspool I understand you to say is frequently cleaned out?—Yes, it is cleaned out and the contents are sometimes emptied on the land.

378. Has there been much work done here in the way of providing houses with sanitary accommodation?—There has been work of that sort done.

379. Do the Commissioners force the people to do it?—Certainly.

380. And in the case of new buildings, I suppose the Town Commissioners require them to be provided with all the necessary accommodation?—Certainly; before they commence to build the houses they are bound to submit the plans for the approval of the Commissioners, and if I see any digression from the plan when the houses are building, I call the attention of the surveyor to it.

381. Is it your duty when the house is erected to see that the requirements of the Town Commissioners have been carried out?—Certainly it is.

382. Did you read Dr. Brown's description of the Rampart River?—Yes; I am aware of the condition in which it is, and I may say that I have called attention to it on many occasions.

383. Do you concur with Dr. Brown in his statement with regard to that river?—I do.

Mr. Joseph Dickey.

Mr. Joseph Dickey examined.

384. Mr. Lawless.—You wish to make some statement I believe?—Yes. I wish to state that I have no lighting. I have resisted the attempt of the Commissioners to obtain these rates from me, on the grounds that the assessment was illegally made. The rates were made *in globo*, and the chairman held that they were illegal. Of course I do not wish to raise any question except so far as I myself am concerned. I resisted the payment of the water rate on the grounds that the Commissioners had no right to levy a water rate. There was an assessment of 4*d.* in the pound for a water rate, and they did not supply us with water within the meaning of the section of the Act of Parliament. The chairman held that it was an illegal imposition, and the rate was quashed. The Town Commissioners expended £60 or £70 in keeping the pumps in order, and the remainder was applied to general purposes.

385. Do you mean to say that they never adopted the provisions of the Act referring to a water supply?—No; but they assessed the town just as if they had adopted it.

386. Do they levy a water rate now?—Not since I brought the case before the chairman.

387. When was that?—Last year, and the year before. I was processed for the rates, and I defended the process.

388. I see that they did levy a water rate in 1874?—Yes. I think I live within the limits of the area of taxation, and I pay taxes to the amount of 1*s.* 4*d.* on my dwelling-house, but I derive no benefit from it whatever. There are other persons similarly circumstanced.

ARDEE.—March 12, 1877.

(Before Mr. Commissioner Lawless, Q.C.)

Mr. John F. Ekins.

Mr. John F. Ekins examined.

1. Mr. Lawless.—Are you the town clerk of Ardee?—Yes.

2. How long have you been town clerk?—A little over three years. I was appointed town clerk in December, 1873.

3. Under what Act are the Town Commissioners of Ardee appointed?—Under the Towns Improvement (Ireland) Act, 1854.

4. When was that Act adopted here?—I think it was in the year 1855 or 1856.

5. Immediately after the passing of the Act?—Yes; before that the Commissioners were appointed under the 9th Geo. IV., cap. 82.

6. How many Town Commissioners are there?—Nine.

7. Are there nine Commissioners acting now?—No, one of them has sent in his resignation.

8. What is his name?—Mr. Matthew Kelly.

9. Who is the chairman of the Town Commissioners?—Mr. Anthony Smith.

10. Is he at present acting as chairman?—No; he did not attend at the last four or five meetings of the Commissioners—I think five. He has been confined to his room for the last two months.

11. Was it owing to his illness that he did not attend the meetings?—It was owing to illness that he did not attend at the last two meetings. I do not know his reasons for not attending the previous ones.

12. I suppose they will proceed to fill up the vacancy caused by the resignation of Mr. Kelly?—They will do so this month, or the month following.

13. Have you got a copy of the last account audited by Mr. Collot, the auditor?—I have.

14. Will you let me see it?—Yes. (Hands in the account.)

15. This account is for the year ending the 30th April, 1876?—Yes.

16. Your financial year ends on the 30th April in each year?—Yes.

17. Do the Town Commissioners here possess any property?—Yes, they do.

ARDEE.
March 12, 1877.
Mr. John F. Ekins.

18. And they also levy a rate?—Yes.

19. Will you look to that abstract of accounts?—Yes.

20. With respect to the collection of the rates and the rents, there is £99 16*s.* 3*d.* brought forward under the head of arrears on the rates?—That is not mentioned in the abstract.

21. It is mentioned in the auditor's report?—Yes; but the abstract only gives the receipts and expenditure.

22. So I see; it does not give the arrears?—No.

23. At what time of the year is the rate struck?—In December each year.

24. Your last rate was struck in December, 1876?—Yes.

25. How much was that rate?—1*s.* in the pound.

26. What was the amount of the warrant?—£136 16*s.* 3½*d.*

27. When was the warrant given for the collection?—In the month of February.

28. Can you tell me what is the amount of the rate outstanding on the former rate—the rate struck in December, 1875?—£12 8*s.* 0½*d.* is outstanding still of the rate struck in December, 1875.

29. Up to what time was that arrear outstanding on that rate?—Up to the present time.

30. Has any portion of that arrear been declared to be irrecoverable?—No, there has not.

31. I suppose, then, it is now in process of collection with the rate struck in December, 1876?—Yes.

32. I observe here that Mr. Collot says that you are rather dilatory in the collection of the rates?—Yes; so he reported, but the collection is improving.

33. So I see. By whom are those rates collected?—By the collector appointed by the Commissioners.

34. Does he give security?—He does.

35. Have you got his bond?—Yes. (Collector's bond produced.)

36. What is the name of the collector?—Patrick Mornan.

37. Are his two sureties living?—They are.

38. What was the exact date of Mr. Mornan's appointment?—The 4th January, 1877.

39. There had been a collector previously?—Yes.

40. And I understand from these reports that he became a defaulter?

41. What was the amount of his defalcation?—That sum, £12 8*s.* 0½*d.* referred to as being uncollected.

42. Did he become a defaulter with some of the money of the Commissioners in his hands?—Yes.

43. How much?—That £12 8*s.* 0½*d.*

44. Did he receive that £12 8*s.* 0½*d.*?—He acknowledged that he had received some of it.

45. Did the Commissioners ascertain how much he was a defaulter for?—Yes; that £12 8*s.* 0½*d.*

46. Did the Commissioners lose any money by him?—No; they have his sureties.

47. Have they recovered any money from his sureties?—Not yet; but they will recover that £12 8*s.* 0½*d.*

48. Have they taken proceedings against the sureties?—The money will be paid.

49. Have they been called upon to pay it?—Yes.

50. Does that sum of £12 8*s.* 0½*d.* represent the entire amount of the collector's defalcations?—Yes.

51. With respect to the rates?—Yes.

52. Had he any rents in his hands?—No.

53. Was it his duty to collect the rents as well as the rates?—It was.

54. When was it ascertained that he was a defaulter?—Before the new rate was struck.

55. That would be in December, 1876?—Yes.

56. Was he, notwithstanding his default, allowed to retain his poundage or salary? How was he paid?—By a poundage on his collection.

57. Of how much?—1*s.* in the pound.

58. Was he allowed to retain his poundage?—No; his poundage on the amount he collected is still due to him. It will come to about £9. He was not paid the poundage on the amount of his collection.

59. Will you look to the abstract of accounts that was before the auditor—at the amount of collector's poundage £6 8*s.* 4*d.* Was that poundage for the year ending in April, 1876?—It was; it was poundage for that year, but he was paid it about the month of December.

60. Does the collector also receive the rents?—Yes.

61. And had the rate collector who ceased to act in December, 1876, received any rents for which he did not account to the Commissioners?—No.

62. Who is your treasurer?—The Ulster Bank.

63. How often is the collector required to lodge in the bank?—He is required to lodge every fortnight; never to keep money in his hands longer than a fortnight.

64. Have you got the bank books there?—I have. (Hands in the bank book.)

65. Up to the 10th March, there was a small balance of £16?—Yes; it is written up to-day.

66. Was your present collector appointed in January?—Yes; but he had not received his warrant then.

67. Are these lodgments appearing in the bank book of rates collected by the late collector?—Yes.

68. When did the present collector receive his warrant?—In the month of February, 1877.

69. How much is the balance against you?—£16 14*s.* 9*d.*

70. Do the answers sent by the Town Commissioners to the questions sent to them by the Local Government and Taxation of Towns Inquiry Commissioners represent accurately the state of affairs inquired about?—Yes.

71. Do the items on the receipt side of the abstract of accounts represent all the moneys that were received on behalf of the Town Commissioners for the period covered by that account?—They do.

72. Amongst the items on the expenditure side of the account, I see the sum of £3 paid to the caretaker of the shambles?—Yes; that was paid to a person for taking care of the shambles.

73. What are the shambles?—A place for the sale of meat.

74. Are they the property of the Town Commissioners?—Yes; they are the property of the Town Commissioners.

75. Do the Commissioners receive any rent for the shambles?—They do.

76. Where does it appear in the account?—It appears in this abstract under the head of rents.

77. What amount do they bring? Is it a fixed rent?—Part of it is a fixed rent; but the rest varies according to the number of stalls that are let.

78. Have you got anything in the way of a rental of it?—No; Mr. Caraher, the present solicitor, says he never got a rental from the previous solicitor.

79. Who was the previous solicitor?—Mr. Cantwell.

80. What is the average amount of the receipts from the shambles—how much in the year generally?—I may say from £7 to £8. It was £7 5*s.* for the last two years, and £8 the year before.

81. Do the Commissioners pay any rent for these shambles?—They do.

82. How much?—£9 4*s.* 7*d.*

83. To Sir Oriel Foster?—Yes.

84. In fact, they pay more for the shambles than they receive from it?—They do. They pay the rent to Colonel Sir Oriel Foster at present.

85. Do they pay it out of the rates?—They do.

86. Are you able to state how the Commissioners hold the shambles?—I am not; they seem to have held it for a very long time, and have been paying the rent for I do not know how many years.

87. Are there any other public markets in the town?—Yes; there is a market-house.

88. Does that market-house contain accommodation for the sale of meat?—The shambles are for the sale of meat.

89. Does the market-house contain accommodation

for persons selling corn, potatoes, turnips, and so on?—Yes.

90. Do the Commissioners derive any revenue from that market-house?—They let the weighing-machine and scales, for which they have got £10 for the last two years.

91. I suppose the people who bring in produce to be sold pay for having it weighed?—Yes.

92. And the Commissioners receive £10 a year from the person to whom they let the right to receive dues or fees?—Yes.

93. Do the people using the market-house pay any other charge?—Nothing, except for weighing and sometimes for storage.

94. Is the right to receive what is paid for storage also let?—Yes.

95. Does that £10 a year represent the entire receipts of the Commissioners from the market-house?—Yes.

96. What is the name of the person to whom the letting is made?—William Wade.

97. Is he a Town Commissioner?—No; he is not.

98. Is it leased by deed?—No; it is just a contract from year to year.

99. Is it in writing?—It is.

100. Was it prepared under the advice of your solicitor?—No; it was not. It was simply a tender from Mr. Wade which was accepted by the Town Commissioners.

101. Do you happen to have it here?—Yes. (Reads contract)—

"William S. Wade's contract for the use of the market-house, weighing-machine, and scales for one year, from the 1st November, 1875, for the sum of £10 sterling, was accepted on the following conditions:—That he be accountable for any damage the premises may sustain while in his possession, &c.

102. Has Mr. Wade complied with the conditions of the letting?—I think he has.

103. Has there been any complaint of his non-compliance with the conditions?—I think there was, but there was no cause for complaint afterwards. I did not hear of a second complaint.

104. What was the nature of the complaint?—It was that his little daughter used to weigh the goods instead of himself; she used to be weighing when he was absent.

105. I see that one of the conditions is, that as much as possible and so far as practicable, Mr. Wade is to be present at the weighing?—Yes.

106. Were those the only complaints made?—Those were the only complaints so far as I am aware.

107. Are the £10 from Mr. Wade included in the item of £75 8*s.* 5*d.*?—Yes; they are under that head.

108. Are the rents from the shambles also included in it?—Yes.

109. Do the Commissioners pay any rent for the market-place?—They do.

110. How much?—£9 8*s.* 4*d.*

111. What is that £26 9*s.* 1*d.* for which they take credit for having paid?—It is one and a half year's rent for Erasmus Smith's school.

112. For what property do they pay that amount?—They do not pay it for any property; they pay it to the Governors of Erasmus Smith's school for purposes of education.

113. By what right is it paid to the Governors?—The old Corporation seem to have given them this grant, and the present Commissioners are bound to pay it for that reason.

114. By the old Corporation do you mean the Corporation previous to 1840?—Yes.

115. Have you got a copy of the last year's receipt from the Governors of Erasmus Smith's schools?—I have. (Receipt produced.)

116. £26 9*s.* 1*d.* is charged for one and a half year's rent in the last account audited by Mr. Collot?—Yes.

117. A rentcharge of £18 9*s.* 3*d.* has been paid by the Commissioners for the year ending 1st November, 1875, and you produce the receipt for it?—Yes.

118. What is this quit-rent £1 8*s.* 11*d.* payable in respect of?—Some property of the Commissioners. I am not exactly sure for what property. It is paid to Mr. Hamilton, the collector of quit-rents.

119. Up to what date is it paid? It was paid in October, 1876.

120. I perceive by the written answers which you sent to us in Dublin, that the Commissioners cause the streets of the town to be watered?—Yes.

121. There is an item here on the expenditure side of your account—interest charged by the treasurer £3 5*s.*?—Yes; that is interest for an overdraft on the bank.

122. Was Mr. Collot's attention called to it?—Yes.

123. He does not seem to have taken any notice of it?—He did so the year previous; at all events, in future that charge will be done away with.

124. Will you just look to the expenditure side of your account. Were the rents and rates received by the Commissioners for the year ending 30th April, 1876, applied in the manner mentioned in that expenditure side of your account?—They were.

125. I want you to tell me something about this property of the Commissioners. The Commissioners are the owners or proprietors of some lands?—They are. They have them for a long time.

126. Where are they situated in the first place?—In the town—in and around the town.

127. Does the property consist of houses or lands?—They are all lands. I do not think there are any houses.

128. Have you got a rental of the property?—No; there is no rental.

129. Have you received the rents?—Yes; we receive them.

130. From whom do you receive them?—From Mr. William Ruxton, Mr. R. J. Montgomery, Lord Carlingford, and Dr. Banks.

131. Does Dr. Banks reside here?—No; he lives in Dublin. The dispensary committee pay us 5*s.* a year.

132. Is there anyone else?—No; those are all.

133. How much does Mr. Ruxton pay?—£24 3*s.* 1*d.*

134. And Mr. Montgomery?—£18 17*s.* 4*d.*

135. And Lord Carlingford?—£15 19*s.* 3*d.*

136. And Dr. Banks?—£2 13*s.* 1*d.*

137. Are those all the rents which the Town Commissioners receive except those from the shambles and the markets?—Yes.

138. The total amount of those are £61 12*s.* 9*d.*?—Yes.

139. Do you know how Mr. Ruxton is liable to pay that rent to the Town Commissioners; has it been paid by the Ruxton family for a long time?—Yes; I do not know why or for what he pays it.

140. Are Mr. Montgomery and Lord Carlingford in the same circumstances?—Yes; they are.

141. Is it the case that the Town Commissioners are entitled to these rents only, and not to the lands out of which, or in respect of which they are paid? Have the lands, or any of them ever fallen out of lease?—I think they will never fall out of lease; they are leased for ever.

142. Then are these rents all in the nature of head rents?—Yes.

143. Are the rents paid annually by these people?—They are.

144. Or half-yearly?—Some of them used to be collected yearly, and some of them half-yearly.

145. How much has been collected since this last account was passed?—I find that those are paid up to the 1st November last, with the exception of Dr. Banks's rent. There is also a half-year due by Mr. Montgomery.

146. How are the rents of the shambles paid?—They are paid yearly.

147. And is the rent of the market-house also paid yearly?—It is supposed to be paid half-yearly.

148. Is it paid half-yearly?—It is not.

149. How much of it is now due?—There is one year due up to the 1st November last.

ARDEE.
March 12, 1877.

Mr. John F. Ekins.

150. Why do not the Commissioners take steps to have it caused to be paid?—The matter is now in the hands of the Town Commissioners' solicitor. The solicitor has communicated with the tenant, and he has replied, so that is now between them alone. It is distinctly stated in the agreement that the rent is to be paid half-yearly.

151. I see here that the Commissioners pay salaries to two persons, yourself and the caretaker of the shambles?—Yes, and there is another person paid for winding the clock.

152. Is that by way of salary?—Yes; it is paid from year to year.

153. It is £2 12*s.* a year?—Yes.

154. Are all the streets of the town under the care of the contractors of the Grand Jury?—They are.

155. Is any scavenging done by the Town Commissioners independently of that done by the Grand Jury?—None, except sweeping the footpaths.

156. Is that done by them?—Yes; by the Town Commissioners.

157. I see here from one of your answers to the queries sent to you that the Town Commissioners undertake the paving and watering of the street, and cleansing of the footpaths; do they in fact expend any money for these purposes?—They got a grant from the Grand Jury for that purpose this year. It won't go into the account, because they got it from the Grand Jury.

158. It should go into the account. What amount did they get from the Grand Jury?—I think it was £110, but I am not quite sure.

159. What was it given for?—For repairing the kerb stones, and gravelling the lanes.

160. What was the amount of the two levies of county cess for last year?—About 9*d.* in the pound for each levy.

161. What was the rate of the spring levy?—8*d.* in the pound.

162. What was it for the summer?—9*d.* in the pound, making 1*d.* and 5*d.* for the year.

163. What was the valuation of the property upon which that county cess was levied?—£4,706 15*s.*

164. How is that? The Town Commissioners in their answer to the question No. 8, sent by us, describe the valuation as being £2,642 5*s.*, is not that correct?—No, the valuation of the lands is £2,642 5*s.*, and of the houses £2,064 10*s.*, making the total valuation of houses and lands £4,706 15*s.*

165. Do you assess a rate of 1*s.* on £2,064 10*s.*, and of 3*d.* on £2,642 5*s.* the valuation of the land?—Yes.

166. Do those two valuations comprise all the property within the municipal limits?—I believe it does.

167. Is this town supplied with main sewers through the streets?—It is not; and main sewerage is greatly wanted.

168. Have the Grand Jury of Louth done anything in the way of providing main sewerage?—They have not, though they were applied to.

169. I perceive the Town Commissioners are not the urban sanitary authority here, the population of the town being under 6,000?—Yes.

170. Have the Poor Law Guardians as the rural sanitary authority been applied to, to do any work in the way of making main drainage in this town?—They have not.

171. Do the Town Commissioners provide any public water supply for the town?—Yes, there are seven public pumps.

172. Were they provided by the Town Commissioners?—Yes, but they are now in the hands of the Board of Guardians as the sanitary authority.

173. I see that in your answers to the queries sent you respecting the property of the Town Commissioners, you describe it as property consisting partly of lands which were held by a charter; now it appears from your reply to my questions to-day that the property consists of head rents, payable by persons who hold the property under leases for ever?—Yes.

174. Your description would have been more correct if you had said they were simply head rents, paid by those four or five people you have named?—Yes, it would.

Mr. Peter Hickey.

Mr. PETER HICKEY examined.

175. Mr. LAWLESS.—Are you a Town Commissioner?—Yes.

176. You wish to make some statement, I believe?—Yes; I wish to make a few remarks with regard to the sanitary state of the town. The drainage is very defective; in fact, I may say there is no main drainage. The town pays upwards of £300 a year in county cess, and a few years ago—four or five I should say—we got plans and specifications for improving the drainage drawn up by Mr. Neville, the county surveyor, and made an application at the presentment sessions.

177. How much does the town contribute to the county according to your calculation?—Upwards of £300 to the county cess. The application, as I said, was made at the presentment sessions, but it was rejected by the associated cesspayers. The matter remains in that condition up to the present time.

178. How long ago is it since that application was made?—About four or five years ago.

179. Has anything been done since?—Nothing has been done since.

180. Is it your opinion that an improved system of drainage for the town is much wanted?—It is very much wanted. The fact is the back premises in the town cannot now be drained at all. The streets of the town look in very fair condition, but at the back there is no drainage at all, and so it is impossible to keep it drained. The overflow from the yards pours out into the streets, the yards being higher than the streets.

181. That, of course, is injurious to the public health?—It must be so, decidedly. The nuisance arising from the yards in the summer time is really frightful, and all because of the want of one good main drain. It would be easy enough to drain the town by carrying the sewage down to either side of the town—either to the north or south.

182. When you got the plan and specification made by Mr. Neville, the county surveyor for the county, was it his opinion that the town could be easily drained?—I think it was.

183. Did Mr. Neville give you an estimate of the probable expense of the plan of drainage?—I do not think he did.

184. Have any of the Town Commissioners ever made an estimate of the probable expense?—I do not think they ever did. What was wanted at the presentment sessions was an instalment of the probable expense at the first sessions, and something more afterwards. I think an application was sent in for £1,000.

185. That was the sum you applied for?—Yes.

186. Was it your opinion that the proposed drainage would cost more than that amount?—It was Mr. Neville's opinion that it would cost a good deal more. The Commissioners subscribed and paid him the cost of the plan and specification out of their own pockets.

187. Do the Board of Guardians do anything in the way of sanitary work in the town—anything whatever? Have they appointed no sanitary officer for acting in the town?—I believe they have; but it is the general opinion that everything connected with the sanitary arrangements in the town would be better under the control of the Town Commissioners than any Board of Guardians.

188. Have the sanitary officers ever taken any steps to cause to be removed any nuisance existing in the town from want of drainage? You spoke just now of the overflow from the back premises in the town going into the streets; that, of course, is a nuisance?—It is.

189. Has the sanitary officer appointed by the Board of Guardians served notices on the people requiring the abatement of that nuisance?—No, except in one case, that of the water coming from the steeping of the malt.

190. Is that the only instance?—That is the only one.

191. Does it ever happen that the people have collections of filth too near their doors?—The officer appointed by the Town Commissioners used to compel them to take it away.

192. What officers are there?—There is none since the Board of Guardians became the sanitary authority; there was formerly an officer called the inspector of nuisances, who was appointed by the Commissioners.

193. There is no such officer now?—No.

194. What I want to know is, do the officers appointed by the Board of Guardians in the discharge of their duty require people to remove any nuisance that may happen to exist in the town?—In some cases persons were brought before the magistrate and fined for having nuisances.

195. So that the officers of the Board of Guardians really do something, but it is your opinion that this sanitary work would be better done under the care of the Town Commissioners?—Decidedly.

196. Does sickness prevail much in the town?—No, not much.

197. Perhaps you may be able to tell me if there are any fairs held in the town of Ardee?—Yes; there are thirteen fairs in the year.

198. Are they held in the streets of the town?—No, in the fair-green.

199. Is the fair-green situated outside the town?—Yes; just immediately outside; at the north end of the town.

Mr. WILLIAM GURRELL examined.

200. Mr. LAWLESS.—You also wish to give evidence with respect to the sanitary condition of some portion of the town of Ardee?—I wish to draw your attention to the state of College-lane; there is a nuisance there, and a very great want of drainage.

201. Is there no drainage there?—There is not; and there are never any repairs done there; the place is in a fearful condition.

202. Do you live in College-lane?—I do.

203. Do you experience any inconvenience from the state of things which you describe as existing?—I do; I cannot bring a car or cart of any sort into the lane.

204. Why?—Because of the want of repairs; it is completely broken up, and it has never been repaired.

205. Do you mean to say that the contractor for the Grand Jury never does anything to that place?—I do, indeed; he never does anything there.

206. I also understand you to say that it is in a very bad state for want of drainage?—Yes; there is a large accumulation of nuisance out in the very centre of the street, so that it is absolutely impossible to pass through it. The condition of the place at the present moment is quite sufficient to create a plague. As I said, it would be impossible for you to walk up and down the lane.

207. Do you think there is any other lane in the town in so bad a condition as this one?—I think not. I applied to the Commissioners with reference to this matter.

208. What answer did you get to your application from the Town Commissioners?—I got no answer at all.

209. How did you apply to the Commissioners? Was it by a message, or in writing?—It was by letter. I wrote three different times to them on the subject, but I got no answer.

210. When did you last apply?—I wrote to the Board of Guardians about two months ago, I think.

211. And you got no answer from the Board of Guardians to your communication?—I got no answer.

212. What did you write to them?—I wrote about the unsanitary state of College-lane.

213. As being in the state you have described here to-day?—Yes; I described the fearful state of it in my letter.

214. You say you wrote to the Board of Guardians. Did you write to the Board as a body, or to one of its officers?—To the Board as a body.

215. *Town Clerk.*—I got a notice from the Board of Guardians directing the Town Commissioners to sweep that lane, as it was their duty to do so.

Witness.—I also wrote to the Local Government Board on this subject, and got a reply to my communication.

216. Mr. LAWLESS (to *Witness*).—Have you got that reply of the Local Government Board?—No, I have not.

217. You wrote to Mr. Banks, the secretary, I suppose?—Yes.

218. What was the nature of your complaint?—I complained of the condition of College-lane, and that no steps were taken to improve it. The inhabitants of the place signed a memorial to the Local Government Board.

219. What answer to your complaint did you get from the Local Government Board?—They informed me that they had sent a copy of my complaint to the Poor Law Guardians.

220. That was the only answer you got from the Local Government Board?—That was all.

221. Have you had any communication from the Poor Law Guardians on the subject since then?—No, none.

222. Do you know whether or not the Poor Law Guardians have taken any steps in consequence of that communication from the Local Government Board?—No; I cannot say that they have.

223. Mr. LAWLESS (to the *Town Clerk*).—Did you, as town clerk, receive any communication from the Poor Law Guardians with regard to College-lane?—I got a notice from them on Saturday last.

224. On Saturday last, the 10th March?—Yes. (Hands in notice received from the Board of Guardians.)

225. Mr. LAWLESS reads communication from the Board of Guardians, dated the 9th March, 1877:—

"To Mr. Ekins, Town Clerk.

"SIR,—I am directed by the Board of Guardians of the above union to inform you, for the information of the Commissioners, that a communication has been received, signed by Mr. William Gurrell and other inhabitants of the town of Ardee, complaining of the sanitary condition of a portion of the town, and I am to call the Commissioners' particular attention to the inclosed copy of a resolution passed by the Board of Guardians at their meeting on the 6th instant; and the resolution of the Board of Guardians referred to in that communication is as follows:—'The Board of Guardians wish to call the attention of the Town Commissioners of Ardee to the filthy state of the streets, and particularly to College-lane, and to request that they may have them swept three times weekly.'

"By order of the Board,

"MICHAEL CARAHER."

226. Have the Town Commissioners done anything, or ordered anything to be done, in consequence of this communication from the Board of Guardians?—No, they have not had time yet.

227. Do they intend to do anything in consequence of it?—They will have a meeting on the first Thursday of the next month, and I think they will get it swept.

228. Mr. LAWLESS (to *Witness*).—Would sweeping this place three times a week do satisfactorily what you want?—No, it would not; the place wants to be repaired generally; it has never been repaired—not this last twenty-five years.

229. Would sweeping it three times a week bring it into a proper sanitary condition?—Yes, it would bring one portion of it into proper sanitary condition, but the place wants to be well gravelled.

ARDEE.
March 12, 1877.

Mr. Peter Markey.

Mr. PETER MARKEY examined.

230. Mr. LAWLESS.—Are you one of the Town Commissioners?—Yes; and I am the manager of the Hibernian Bank here. There is a lane close to the bank called Lamb's-lane. I have often had occasion to pass through it in the summer, and I have always been struck with the very filthy state in which I saw it. During very hot weather in summer, I have seen stagnant cesspools just before the doors of the houses in that lane, I suppose not more than six or seven yards from the doors. The cesspools were stagnant, for I have noticed that the water was quite green-coloured.

231. What sort of houses are they in that lane?—They are wretched cabins. I think they are not provided with reres of any kind, and on the opposite side is a ditch, which I have seen filled up with dirty mud—a kind of greenish-looking mud; there is no vent for it, and it cannot flow away.

232. Do you know College-lane?—Yes; I just wish to supplement what Mr. Gurrell said with regard to the condition of that place. I remember that on one occasion I wished to make a short cut and attempted to pass through College-lane, but I could not manage it and had to go back the way I came.

233. Do you mean that you could not pass through it on account of its filth?—Yes; in fact, I may say that it is a common privy—a regular nuisance. That was the only time I ever attempted to go through it. When the wind is blowing from the east, I get the full benefit of the smell from College-lane at the bank, and I can assure you, that on such occasions I dare not attempt to go into the yard at the rere of the bank for that reason. There is another matter to which I wish to refer. There is a small yard which adjoins the bank premises, and in it there are sometimes five or six pigs kept.

234. Is it near the house or houses to which the yard you refer to belongs?—There is a row of six houses just outside the yard at the rere of the bank, and in the yard of the first house of the row, which is a small yard (and the one I refer to), a lot of pigs are always kept. The place is kept in a very filthy state, and I should say it is the duty of the sanitary officer of the Board of Guardians to look after it. I think that while, as at present, the houses are built without proper rere accommodation, the town can never be kept as it ought. It is utterly impossible that it could be.

Mr. Patrick Magee.

Mr. PATRICK MAGEE examined.

235. Mr. LAWLESS.—Are you a ratepayer or a Town Commissioner?—I am a ratepayer; I think that what has been said might be applied to every lane in the town, and I think the state of things at present existing, in a sanitary point of view, cannot be remedied without a system of main sewerage. I wish to call your attention to the low overcrowded lodging-houses in the town.

236. Are there such lodging-houses here?—There are many of them to my own knowledge, and there appears to be no person to take any notice of the fact.

237. Are the lodging-houses here registered?—They do not appear to be registered.

238. Do you say that no one looks after them?—No one, so far as I am aware.

239. I suppose if any one has been appointed to look after them, the town clerk can tell us of it.

Town Clerk.—No one has been appointed for that purpose.

Mr. James Carigan.

Mr. JAMES CARIGAN examined.

240. Mr. LAWLESS.—What are you?—I am the sub-sanitary officer of the Board of Guardians, under the Public Health (Ireland) Act.

241. Do they pay you any salary?—Yes.

242. How much?—£10 a year.

243. Do you do anything for it?—I go round the town and inspect different places; since I became sub-sanitary officer of the union, I have made reports every week.

244. Do you make reports to the sanitary officer?—Yes.

245. Who is the sanitary officer?—Dr. Moore, the dispensary doctor.

246. How often do you go about the town to inspect its sanitary condition?—I go round twice every week, and I attend the meeting of the Board of Guardians every Tuesday.

247. Did you ever report the condition of College-lane?—Yes. I served a fourteen days' notice on the Town Commissioners, and there was no attention paid to it.

248. You did report the condition of College-lane?—Yes; I did.

249. When did you do so?—In the month of October last.

250. You got some directions I presume from the Board of Guardians?—I got an order from the Guardians to serve a fourteen days' notice on the Town Commissioners to clean out College-lane, and to see after the condition of the lanes of the town generally. There is nothing in that way done by the Town Commissioners.

251. Do you know anything about the state of the poorer class of houses in the town?—Yes.

252. You say it is the duty of the Town Commissioners to clean the lanes?—Yes; according to Mr. Collot's report the Commissioners are bound to clean them.

253. Are the people occupying the poorer class of houses in the town in the habit of keeping cattle or pigs in their houses?—Some of them do, because they have no back doors to their dwellings.

254. Do you report such cases to Dr. Moore?—Yes; and I have sometimes brought the people before the bench, and the magistrates has fined them for keeping animals in their houses. This place called College-lane is in a most fearful state.

255. Do you think it is as bad as Mr. Gurrell described it?—It is worse; no human being could walk in it.

Town Clerk.—The Commissioners were served with a notice in November last, and they paid 10*s.* or 12*s.* at the time to get the nuisance complained of abated. (Hands in notice.) Before I paid the money for cleaning I got a certificate from the sub-sanitary officer saying that the nuisance was abated.

256. Mr. LAWLESS.—I'll just read this notice. (Reads):—

"County of Louth. To John Ekins, Town Clerk to the Town Commissioners of Ardee, and to the owner and occupier, as the case may be. The Guardians of Ardee Union acting as the rural sanitary authority, having ascertained that a nuisance exists in or upon a house or premises at the borough of Ardee—'that is to say, sweep the lanes and the water tables in the town, and along the channels of the town,' to have them swept, so as to remove the nuisance complained of by Mr. Moore, so as to be as a nuisance injurious to health; now take notice that you are hereby required to remove or abate the same, and for that purpose to do all such acts as may be necessary within fourteen days, otherwise proceedings will be taken against you by the sanitary authority without further

notice, under the provisions of the 29 and 30 Vic., chap. 90, and the 37 and 38 Vic., chap. 93, and the several Acts incorporated therewith, for the abatement and removal of such nuisances, and to enforce the provisions of the said Acts against you, and for the recovery of penalties thereby imposed in the event of your refusing or neglecting to comply with the terms of this notice.

"Dated this 7th day of November, 1876.

"Signed, JAMES REATH,
"Executive Sanitary Officer."

That notice was, I believe, served upon the Commissioners through their clerk, and I understand that he had to pay a sum of money for carrying out the work referred to in that notice. I also find this certificate, dated the 25th November :—

"I hereby certify that the nuisance complained of by the Board of Guardians, and which was complained of by Dr. Moore, is abated now, until they complain again about it.

"Signed, JAMES CARIGAN,
"Sub-Sanitary Officer."

Does not College-lane continue in the same filthy state still?—Yes.

257. And while the Board of Guardians and the Town Commissioners are discussing who is responsible for it, the poor people living in this place are half poisoned?—Yes.

Mr. THOMAS DOLAN examined.

258. Mr. LAWLESS.—Are you a Town Commissioner?—Yes. I merely wish to say that I agree with what was said by Mr. Hickey and Mr. Markey, with regard to the sanitary state of the town. I wish also to say that pigs are kept in some houses in this town, in which there are back-doors.

259. Mr. *Carigan.*—You have a tenant yourself who does it.

Witness.—Yes; but you never served a notice on her. She has back premises attached to the house, but she will not keep the pig outside the dwelling-house.

260. Mr. LAWLESS (to *Witness*).—You have a tenant who keeps a pig in her house, and the sub-sanitary officer is aware of it?—Yes.

261. Yet he never served any notice to remove the pig?—I never heard of any notice having been served. I do not know how the condition of College-lane could be improved; there are a great many houses in the lane that have no back-doors. I may certainly say, as a Town Commissioner, that we were not very anxious about the sweeping, because we thought it was the duty of the Guardians to do it. In fact, I think that Carigan did get it done.

Mr. *Carigan.*—Yes; but the auditor would not allow the charge for doing it, and the Guardians had to pay the cost themselves.

262. Mr. LAWLESS (to *Witness*).—Do you think that the sanitary duties are properly discharged by the Board of Guardians?—No; I think not. The Guardians are all country people, and feel no interest in the welfare of the town. They do not see the back-lanes at all. When they do come into the town, they merely drive up the principal streets; they cannot feel the same interest in the matter that we would. In one case the water was running out from the houses into the road. A person interested asked us to do the work that was necessary to set matters right. We referred him to the Guardians, and the Guardians referred him back to us, and so the matter was in dispute. That was the case of the malting-house. The Guardians eventually said that they would do it; and the proprietor of the malting-house paid one-half of the expense, and the Guardians paid the other half. Improved drainage would be the only remedy for the state of things at present existing in the town, and it is a matter of very great importance that it should be done.

263. Have the Commissioners consulted their solicitor about this question of responsibility between them and the Board of Guardians?—I believe not.

264. Would it not be a very desirable thing that you should know what your duties are?—Yes; of course we could not attempt the main drainage scheme, that is beyond our power; but I believe the Guardians levy a rate for that purpose.

Mr. *Peter Halpenny* was examined, and said he desired to add his testimony to that of the other witness with reference to the filthy state of College-lane, and of the town of Ardee generally.

KELLS.—MARCH 16, 1877.

(Before Mr. CORBETT, Chairman.)

Mr. JOHN NORRIS examined.

1. You are, I believe, the town clerk?—I am.

2. When were you appointed?—About a year and a half ago—on the 6th of September, 1875.

3. Was that immediately after the late clerk had been suspended?—Just at that time.

4. How long was the late clerk in office?—I think about four years.

5. Were you not clerk before the last clerk had been appointed?—Yes.

6. I understand the last clerk left owing a great deal of money?—Yes; money that he did not account for.

7. What was the name of the late clerk?—Bernard Commiskey.

8. Did the auditor at the last audit certify that there was then a sum of £128 18*s.* 5*d.* in Bernard Commiskey's hands?—Yes.

9. That was on one account, and was not there £21 3*s.* 0½*d.* on another, making £150 1*s.* 5½*d.*?—Yes.

10. Has any of that money been paid since?—No, it is still outstanding.

11. Had the late town clerk any sureties?—He had not.

12. Do you mean to say that the man who collected your rents had no sureties?—He had no sureties.

13. Did he give a bond?—No, there was no bond.

14. Do you give a bond?—I do.

15. In how much?—£300 is all the Commissioners asked.

16. But the late clerk gave no bond?—The late clerk gave no bond, and was never asked to do so until the Commissioners believed there was a deficiency, and then he tried to get sureties, but failed. No portion of the £150 has been paid since.

17. Is there any hope of getting this money from his friends in the town?—No hope at all.

18. Is he still in the town?—He is still in the town.

19. Are there no assets?—No assets. The amount was cancelled by the Commissioners at the last meeting as a bad debt.

20. The auditor has power to make a certificate that so much was found due by him, and to take steps for the recovery of the amount. I want to know did the auditor do that?—He made a certificate that the amount was due, and left it to the Commissioners to take proceedings for its recovery, or cancel the debt.

21. Then no proceedings were taken?—No.

22. And at the last meeting was it cancelled as a bad debt?—Yes.

23. Have you any resolution on your books to that effect?—We have. Here it is—

"Moved by Samuel M. Kellett, seconded by James Brady, and resolved, that the defalcations of our late clerk, Bernard Commiskey, amounting to £150 1*s.* 5½*d.*, be now cancelled."

24. What is the date of that resolution?—The 5th of March, 1877.

25. That was passed about a week ago then?—Yes, about that.

26. Was it when the auditor was last here that he left it to the Commissioners to take either of the two courses you have mentioned?—In November, I think.

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27. The Commissioners have been a long time in deciding, then, what to do. I see there was a list of other bad debts on the same day moved to be cancelled. What were these?—Debts that could not be recovered.

28. What were they?—Rents of borough lands under crops—potatoes and grazing.

29. Were they old arrears?—Yes, old arrears.

30. They are not very large in amount, I see—£17 14*s.* 10*d.* altogether. Mary Irwin's is the largest amount in the list—£4 10*s.* Is that an old debt?—It is an old debt, three years going on for grazing.

31. What is the state of your rental now? Have you now wiped off, either by collecting or by cancelling them, all the old arrears?—Yes; either by collecting or cancelling them.

32. Have you got the rental here to show the state of it?—Yes. (Produced.) That would be the rent this year, £1,157 15*s.* 1*d.*

33. What I want to see is what is the amount which the land brings in—what was the amount last collected, and what is the amount still outstanding?—I did not make the accounts up yet to the present date.

34. I have got from you already a list of holdings that constitute a small portion of the Commissioners' property?—Yes; from small farms.

35. What is the acreage of your landed property? Is it 312 Irish acres?—Yes; that is over 500 statute acres.

36. Of that I understand from this return in your statement that only four small holdings are let on lease?—Yes; that is all, and one or two of those are not on lease; they are tenements from year to year.

37. There are eight acres to Lord Headfort at £16 on a lease for seventy-five years?—Yes.

38. Can you tell the date of that lease?—I think it is about 1855.

39. Griffiths' Valuation of that is ten guineas?—Yes, that is correct.

40. Then there are 8A. 2R. 20P. Irish plantation measure let to Cornelius Gavin at £17 7*s.* a year, on a lease of thirty-one years?—Yes.

41. When was this land let to him on lease?—In the year 1865.

42. I see that is let a little below Griffiths' Valuation, which is £18 a year. I want to know the circumstances under which it was let to him?—Before it was let under lease he had it for nothing as payment of his salary as "herd" or caretaker of the land.

43. Do you mean that instead of paying him a salary he got this land from the Commissioners gratis?—He did.

44. Were you town clerk at that time?—No; I was not.

45. You only know this from what you heard then?—Only from what I heard. But I know it is a fact, though, that he held it in lieu of a salary.

46. Then in 1865 you say Cornelius Gavin got a lease for thirty-one years at a rent of £17 7*s.*?—Yes.

47. Were any tenders invited for that land when it was let to him on lease?—No; for it was in his own possession.

48. Do you know whether there was any public notice given that he was to be accepted as tenant?—I don't know.

49. These appear to be the only two leases?—The only two.

50. Are they the only two leases outstanding at all?—The only two outstanding at all.

51. Does not Mary M'Cann hold 5A. 1R. 5P. at a rent of £5 6*s.* 3*d.*?—Yes.

52. What tenure does she hold by? Is it as a yearly tenant?—I think it is as a yearly tenant; there is no lease anyway.

53. Was it by a resolution of the Commissioners that that land was granted to her?—I could not tell.

54. Or whether there was any competition?—I could not tell.

55. Is it the fact that she is the mother-in-law of Cornelius Gavin the herd?—Yes, she is.

56. Do they live together?—No.

57. Does he occupy the land or does she?—Cornelius Gavin does occupy the land.

58. Has he any beneficial interest in it?—I don't know.

59. When you say that he occupies the land do you mean that he farms it for her, or is it surrendered by her to him?—I think he manages it for her.

60. Where do the crops go to?—I could not tell.

61. Were these five acres and a quarter ever valued according to Griffith's Valuation at £4 10*s.*?—Yes; that is the valuation.

62. And she pays 16*s.* more. I suppose, like other places in Ireland, Griffith's Valuation is below the letting value here?—It is below the letting value.

63. I mean if this land had been put up to public competition, have you any doubt that more than £5 16*s.* 3*d.* could be got for it, or probably nearly double that rent?—I believe it could. It is good land now, but it was not before.

64. What kind of land was it in 1865, when it was let to her?—I believe not nearly so good as it is now.

65. The Commissioners' land produces between £3 and £4 an acre on an average, I believe?—Yes, from £3 6*s.* 10*d.* an acre.

66. And is the average of the rental for the whole of these "Commons of Loyd" about £1,200 a year, or nearly £4 an Irish acre?—Yes.

67. And here are five acres at £5 6*s.* 3*d.* a year. That does not look quite right, you know. Is her land better or worse land than Lord Headfort's?—I think it is worse. Hers is a wet land, and Lord Headfort's is a dry kind of land. It was given to him for a plantation, and he was to give the Commissioners a field in another part of the town as well.

68. Lord Headfort pays £2 an acre for that, which is below the average, but it is nearly double what she pays. Here is Jane Crossley too, who holds 2A. 1R. 30P. Does she pay £5 a year for that?—Yes.

69. Is hers a yearly tenancy?—It is.

70. When was that land let to her?—I don't know. It is a very old letting, made a long time ago. Her husband was one of the old freemen.

71. And is she the widow of that old freeman?—Yes.

72. Had he the land at a nominal rent before?—Yes.

73. And after the Town Commissioners were appointed did they put a rent of £5 per year on it?—Yes.

74. And then was his widow allowed to hold on at that rent by the Commissioners when they came into existence?—Yes, that is it.

75. Does she now pay £2 an acre?—Yes.

76. It appears to be let under value, though much higher than that held by the herd's mother-in-law, and that only accounts for not quite twenty-five acres out of the 312. Are there any other yearly tenancies besides these?—That is all we have. After Lord Headfort had his plantation down the Commissioners were going to take the ground from him because he refused to give them the field in the vicinity of the town for a hay yard and dung yard, and a resolution was passed to that effect.

77. I thought you said Lord Headfort had a lease. Is there no lease in existence or counterpart of the lease to Lord Headfort?—I am told there is not.

78. Are not you, as town clerk, the person who would have the custody of it if there was one?—Well, I made every inquiry as to the eight acres, and I am told there is no lease for it.

79. Have you got a counterpart of the lease to the herd or caretaker?—I have.

80. Who is your law agent?—Mr. Lynch, a solicitor living in the town.

81. Did you ever ask him if there was any lease to Lord Headfort?—I never asked him.

82. I want to ascertain, as a matter of fact, whether there is a lease to Lord Headfort of this land, and if there is, whether there is any lease from him to you granting this hay and dung yard to you or other lands?—We have a lease granting the Maudlin-street Gardens.

83. Were these Maudlin-street Gardens, of which you have a lease from Lord Headfort, granted to the Commissioners as part of the consideration for a lease of the eight acres to him?—Yes.

84. What is the term of the lease to the Commissioners for these Maudlin-street Gardens?—I think the lease is for ninety-nine years.

85. What rent do you pay to Lord Headfort for them?—£5 15*s.* a year.

86. What is the acreage of the Gardens?—I believe it is not more than half an acre.

87. Is it garden ground in the town?—It is garden ground. The gas company have more of it.

88. Is part of it let by the Commissioners to the gas company?—Yes.

89. At what rent?—£4 a year.

90. What do they do with the remainder of it?—The remainder of it is in three gardens, and one of these is given free to the Commissioners' steward. The other two are rented—one pays 8*s.* 5*d.* and the other 11*s.* a year, making 19*s.* 5*d.* for the two.

91. Then in point of fact you do not get as much rent for the whole as you pay?—All we get is £4 19*s.*

92. And don't you pay £5 15*s.* to Lord Headfort for the ground?—Yes, that is it.

93. You say the gas company hold half the land at £4 a year?—Yes.

94. How was the rent to them fixed?—It was fixed by lease.

95. Is it let on lease to them?—It is.

96. What is the term of the lease?—I don't know whether it is for seventy or ninety years.

97. Was it part of the understanding with the Marquess of Headfort that the gas company should get this ground?—It was; and if it was not set to the company he would charge double the rent for it.

98. Have you a dung-yard now from him besides?—Yes.

99. Does he give that accommodation free?—No; he charges for that.

100. Does it form part of the Maudlin-street plot?—I believe he gave the dung-yard and the Maudlin-street plot as a swop like for the holding in Lloyds.

101. Is the £5 15*s.* paid for the dung-yard and the Maudlin-street plot alone, or for the Maudlin-street plot only. What rent do you pay altogether?—£7 15*s.* every half year.

102. That is £15 10*s.* a year. Of that sum do you pay £5 15*s.* for the Maudlin-street plot, and £9 15*s.* for the dung-yard?—We pay about £5 for the Maudlin-street plot.

103. Have you not told me already you pay £5 15*s.*?—Well, £5 15*s.*, and the remainder for the dung-yard.

104. What is the extent of the dung-yard?—1A. 2R. 15P. It is outside the town.

105. Do you pay Lord Headfort within £2 10*s.* of what you receive from him?—We do.

106. And for the eight acres he has from you do you get only about two acres from him?—Yes; last year the dung-yard was set for £20.

107. By whom was it set for £20?—The Commissioners authorized their auctioneer to set it for them.

108. Did you not get that ground to deposit the dung in?—Yes; but there was a portion of it not required for that.

109. Did the Commissioners then set that portion at £20 a year?—Yes. Before Mr. Connor had it the Commissioners used to keep it in their own possession, and set the after-grass. Farrell Tully, I think, was the last who had the after-grass, and I think that it was £2 he paid for it. He was a Commissioner, and it did not go to competition.

110. Do you say Farrell Tully was a Commissioner, and that the other Commissioners let the after-grass to him?—They did.

111. At £2?—Well, I am not sure about that; but I think it was £2.

112. How long ago is that?—I think it is about five years ago.

113. Have any of the Commissioners derived a personal profit out of the dung-yard, or the portion not used as a dung-yard, except in that instance?—Except in that instance, I am not aware.

114. How many years did Farrell Tully get it?—I think four or five years.

115. At that rate?—At that rate.

116. And what can you get for it now?—It is let now for £20 a year—such portion of it as is available for cropping.

117. Is it all pasture, or is it partly tillage?—They take meadowing off it in summer time, and in the winter they put cows to graze on it.

118. It is all pasture, then?—It is.

119. Is the after-grass worth about half the annual value?—Oh, no. There is but an acre and a half in it. What he got for his use, according to what Mr. Freeman says, was worth £4 10*s.*

120. Has any Commissioner had that piece of ground since, or derived any personal benefit from it?—No.

121. About how long is it since that arrangement ceased?—Three or four, or perhaps five years since. For the last three years it is let by competition.

122. And for last year you got £20?—We did.

123. How much did you get for the two preceding years?—Something about the same.

124. Is the rest of the Maudlin-street plot, of which half is held by the gas company, let according to arrangement made with Lord Headfort?—Yes.

125. The price was not, of course, part of the agreement, but is £4 a year a fair rent to pay for that land?—*Witness.*—For the gasworks?

126. Yes. Do you believe that that is as much as could be got for it from any other parties?—I believe £4 a fair rent. If the ground the gas company occupy was offered to public competition it might bring more money, but then the benefit the gas company is to the town has to be taken into consideration. The Commissioners consider that a fair arrangement.

127. You say the remaining half only brings in 19*s.* 5*d.* a year?—Yes; but there is one part with a cottage let to the steward in lieu of a salary.

128. What are the steward's duties?—To superintend the workmen.

129. Is he what is generally called the town surveyor?—No; I am the town surveyor.

130. What is he, then?—In the capacity of steward he superintends the workmen.

131. What workmen?—The Commissioners'—the street scavengers and men working on the land from time to time. For a few days past we have had no scavengers in the town. They are all out on the land clearing away the stones.

132. Has this steward £39 a year, paid weekly 15*s.* a week?—Yes.

133. Was it part of the agreement when he was engaged that he was to get a cottage and garden rent free?—Yes.

134. Can you find any minute to that effect on your books?—Yes, there is a minute to that effect.

135. When did the present steward come into office?—I think about four years ago he came in.

136. Is it the case that in 1872 this cottage and garden were let to Frank Smith, the steward, at a penny a week, and possession then given to him, but that he never paid that 4*s.* 4*d.* a year?—He has never paid it.

137. How long had Frank Smith been appointed steward at that time, and was it part of the original agreement, or was it a bonus given afterwards, that he was to get the cottage and garden?—He was not long steward when he made the proposal for the cottage and garden.

138. Was he steward in 1872?—He was steward at that time.

139. He appears, from this minute book, to have first got the cottage and then to have received 2*s.* 6*d.* a week additional a few months afterwards?—Yes.

140. In July, 1871, Frank Smith seems to have been employed at a salary of 10*s.* a week to look after

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nuisances in the town and to superintend the men working, and in January, 1872, he was granted this cottage and garden in pursuance of a resolution of the previous board day at a penny a week. Then in June, 1872, six months afterwards, his salary was increased 2*s.* 6*d.* a week, and it has been increased another half crown since, and he has 15*s.* a week now. It is quite clear that the letting of the land and cottage to him is not part of the original agreement?—I don't know what the house and garden he has would let for now, but I think it would bring more than he pays.

141. Would the cottage where he lives let for £7 a year?—I think it would, but I always thought it was in consideration of his being steward he got it.

142. But at all events the cottage and garden he has would readily let at £7 a year?—I think it would.

143. How much do the other two gardens produce?—19*s.* 5*d.* between them.

144. If they were put to public competition what would they bring, do you think?—I believe they would bring more.

145. Could you say how much more?—I could not say.

146. Are they worth from £1 to 30*s.* each if they were put to public competition?—I think they would bring that.

147. Are the people who hold them connected with the Commissioners?—They are. Two of those who are holding them are Commissioners.

148. And do they hold them at a rent of something like 10*s.* a year each?—Yes; one at 8*s.* and the other at 11*s.* There is another small portion there used as a shed—you could merely put a jaunting car into it.

149. Can you find any resolution on your books letting these gardens to the Commissioners?—There is a resolution letting them.

150. There were five gardens when the resolution was passed. How is it there are only three now? That was before it was let to the gas company, I suppose. Does Landy hold one now?—He does not.

151. Who holds Landy's Garden now?—Mr. Tully holds it.

152. He is a Commissioner?—He is.

153. Does O'Neill hold one now?—No; he is dead.

154. Is not No. 1 Garden held by Tully?—Yes.

155. At what rent?—8*s.* a year.

156. That is the same man, I suppose, who had the aftergrass?—Yes.

157. Is not Garden No. 2, which was held by O'Neill, who was a Commissioner, now held by Maguire? Were each of these persons Commissioners, and were they to pay originally 12*s.* a year each for them?—Yes.

158. What does Tully pay for Landy's garden?—8*s.* 5*d.*

159. And what does Maguire pay?—11*s.*

160. And both these gardens are worth from £1 to 30*s.* if put up to competition?—Mr. Freeman says they are, and I believe myself they are worth more than they are set for.

161. I want to know what has become of the garden Maguire had?—Another man named Maguire—his brother—has it now.

162. Then has he two gardens?—No; the first Maguire died, and the second man took up his garden.

163. Yes, but you say he got O'Neill's garden too. Do you know how many gardens there are?—Three.

164. Is not one held by Tully and another by Maguire?—Yes.

165. Are both of these gentlemen Commissioners?—Yes.

166. And is the other held by the widow of the late steward?—Yes.

167. For which no rent is received?—No rent.

168. Is there any other ground available for letting out where these gardens are—at the place called Maudlin-street?—No, there is not.

169. Is there no cottage or garden besides what you have mentioned?—There is a little cottage besides in the possession of Mr. William Govern.

170. Does he occupy the cottage?—No, he does not. It is not a cottage; it is only a car-house.

171. Does that stand in Maudlin-street?—Yes.

172. And is it let to a man in the town?—Yes.

173. Does he pay any rent for it?—He does not.

174. Is there any resolution on the books to let him have that place rent free?—I examined the books, and could find no entry at all.

175. Did you bring it under the notice of the Commissioners that he is in occupation of that place without paying any rent for it?—No; he is a townsman, living in the town.

176. But why has he got it?—I believe the Commissioners gave it to him.

177. Yes, but for what consideration? It is not their own property, and they cannot give away that which belongs to the inhabitants of the town. What is that cart-house worth?—It is not worth much. He first built it himself when he got leave from the Commissioners.

178. Did he get leave then to build it?—He did; and he covered it with felt.

179. How much land does it stand on?—About a perch.

180. What was it before—was it waste or garden ground?—I think it was waste before.

181. Now we will pass from these gardens. The great bulk of your land is about 287 acres, besides the small portion we have heard of at such great length already. I want to know now how that is dealt with?—The Commissioners set a portion for meadow land this year, and a portion for grazing, and the remainder for tillage.

182. How much of the land is in tillage?—There are 117½ acres in tillage.

183. That would leave about 170 in pasturage?—Well, then we have a good deal of it under meadow land. There are about sixty-five and a half acres under meadow land and the remainder under grazing.

184. That would be something over 100 acres in grazing?—Yes.

185. Am I to understand that that is let by auction every year?—It is. The meadow land is let by auction, and on the grazing land the cattle are taken in by the Commissioners and their herd.

186. They are let in hay?—Yes; the grass lands.

187. And I suppose the people pay so much a head for the cattle?—Yes.

188. Do the Commissioners advertise the terms on which cattle will be taken in?—No; but they advertise that they have land to let for grazing, and the people will come there the day when they take in the cattle, and the Commissioners will come and meet them and fix the price at which they will take the cattle in.

189. Is that thoroughly understood by everyone, and is it done openly so that there can be no favour in the matter and everyone can get cattle in on equal terms?—Well, no, for at one time the Commissioners had cattle on them, but everyone pays the same rate.

190. Is the notice advertised in the newspapers?—No; only by hand-bills through the town.

191. Do you believe you get the best value at the rate per head you take these cattle into ley, comparing yours with the neighbouring lands let in ley?—I think it is a very fair price for the cows and cattle they take in to graze. For instance, they put on £3 10*s.* one half year.

192. Do you think you get a fair price per head for all classes of cattle?—I do.

193. Are you clear that everybody pays at the same rate?—It greatly depends on the cattle put on the ground.

194. Of course there is a difference according to the age of the beast, but what I mean is, you do not charge one man a higher rate for a cow or other description of cattle, than you do another?—No.

195. Whether a Commissioner or not?—No.

196. Have the Commissioners themselves many grazing cattle on these lands?—Last year they had not many.

197. How many of the Commissioners had cattle on the land last year?—Well, I don't know of any—yes, there were two Commissioners last year.

198. Refer to the grazing list you have there and tell me the names of those who had cattle there?—Dr. Cahill had four head; Mr. Ffolliott, four head; John Torney, two calves; Robert Lean, two calves; John Hoye, five cattle; and Joseph Lowrey, Andrew Doyle—he was lately elected—and Gavin had cattle there. Gavin had a cow in it.

199. Then there are seven Commissioners and the herd who had cattle there?—They had.

200. Do you think it is a fair price that is charged?—I do. I think it's a fair price.

201. That is the way then you let these 100 acres of grazing land, by hand-bills, at so much per head for cattle, like any other ordinary ley? Had you also about sixty-five and a half acres of meadow land?—Yes.

202. How is that let?—By the auctioneer.

203. Do you sell the crop standing?—We sell the crop standing on the land.

204. And do you then let the aftergrass afterwards?—Sometimes the aftergrass is set afterwards.

205. And sometimes the whole of it is not?—Sometimes the Commissioners keep the aftergrass for the grazing cattle, because the grass on the pasture-land gets bad coming on the harvest.

206. Is the meadow grass let standing to the highest bidder?—It is.

207. Is there any reserve price put on it?—No; there is not. It is given to the highest bidder.

208. Do you know whether the Commissioners ever get it themselves?—Sometimes they do get it themselves—seldom indeed.

209. Is it always let to the highest bidder?—It is.

210. But the aftergrass is not let with it?—No; it is not.

211. Is it only the first crop that is let?—That is all.

212. And the aftergrass you say is sometimes kept by the Commissioners to eke out the meadow land?—Yes, it is. Sometimes the aftergrass is sown by the Commissioners to give to the cattle they take in for grazing.

213. And sometimes is it let?—And sometimes it's let.

214. Whenever it is let, is it let to the highest bidder by auction?—It is; the same as the meadowing part.

215. Do the whole of the stock put on the land have the benefit of this aftergrass, or is it only the Commissioners' cattle have that?—The whole of the stock.

216. Are you quite sure about that?—I am quite sure about that.

217. Was all the aftergrass reserved last year for cattle?—It was.

218. For the cattle let on ley?—Yes.

219. What would it produce if let separate as aftergrass?—About £70 a year. If sold, it would bring £60 or £70.

220. Would it bring an average of £1 an acre?—It would, or more, I think.

221. Well, it is quite clear there are two gentlemen among the Commissioners, Dr. Cahill and Mr. Ffolliott, who have a good many head of cattle there, and who must benefit by this aftergrass. How are the remaining 117½ acres of land let?—That is let by a minute of the Commissioners at one of their meetings. They pass a resolution, entered on the book, at an ordinary monthly meeting, saying we will let this land for two years at £3 or £6 an acre.

222. For two years?—Yes; it is always let for two years.

223. Is that let by auction, or by fixed price?—By fixed price, not by auction.

224. Who fixes the price?—The Commissioners themselves at a meeting.

225. Do any of the Commissioners hold any of the 117½ acres?—Sometimes they get lots in it for accommodation—not many of them though.

226. How many of the Commissioners hold any of these 117½ acres now?—I think there is only one.

227. Who is that?—Mr. Ffolliott.

228. How many acres does he hold?—Only three roods.

229. How do the Commissioners arrive at the price for which they let, or is it let at different prices?—It is sometimes at £3, or £4, or £6, according to the quality of the land.

230. How is it averaged from year to year?—When it is let this year say, at £6, the next year it might be let for £4.

231. How is that?—Because it gets less in value.

232. Is there any stipulation for a rotation of crops?—There is.

233. Then it is let at a different rate, according to the crop coming off it?—It is.

234. And it is, you say, the Commissioners themselves who value the land?—The Commissioners themselves.

235. Is it by a committee, or the whole body?—The whole body.

236. Do they never call in the assistance of a land valuer?—Well, they do. They ask their caretaker and superintendent.

237. But does not the caretaker seem to be a man who gets a good deal out of them himself?—No, he does not.

238. Does he not get eight and a half acres, and another person, his mother-in-law, five and a half acres?—I have known the Commissioners to ask the caretaker what would be best to do with a field, and what price it would be reasonable to charge for it.

239. Until the recent Board was elected, had the Commissioners more of these lands in their own hands than they have now?—Mr. Rogers, one of our oldest commissioners, says about the same.

240. But you being the town clerk ought to know?—Well, some time ago more of them would have lots than they have now.

241. Was that when you were town clerk before?—Yes; when I was town clerk before.

242. Do you believe that the arable land is set at the best value?—Yes; I believe that.

243. Who collects the rents?—I collect the rents of the land let by the Commissioners, and the auctioneer collects all he sells himself.

244. What does he sell?—He sells the meadow land.

245. Do you collect the rents of the 117½ acres of arable land?—Yes, I do.

246. And you collect the grazing rents?—I do.

247. Do you receive the rent then for about 220 acres?—I do, about that.

248. And does the auctioneer receive the rents for the sixty-five and a half acres of meadow land?—Yes.

249. Who receives the rent of the twenty-five acres let on lease?—I do.

250. Do you receive the rent of the gardens and the ground set to the gas company?—I do.

251. So that you, in fact, receive all the rents, except the sixty-five and a half acres of meadow land?—I do.

252. Are the gardens all let now?—They are. There is nothing due for them now.

253. You showed me a resolution by which some arrears were struck off, when the Commissioners forgave the late clerk £14 11*s.* 11*d.* Was any of that for the gardens?—No; none was for the gardens.

254. What were the arrears for? Was it for the meadow land?—No; not for the meadow land; for corn, grazing, and some for potatoes.

255. Did any of the Commissioners owe anything?—No, not one.

256. How came you to let the corn and potato land or grazing land to persons who did not pay the rent for it for the previous year?—That was due for about three years before it was paid for. She was a poor woman, and that was the cause why she was not ultimately able to pay.

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257. Are not these lands let for a year or at most for two?—They are, for two years.

258. And if a person did not pay at the end of these two years would it not be reasonable to suppose you should not let to him or her again until the back rent was paid?—The Commissioners have adopted a new rule now.

259. In consequence of these parties having been allowed to get into arrears, did the Commissioners pass a resolution that no one should take off a crop until they had first paid the rent for it?—They did.

260. When was that resolution passed?—I think about two years ago.

261. Were all these old debts that were wiped off antecedent to that resolution?—They were.

262. Since that have you had any loss?—We have not.

263. You say all the rent is received by you except the meadow land?—Yes.

264. At the last letting of the arable land did you ascertain what your rental for the year would be?—It will be about £1,157. That is for this year, but it won't end till May.

265. Do you let then from May to May?—From May till November. The people pay the rents coming on the harvest, in August, and so on.

266. Do they pay half yearly?—Yes, or when they are going to take away the crops.

267. You state in the return which you furnished me with, that your rental is about £1,200 a year?—Yes. Taking fines, &c., it is £1,157 for this year.

268. You meant then, I suppose, "income" not "rental." Was the rental for the past year more or less than it will be this year?—I think it was something more.

269. Your rental for the present year, which will end in May, will amount to £1,157?—Yes.

270. Was not the rental brought into account at the late audit £1,205 12*s.* 6*d.*?—Yes, it was.

271. How do you account for the difference between them? You see that was nearly £50 more than this year?—Some years the rental is higher by £50 or perhaps £100 than other years, according as the Commissioners set the land. The meadow land this year was set cheap, and last year it was high. This year the crop was bad.

272. Was the land set for £50 less this year?—It was. We had a bad letting.

273. Is the auctioneer the same person as the herd?—No, he is a different man.

274. Does the herd touch any of the money?—No; he is only herd and caretaker of the land.

275. When you say "herd" do you mean that he is the man who looks over the stock and crops?—Yes, he does.

276. Does he look after the Commissioners' stock when their cattle are on the land?—He does—he looks after all the stock. The Commissioners are bound to provide a man to mind the stock put on their land.

277. Who is the auctioneer?—His name is M'Enroe.

278. How is he paid?—By fees, by the purchasers.

279. Does he receive the rents of that land?—He does.

280. Does he give any security—any bond?—I think he gave a bond to the Commissioners.

281. Did he give a bond for £400?—Yes.

282. What is the amount he receives?—He only gets it from the meadow land. This year I think it was £350. Last year it was a good deal more.

283. Is the bond about equal in amount to what he receives?—Yes.

284. Are there two sureties to his bond?—Only one, I think.

285. Is his bond in the hands of the treasurer?—Yes.

286. Is yours in the hands of the solicitor?—Yes.

287. Do the parties pay the auctioneer in advance for the meadow land, or do they wait until they get the crops off?—After they get the crops. The rule is, there is a day fixed on which the meadowing is to be cut and another on which it is to be taken away, and then it is taken away and the auctioneer is supposed to be paid.

288. Is it between the cutting and the harvesting?—Exactly; and the removal of the crop must take place on a given day.

289. Would £400 be about the average sum that you get annually from the meadowing?—It would.

290. What other income have you beside?—We have a dog tax, and fines and penalties.

291. Was the dog tax last year £9 6*s.* 4*d.*?—That is about the amount every year.

292. It was, I see, £9 11*s.* 8*d.* for the year before?—Yes, that is about the amount.

293. The fines for drunkenness last year amounted to £41 16*s.* 3*d.*, the year before to £28 19*s.* 6*d.*, and this year they appear to be only £27 19*s.* 9*d.* How is it you have a smaller income from that source this year?—Yes, that was only up to the time we sent off that return.

294. Do you know how it is they were so high last year?—Well, the court was only lately got up, and the first year they only made about £28, and then the next year they were £41 odd.

295. Will you get as much as £41 from them before the close of this year?—I think we will get more.

296. Were these fines received by you?—Some of them were, and some by the former clerk.

297. Were any fines received by the former clerk since he ceased to act?—No.

298. Is the dog tax paid to the treasurer or to you?—To the treasurer from Dublin.

299. And these fines are paid to you?—They are paid to me.

300. Have you ever levied a rate here?—No; I am not aware.

301. Has a rate been ever levied since you were first town clerk?—No.

302. Does your income then arise entirely from your rents, the dog tax, and the fines and penalties?—Yes.

303. Is not your principal item of expenditure on salaries?—Yes.

304. I see that amounts to a very large sum annually. Last year there was £233 11*s.* 8*d.* charged for salaries?—Yes; but these were salaries that were allowed to go in arrear that were charged.

305. Is your salary as town clerk £52 a year?—Yes.

306. What is the town surveyor's?—£20.

307. What is the nature of his office—what are his duties?—He surveys the land yearly. I am the town surveyor.

308. What else are your duties as town surveyor?—There is a good deal of work to be done on the land in surveying the lots and dividing them out.

309. Is that at the time the lands are let?—Yes.

310. Have you anything to do, as town surveyor, in overlooking the street scavengers?—No; but we have to superintend old buildings and walls, and when they are falling to see that the parties repair them.

311. Then your duties are not confined to the lands?—No.

312. Have you nothing to do with the men employed in the streets?—No; I have only to measure the paving, and sometimes to bring parties to law when their walls are found to be in a state dangerous to the public and they don't repair them.

313. Did the late town clerk hold the same two offices?—No; he was only the town clerk.

314. Were you the town surveyor then?—I was.

315. Did the Commissioners then ask you to go back to your old office as clerk when the former town clerk was dismissed?—They did.

316. And to keep on the other office as well?—Yes.

317. The person you call a steward here, does he do what is generally done by the town surveyor elsewhere—overlook the street sweepers?—He does.

318. Do the Commissioners keep the cleansing of the streets in their own hands?—We do.

319. Do the Grand Jury repair the roads?—They do.

320. Who keep the channels clean and repair the pavements?—We do all that.

321. Does not the Grand Jury contractor then undertake any of the cleansing?—He does not; he only repairs. But the road contractors when they are going to put stones on the road scrape the streets.

322. How many men are employed to sweep the pavements and channels and keep the back lanes and alleys clean?—About six we have employed, but they are not confined to this employment always, sometimes they go out on the land to make up the fences.

323. Have the Commissioners six men constantly employed?—They have.

324. What wages do they give them?—9*s.* a week.

325. You say that the Grand Jury keep the streets in repair and scrape them, and that you have six men to look after the cleansing of the streets and back lanes, although you have no sanitary work to do?—But these men have a great deal of work to do on the land fencing. They are laying down twenty-five acres this year for meadow land, and all the stones have to be picked off the land, and the corporate men are employed filling these stones into carts and taking them away.

326. Are there six men thus employed besides the caretaker of the land?—There are.

327. And you have a steward and an overseer of the Commissioners' lands, and a herd and caretaker. That is nine men you have employed to look after the land and streets beside what you do yourself. Now, I find that Frank Smith has £39 a year and a house and garden, which is as good as another £10; and an overseer of the corporate land gets 10*s.* a week. What is his duty?—He inspects the land to see whether there are trespassers there or not.

328. I want to know could not one man do all this work, for you seem to have at least three head men on the land?—No.

329. Do you not pay Frank Smith more wages now than when he had the sanitary work to do?—His work was increased greatly.

330. You seem to have an enormous staff to do very little work. £135 a year and a house and gardens rent free among three men for overlooking six or seven others is a large sum to pay, and you have now nothing to do with the sanitary work?—No; we have not now.

331. Mr. *Freeman*, T.C.—Half the men are doing nothing. I saw seven of them myself around a cart in the street one day filling it.

332. CHAIRMAN (to *witness*).—Who does the lighting of the town?—The gas company light it by contract.

333. At how much per lamp?—It is not altogether that way. We pay the gas company 7*s.* 6*d.* per 1,000 cubic feet of gas.

334. Who checks the consumption?—I check the consumption.

335. That work even does not fall on Frank Smith?—It does not.

336. Are you not also clerk to the gas company?—I am.

337. Are the police barracks and town hall lighted by the Commissioners?—They are.

338. What does the expense of lighting come to each year?—Last year it was £89 17*s.* 1*d.*, and the same the year before.

339. Does that include the lighting of the police barracks?—The bill is always furnished to the Commissioners.

340. How many lamps have you for that amount?—Forty-five lamps.

341. Then you get your gas for about £2 per lamp?—It does not come to so much as that. We supply new lamps often and lamp posts.

342. Who lights the lamps?—The gas company, but the man who does that work is the Commissioners' servant as well as the gas company's servant.

343. Do you pay him something then besides the 7*s.* 6*d.* per 1,000 cubic feet of gas?—We pay the company for lighting.

344. How much do you pay then?—10*s.* a week.

345. For how many weeks are the lamps lighted in the year?—They commence to light them in September and continue on until April.

346. That would be about six months. For how many hours are they lit each night during these six months?—From half-past four o'clock in the winter evenings till eleven at night; and sometimes they are only lighted twenty-one nights in the month.

347. On moonlight nights you do not light at all?—No, we don't light on moonlight nights at all—only on dark nights.

348. Who regulates the lighting of these lamps?—I do.

349. Is it left entirely to your discretion whether to light or not?—It is.

350. Does anybody check the meter except you?—No one except myself.

351. And you are clerk to the gas company as well as the Commissioners?—Yes.

352. How often is the meter checked?—Sometimes we check them every six weeks in the winter time, and the accounts are made up every three months.

353. And rendered every three months to the Commissioners?—No, yearly they are paid, and then we don't get the account until they are prepared to pay it.

354. £207 I make the yearly salaries come to?—Yes.

355. Is there clothing besides for the steward and workmen?—Yes.

356. What clothing are they provided with?—It was the usage to give clothing to the steward and workmen also.

357. What do you give Frank Smith—he gets a good deal, we have seen already?—A suit of clothes the same as the other workmen.

358. What do they cost?—About £3 each.

359. Was the sum of £41 10*s.* 0½*d.* given last year for clothing?—Yes.

360. Is that an annual average about?—No; up to this time it was only every seven years they got them.

361. And do the Commissioners intend not to give any in future?—They don't intend to give any in future. Mr. Collot thought it was not a proper way to pay workmen.

362. I see 30*s.* down up to Christmas this year?—That was for a tailor's bill left unpaid before.

363. Then this charge of £41 for clothing, we may assume, won't occur again?—It will not.

364. You state, in your return, that last year you paid £180 2*s.* 4½*d.* for cleansing, and £193 7*s.* 4½*d.* for labour; ought not that cleansing to come under the head of labour by these men?—No; as I remarked before, the men often work out on the corporate land, and there are others then employed.

365. How are you supplied with water here? I have got from your return that it is entirely by pumps?—Yes, entirely by pumps.

366. Is there an ample supply of water for the inhabitants?—There is a good supply—a very good supply.

367. Is the water good?—It is very good water.

368. Has it ever been analyzed?—It has not.

369. Have you been a resident in Kells for some time?—Yes.

370. Beyond the time you have been town clerk?—Yes.

371. Have any complaints been made to your knowledge during that time, either as to the quantity or quality of the water?—Some time ago there were great complaints as to the quantity of water. Sometimes in summer they have not a sufficient quantity.

372. Do you mean the water supply runs short?—Yes, it dries up.

373. Have the Board of Guardians, as the rural sanitary authority, interfered to prevent any deficiency for the future, or in regard to the sanitary arrangements of the town at all?—They have not until very lately.

374. Not, I suppose, until after Mr. Collot spoke about it?—That was about the time they interfered.

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Mr. John Norris.

375. Do they take any active steps now? Have they a nuisance inspector and a sanitary officer who examines the cottages, and the state of the drains, and the pumps in the town?—They have such an officer, and I have heard of him examining the houses and prosecuting people, but I never heard of him examining the pumps.

376. Are these pumps open to every body to go and take what water they like from them, or have you any means of checking the quantity taken?—No.

377. Can any person take what they like?—Any person can take what they like.

378. Is the sewerage of the town in a satisfactory state?—It is.

379. Are there sewers in all the principal streets?—There are with two exceptions.

380. Were these sewers made by the Commissioners?—They were.

381. Are there two streets in the town in which there is no main sewer?—There is some part of the town there is no main sewer in, but I do not know the name of the particular street. I think it is Bective-street.

382. Are there many houses in that street?—There are a great many houses in it.

383. And how do the people get rid of the sewage?—They are in a very bad state.

384. Are there any cess-pools there?—There are in rere of the houses, and sometimes opposite the doors.

385. Do you know whether the sanitary officer of the Board of Guardians has visited that street?—I could not tell.

386. With the exception of that street is the town well sewered?—Well, there is a portion of the town that is not well sewered. They call it the Fair Green. A lot of poor people live there. I think they are badly off for the want of sewerage, but it would be hard to construct sewers there, as the Fair Green is built on a rock.

387. In the streets in which there are main sewers, are there connecting drains from most of the houses to them?—There are.

388. In what state are the cabins kept here in the back lanes? Are they kept in a tolerable condition?—The Commissioners' men go round to clean the lanes, but the cabins are kept very badly.

389. Do the Commissioners allow the accumulation of manure outside the doors?—The Commissioners' men often clean away the manure twice a week.

390. What do they do with the manure taken away? I see nothing in the accounts relating to a sale of it?—Any manure they get in the streets the Commissioners' men remove to the dung-yard.

391. What is done with it then—is it sold?—It is not sold. The Commissioners, when they have a heap of manure, remove it to the borough farm and manure it.

392. I should have thought the people who took the land would manure it?—There is top-dressing, you know.

393. Do I understand that all the manure collected by the street scavengers, and carted to this dung-yard, instead of being sold, is used by the Commissioners in top-dressing this land?—That is so for the last five years at least.

394. Is it five years since they sold the manure?—I think it is, if not more.

395. The next item I come to in your return is £4 1*s.* 4*d.* for paving. That was done by your own men, I suppose?—Mostly all by our own men. There was a permanent pavior, and when any work was required to be done he was sent for. That was old Maguire.

396. Was this £4 1*s.* 4*d.* for labour in paving or for stones?—It was for doing the work.

397. Do not your own men do it?—They do.

398. And are they not charged for in the labour account?—No; for any day they would be working at paving I put down the cost that day to paving and not to labour.

399. How much of that £180 2*s.* 4½*d.* charged for cleansing was for labour?—It was all for cleansing.

400. All for labour?—It was, and brooms.

401. How could it be necessary to expend £373 10*s.* on the labour of six men in cleansing?—Well, these men are often employed on the borough lands to make car-ways, which is heavy work, and fencing, which is heavy work too.

402. How often are they employed on the borough lands?—Well, not very often.

403. What is the charge of £81 10*s.* rent for?—That was the rent of the dung-yard, the field, and the town-hall.

404. What do you pay for the town-hall?—£38 a year.

405. Does Lord Headfort get that?—No, not Lord Headfort, but a person in the town.

406. The rent of the dung-yard is £9 15*s.*; the gardens, £5 15*s.*, and the town-hall, £38. That is £53. How do you get at the other £28?—I think the town-hall was in arrear.

407. Your poor-rate, county-cess, tithe-rent, and income-tax, amount to £98 10*s.* 6½*d.*, of which £25 16*s.* 1½*d.* was county-cess. Is that about the average annual payment for county-cess?—It is about the average payment each year.

408. And for that you get your roads kept?—Yes.

409. There is a charge of £54 17*s.* 9*d.* for hay-seed and oats?—Yes.

410. Were these oats for the Commissioners' horses or for sowing the land?—We did sow some last May.

411. Do you keep any arable land in your own hands?—About an acre and a half fell into the hands of the Commissioners, and they put some oats on it.

412. Do I understand you that the remainder of the £54 was all given for grass-seed to improve the pasturage?—Yes.

413. "Printing and stationery," I see, come to "£12 6*s.* 11*d.*," and election expenses, £12 11*s.* 10*d.* Are these the average annual payments?—Yes.

414. "Coal for the town-hall, £23 0*s.* 7½*d.*" Does it cost that every year?—I think that covers the expenses for three years.

415. "£7 17*s.* 6*d.*, auditor's fees." Was that for more than one year?—One year.

416. "£9 9*s.* 6*d.* law costs," and £81 12*s.* 7*d.* for "miscellaneous expenses." That is a large sum. What did they consist of?—There was a good deal of fencing done, and part of that went on the borough land. An epidemic broke out among the cattle at one time, and it cost a good deal for enclosing them.

417. Were vouchers for all that produced to Mr. Collot?—Yes.

418. And was he satisfied?—Yes.

419. Here comes a curious item—"repayment of loan on promissory note, £400." Are the Commissioners still a good deal in debt to their bankers?—Well, they are not.

420. What was that promissory note for?—It was payment of money that was borrowed for the land.

421. Are you in debt at present to the bank?—We are.

422. Was this note to the bank?—It was.

423. How many other notes are outstanding?—At present we are in debt about £700.

424. At the time you paid off the £400 to your bankers what did you owe them?—We did not owe for anything at that time.

425. Well, you owed that £400 at all events. Do you mean to say that after payment of that sum you were clear of debt at the bank?—No, we were not clear.

426. Well, what did you owe them then?—There was a bill going on for a standing debt of £1,000.

427. Had you other bills then outstanding to the amount of £1,000?—Yes.

428. The next item in your return is for "discount of promissory notes and interest on overdrafts, £38 15*s.* 3*d.*"?—Yes.

429. When this £400 was paid to the bank, was there £1,000 still due to them?—Yes.

430. On notes of hand given by the Commissioners?—Yes.

431. And £38 15*s.* 3*d.* you had to pay for interest on that?—Yes.

432. The next item is "promissory note not met, charged to the Commissioners." To what amount was that note?—This was a note given by a man three years ago for meadow land for £6 9*s.* and the Commissioners discounted it at the bank, and it was not paid, and the Commissioners had to pay it.

433. "Disallowed by the auditor, £33 14*s.* 4*d.*" What was that?—For pumps. It was disallowed by the auditor on the ground that it ought to be paid by the sanitary authority.

434. Has that surcharge been paid?—The Local Government Board won't enforce it.

435. Are they going to remit it?—They are.

436. Had you a letter from the Local Government Board to that effect?—We had. (Letter handed in.)

437. At the time this account was closed, had you an uncollected rent of £67 14*s.* 10½*d.*, which was supposed to be recoverable?—That is so.

438. And was £74 14*s.* 5*d.* wiped off as irrecoverable?—Yes.

439. And then I see £22 1*s.* 8*d.*, "deduction allowed for sick cattle." What is the meaning of that?—People had cattle on the land, and they died, and they were not charged for them.

440. Was that amount refunded to them?—It was.

441. Then there is £128 18*s.* 5*d.* due by the late clerk and collector since wiped off as a bad debt?—Yes.

442. Are not these accounts made up to the 3rd of May last?—They are.

443. Since then, have there been the proceeds of another grass crop and of a crop of aftergrass and a half year's tillage rent received?—Yes, it has been received.

444. What have you received on account of the rents since that last audit? Are these the actual receipts which you return in this other account, or what it is supposed will be received?—It's the amount receivable.

445. Did you get in all the arrears, £67 14*s.* 10½*d.*?—Yes; but £14 was cancelled.

446. Have you got all except that £14?—There are some small amounts that we did not get yet, but we expect to recover them.

447. When you paid off that £400, did you take up a fresh note to do that?—No.

448. Then it was a *bona fide* payment?—It was.

449. And you reduced the debt by that amount?—We did.

450. Has any other payment been made to the bank except that one?—Yes; last year the current account was reduced from £1,000 to £700.

451. Do you know what promissory notes are outstanding now?—There is only one for the £1,200 that was borrowed to pay this balance, and we have the remainder in our hands to pay the current expenditure. Mr. Collot looked into our affairs and allowed us to do that.

452. What was the number of the Commissioners when you first came under the Towns Improvement Act?—Fifteen commissioners.

453. When did you come under the Towns Improvement Act?—In 1854.

454. Directly the Act was passed?—Yes.

455. And previously you were under the 9th of George IV.?—I think it was.

456. What is the area under the government of the Town Commissioners? What is the extent of the town?—I don't know the extent of the town.

457. Or the acreage?—I don't know that.

458. What's the population?—It is over 3,125.

Mr. Michael Freeman.

Mr. MICHAEL FREEMAN examined.

459. How long have you been a Commissioner?—Four years.

460. Four years consecutively?—Yes.

461. Had you been a Commissioner before?—No.

462. When you became a Commissioner were the Commissioners in debt?—They were.

463. How much did they owe them?—A good deal more than they owe now. I do not know the exact sum.

464. However you found they were in debt to the bank?—They were.

465. Was there a system then going on of giving promissory notes and renewing them?—There was.

466. Can you give me an idea of the amount of their debts at that time?—Not exactly. The way the accounts were kept at the time, it was quite impossible to know how much the Commissioners owed.

467. That is what the auditor says. Was the late clerk clerk then?—He was. When we expected to be out of debt, some other new bills we never heard of before popped in.

468. Were the bills never paid when due?—Never; and there was no check, the accounts were kept in such a confused manner.

469. Have you any finance committee?—Yes, there is such a thing now.

470. But there was not then?—No.

471. How long has your finance committee been in existence?—I think about four years.

472. Are you a member of it?—I am.

473. For the last three or four years have the accounts been more looked into than they were previously?—Oh, yes, much more so; particularly since Mr. Mullen became a Commissioner. He has caused a great deal of reformation in the business.

474. You say you do not know exactly what was due the bank, when you became a Commissioner?—No, I do not.

475. Do you know how many notes were outstanding?—I think it was about £1,500. It is quite impossible to know. Cheques would be issued and the people would keep them until they found some money in the bank, and then they went in and got it, some cheques were filled up and signed three months before there was any money to meet them at all.

476. What was the system adopted—when you wanted money in the bank, did your treasurer come to you and ask you to give a promissory note?—It was not that. The bank paid only when they had Commissioners' money, but they did not allow an over draft. One sum of £100 was running on for twenty years or more.

477. Have any fresh promissory notes been given since you were a Commissioner?—Yes, from time to time; but that is done away with now entirely, and there is only one promissory note out. There is a strict order given that no new promissory note is to be given, and all debts are to be paid by the 1st of May, and all moneys received by that time, so that we will owe no money by that time except what we owe the bank.

478. Were there, in fact, a great many outstanding debts besides these promissory notes not collected till lately?—Until lately. The system now adopted is very good, and I think the accounts will be generally satisfactory in future.

479. It has been very bad, no doubt?—Very bad; the most confused thing I ever saw.

480. In 1875 you paid £400 to the bank. Was that the first time you ever paid anything off?—I really am not aware of what payments were made to the bank.

481. Do you think the Commissioners got the best price they could per head for the cattle on ley?—I do not.

482. Do you think they are influenced, to some extent, by some of their body having cattle on the land?—I am sure they are.

483. And has this an influence in inducing them to reserve the after-grass of the meadow land for their cattle instead of letting it?—Yes.

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Mr. George Mullen

Mr. GEORGE MULLEN examined.

484. How long have you been a Commissioner?—About sixteen months.

485. Have you been looking them up pretty sharply since then?—Yes; I seldom miss a meeting at all events.

486. Are you on the finance committee?—I am.

487 And you are anxious to see a different system established as well as Mr. Freeman?—We are, and I hope we will live to see it. On the occasion that Mr. Collot objected to over drafts, we asked him to allow us to draw a bill, so that we could wipe out all the debts due by the Commissioners to the bank and otherwise, and close our account on the 3rd May next; and that as the Commissioners owed so much, to give us an opportunity year by year of cutting down that debt until we came out clear. That was the reason we had for asking leave to do that; and Mr. Collot and the Local Government Board, after some persuasion, let us do it.

488. Did you get the consent of the Local Government Board?—We did.

489. To contract a new loan of £1,200, in order to clear off all your debts?—Yes; because if we did not get leave to do that we could not carry on the work at all. These debts were contracted by men who are dead in their graves now, and we are trying to clear them off.

490. You hope now that things will go on straight?—Yes; I am quite satisfied they will.

491. Upon what terms did you get this £1,200 from the bank?—At four per cent.

492. Did they advance it at four per cent?—Yes; and I think we will want more.

493. But surely you might reduce your expenses on the land very considerably. You have too many head men. Do you not think you might do away with one at least of these men, if not with two?—Well, we might.

494. If you reduce your expenses, and make more of your land, will you want more?—We will reduce the expenses if we can go on. There is not a shilling going out or coming in now but is closely looked after. We have a finance meeting every Friday night.

495. I will ask the town clerk to give me a copy of that correspondence with the Local Government Board and the auditor respecting the loan?—It shall be supplied to you.

NAAS.
March 19, 1877.

NAAS.—MARCH 19, 1877.

(Before Mr. CORBETT.)

Mr. William Samuel Gray.

Mr. WILLIAM SAMUEL GRAY examined.

1. You are town clerk of Naas?—Yes.

2. How long have you been town clerk?—Since 1861—sixteen years.

3. Naas is under the Towns Improvement Act?—It is.

4. What is the date the Towns Improvement Act was adopted?—Immediately after the passing of the Act in 1854.

5. Was not Naas an old corporation previous to the Act of 1840?—It was.

6. After the passing of the Act of 1840 did they adopt the Act of George IV.?—No.

7. Were there any commissioners appointed under the Act of 1840?—I could not say. I did not belong to this town myself at that time.

8. At the time of the passing of the Act of 1840, I understand from the report of the Municipal Commissioners in 1835, there was the remainder of a much larger property vested in the Corporation of that day?—So I understand, but I do not know it myself.

9. What is the population of Naas?—The population, according to the last census, was a little over 3,000.

10. 3,660, I see?—Yes.

11. Is it an increasing population?—Yes; owing to the military being quartered here. We have a Brigade Depot here now, and that causes an increase.

12. What is the area that is governed by the Town Commissioners?—One mile and a half from the town-hall or old post-office.

13. In each direction?—Yes; a radius of one mile and a half from the old post-office.

14. Do you know what is the acreage included within the municipal boundary?—No; but I could tell by the valuation books.

15. Have the Commissioners any income from real property at the present moment—any rent derived from it?—Do you mean from the markets?

16. No; any estate or landed property?—They have not.

17. Have the Commissioners a fair-green and town-hall?—Yes; but we pay rent for that.

18. How are they held?—We hold one fair-green from Government at the nominal rent of 1*s.* a year. We are only yearly tenants. It was a moat belonging to Government; and we have a sheep fair-green that we pay £18 a year for, and we have it sub-let, and receive tolls from it.

19. Who do you hold that from?—From Miss Donohoe.

20. Have you any lease of that?—We have a lease which, I think, is for thirty-one years, or three lives. We pay £18 a year for it, and receive £6 for letting and the tolls derived from the fairs besides.

21. Do you let the grass for £6?—We let the field—two acres—from year to year to a tenant named Horan for £6, and he gives it up to us for the fairs.

22. How many fairs are held in the year?—There are thirteen fairs in the year, but it is mainly a fair every other month.

23. Do you make any money on the ground that you hold at the nominal rent of 1*s.* a year?—We charge no tolls there; it is an open fair.

24. Do you sub-let that?—No, it is an inlet from the road.

25. Is not the sheep fair let for grazing at £11 a year, as stated in the return made to me?—It was formerly let at £6, and now at £11.

26. And what do the tolls bring in from the sheep fairs and cattle fairs?—The last audit it was £28 14*s.* 10*d.*

27. And this year £28 7*s.* 0½*d.*?—That is last year.

28. Would between £25 and £30 be a fair average?—I don't think we ever went up to £30.

29. £28 then?—Yes.

30. Is that from the sheep fair?—Yes.

31. Besides that do you receive a considerable amount of tolls and dues in the market?—We do.

32. Have you covered markets here?—We have sheds. The markets are attached to the town-hall—the market-yards.

33. And have you regular market tolls?—We charge so much according to the quantity weighed.

34. Are the markets under an old patent?—No, they were established by the Commissioners themselves about twenty years ago.

35. Established, you mean, under the Towns Improvement Act?—Yes.

36. And have you a table of tolls?—We have a scale of tolls.

37. What do the markets produce annually?—The potato market last year produced £18 6*s.* 9½*d.*, and the year before £25; the butter market £13 19*s.* 0½*d.* last year, and £13 7*s.* 3*d.* the year before; the ouncil £42 15*s.* 0½*d.* last year, and £43 3*s.* 6*d.* the year before.

38. Altogether they produced £75 0*s.* 10½*d.* last year, and £82 2*s.* the year before. Would that be a fair average?—It would be from £75 to £80 a year.

39. Do you make a rate here every year?—Not every year. The last rate we struck was for the purpose of making some repairs in the town hall, and the one before that was a burial rate, previous to the burial grounds being handed over.

40. Last year you don't seem to have made any rate at all?—We made a rate in 1876.

41. That was for the current year?—Yes.

42. But not for the year last audited?—No.

43. And the year before you had a burial rate?—Yes.

44. Did you collect that last year with the balance of the improvement rate made in 1873 or 1874?—Yes, there was a balance over.

45. When was the last improvement rate made?—That was the last in 1876.

46. And was the one before that made in 1873 or 1874?—The rate made previous to that rate was 3rd December, 1873.

47. Then you made no rate—no improvement rate—between the 3rd of December, 1873, and the one you made in 1876?—No.

48. When did you make the improvement rate in 1876—the one now in course of collection?—It was made on the 19th April, 1876.

49. That would be just at the close of your financial year?—Eleven days before the year was out, and none was collected before the last audit.

50. How much in the pound was that?—One shilling on houses, and 3*d.* on land. That is the extreme we could go to.

51. Do you provide the town with water?—Yes, we do.

52. But have never exceeded 1*s.* rate?—No.

53. What was the amount of the burial rate?—The burial rate was only 8*d.*

54. Is 1*s.* the amount you usually strike when you do lay an improvement rate?—The one in 1873 was only 8*d.*

55. And the only other rate you made in the meantime was the burial rate?—Perfectly right.

56. And was not that an 8*d.* rate made in 1874 to enable the Commissioners to enclose the Abbey graveyard?—That was the one.

57. Was that graveyard situate in the town, but since transferred to the Board of Guardians by the operation of the Irish Church Act?—Yes.

58. Did that rate produce £139 4*s.* 1*d.*?—Yes.

59. And of that amount did the auditor report £135 18*s.* 6*d.* had been collected and levied previous to the audit of 1875?—That is right.

60. And the balance of £3 5*s.* 7*d.*—was that declared by the Commissioners to be irrecoverable?—Yes.

61. So that rate was all cleared up?—Yes.

62. And no burial rate was made since?—No; we had no power. It was on June 3rd, 1874, that rate was made.

63. Has the whole of the improvement rate made in December, 1873, been cleared up?—It has, with about the same balance irrecoverable.

64. Then you collected more than Mr. Finlay thought you had done?—Yes; the difference is accounted for in another rate. There might have been some small sums not collected when he made that report.

65. But has it been all cleared up since except this sum of £3 18*s.*?—Yes; that was accounted for by some institutions in the town.

66. Then the 1*s.* rate that you made in April last, has that been collected?—It has.

67. Within how much?—That account is not yet made up.

68. I find it amounted to £211 16*s.* 3½*d.*?—Yes. It will be about the same amount that will be irrecoverable. The rate is virtually collected and the money paid into the office, but the balance-sheet is not yet made out.

69. However, is it collected as closely as the one before?—It has been.

70. And has it been all paid in to the treasurer?—All paid into the bank.

71. What is the system adopted by your collector? Does he pay in weekly?—There are some weeks he may not get more than a couple of pounds; but he generally hands in the amount weekly.

72. Does he give a bond?—He does.

73. With sureties?—With two sureties.

74. Have you got the custody of that bond?—I have.

75. Have you got it here?—I have not. It is with my papers in the town hall.

76. Are his instructions to lodge weekly?—If he has money he is required to do so. He is bound to lodge weekly. I do not know if that is set out; but it is his custom. He has a receipt book and a block of the receipts, which he brings and reads out to me and then I put my initials to it.

77. Do you compare the lodgments in the bank with the counterfoils of his receipts?—He keeps one of those lodgment books, and in the block of that he gets it initialed. He is our rate collector and ouncil weigh-master, and his son is our market clerk. I give them a bank book to keep and they get the bank clerk to sign the block when making a lodgment, together with an entry of the amount lodged; and then he brings this book to me and shows it to me.

78. Is there any specified day for lodging?—None whatever.

79. How often does he lodge in the case of the market?—He shows his book every week; and in the case of the rate, whenever he has anything worth while he lodges it. He may let it run on to £10 or £12 before lodging.

80. How often do the Commissioners meet?—Monthly; but there may be special meetings besides on special occasions.

81. Are all his accounts as checked by you submitted to the Commissioners every month?—No; only quarterly.

82. Do the Commissioners only know the state of them quarterly?—That is all.

83. But he comes to account to you, you say, practically much oftener than once a month?—Yes; oftener. When the money is coming in freely to him, he comes often to get rid of it. When Mr. M'Dermott came here first he disapproved of the way we kept the accounts, and instead of the mode of payment adopted for petty affairs, he suggested that the Commissioners should give me at the beginning of the year a £10 cheque to defray incidental expenses. At the close of the year I relodge that cheque, and at the end of every quarter any sum I spend the Commissioners recoup me. In fact, I have a floating cheque for £10 in my pocket, and I account every quarter for it.

84. How long has this collector been in office?—I should say about six or seven years.

85. And has he always collected his rates well and punctually?—Oh, yes. In fact, this man is town sergeant, collector, council clerk, and hall keeper. He resides in the Town hall, and his son is weigh-master.

86. So that he and his son hold, in fact, all the offices under the Commissioners except what you hold yourself?—Yes.

87. What other receipts have the Commissioners besides this rate and these tolls and dues from the fairs and markets?—They have the fines and penalties imposed in their own court, and a moiety from the petty sessions court now.

88. What did they amount to last year?—£47 14*s.* 11*d.*; being £43 7*s.* 5*d.* received as fines and penalties imposed in the Commissioners' court, and £4 7*s.* 6*d.* in the petty sessions court.

89. Do you not also get the dog tax? and how much does that amount to?—Yes; £10 12*s.* 10*d.* last year.

90. And £10 11*s.* the year before. Do you not license hackney cars here?—Yes; we got £13 17*s.* last year from them.

91. And £17 8*s.* the year before?—The reason of that large amount was that there was a number of

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them hanging over from the year before, and we summoned them and got in the license duty.

92. Have the Commissioners always licensed hackney cars and drivers?—Since I have been town clerk at all events.

93. Do you not get some rents for the use of the town-hall?—We do.

94. What do you let it for?—We let it for the hunt ball, and as a barracks for the constabulary during the Punchestown races, and we also let it to the Bar during the summer and spring assizes, and for theatrical entertainments.

95. Are the rents very fluctuating from the hall?—Well, the ball is a certain annual thing; but last year we had'nt the police.

96. I see the receipts for the year before were considerably larger than for last year?—Because we had'nt the police last year nor the militia. They always required it before for stores when they were training here; but we hadn't them last year.

97. Do you hold the town-hall on lease?—Yes; but we pay £25 a year for it.

98. Do you generally get a clear profit by it?—We do.

99. Who do you hold it from?—Mr. De Burgh.

100. On a long lease?—It is a lease for ever, and there is a provision in it that for every £100 the Commissioners pay they reduce the rent until they bring it to £5, but no lower.

101. What sum have they paid off?—They are not going to bring it lower. They consider this a reasonable rent.

102. Are they not bound to pay off?—No; but if we had money to spare we would do it.

103. And you say that no money has been paid off on account of it?—Well, I was not town clerk when it was taken; but I know none was paid—£25 was the original rent.

104. But there was a provision in the lease that for every £100 you paid off you might reduce the rent until it came to £5 a year?—Yes.

105. Was the contribution from Government in lieu of rates on Government property, £4 8*s.* last year?—Yes.

106. What is the meaning of gas receipts, 15*s.*, in your account? Have the Commissioners gasworks of their own?—No; but Mr. Daniel rents the gasworks from the gas company, and we have a meter in the town-hall from Mr. Daniel, and then if any theatrical people come here we charge them for it.

107. You charge them for the gas?—Yes.

108. Who is Mr. Daniel?—He lives in Mary-street. He is a gas engineer. He bought up the works, and rents them from the gas company.

109. And is your contract for supplying gas with him?—Yes.

110. What is the Commissioners' contract for supplying the public lamps?—It is with Mr. Daniel, we have it at 7*s.* 6*d.* per 1,000 cubic feet.

111. Is that the same rate as is charged to private consumers?—The same as private consumers.

112. How many lamps are maintained?—I think we have twenty-two or twenty-three.

113. Are they lighted all the year round?—No; only in the winter months—from the 21st of October until the 1st April.

114. What does the gas generally come to in the year—last year I see it was £30 1*s.*, and the year before £43 12*s.* 9*d.*?—Yes; I think that is what it was.

115. How was it so much more the year before?—We hadn't it at the same rate. The Commissioners made a new agreement since.

116. Who tests the burning?—We have two test meters and two lamps in the town hall, and the rest are returned according to these.

117. Is Mr. Daniel's agent the person who takes the test?—His collector comes down once a month. He has a pair of keys for the two meters in the town hall, and I have duplicate keys, cross keys, and he can't go to the meter without me, and we both go over together, and we check them.

118. Have you a check on him?—I have.

119. We were at a place the other day where the town clerk was also secretary to the gas company?—Well, so am I here, but the gas company have no interest in it.

120. Do the Commissioners clean or sweep the streets at all?—No, we do not.

121. Is that all done by the contractor under the Grand Jury?—Yes, the cleansing and watering of the streets. Some years ago we did it, but not latterly. The Commissioners used to get the streets cleaned, and the manure taken off used to be sold; but they have not done so for years.

122. Is anything left undone by the Grand Jury in the way of keeping the back lanes and places clean done here by the Board of Guardians through their nuisance inspector?—They are supposed to do it, but they don't. Nearly all the back lanes of this town are under contract, and the road contractor looks after them.

123. Do the Board of Guardians since they were appointed the rural sanitary authority under the Act of 1874, or does their sub-sanitary officer look after the sanitary state of the town?—He does. He is our town sergeant as well.

124. Then he knows the place well?—Thoroughly well.

125. Are the places kept in good condition in the worst parts of the town?—They are reported lately by the sanitary officer as being in a very bad condition.

126. Have any steps been taken to improve their condition?—Yes; by direction of the Commissioners I wrote to the Board of Guardians, and requested them to supply lime and brushes to the poor people, as we used to do. We used to supply them annually, or whenever they asked for it, with lime and brushes, and the inspector took a list of the parties who got them, and they returned them. I wrote to the Board of Guardians about five weeks ago, and they directed their clerk to inquire what houses required it, and then it turned out that the Board considered it was the landlords of these houses that were bound to whitewash them for their tenants, and they made no order for lime or brushes, but said they would compel the landlord to have them whitewashed.

127. Are these houses properly provided with sanitary conveniences—have they privies or closets, and ashpits?—There are 100 houses of that class in the town and I don't suppose ten of them have such conveniences—in fact the guardians were taking steps to close them.

128. How is the town off for drainage?—Very badly.

129. I see there are a number of main sewers in the town?—There are, but the water-closets are all running into the surface sewers.

130. Are they not connected with the main sewers?—No, not to my knowledge. The sewage is there; but there is no out-let from this particular main sewer. Some of the sewers run into a mill-race and find their way into an ornamental pond belonging to Mr. De Burgh, at Oldtown, and he is about taking an action against the guardians as the sanitary authority.

131. May I take it that the drainage of the town is very imperfectly provided for?—The surface sewers are made by the Grand Jury at the side of the street to take the rain water—but the water-closets of the town run into these, and they are not more than eighteen inches deep and twelve inches wide. That I consider improper.

132. How long has that been going on?—It's going on from time to time. In some instances for over twenty years.

133. It was so there while the management of the town was in the hands of the Town Commissioners?—Yes.

134. Were no proper connexions ever made with the main sewer?—That sewer has no out-let that we could find. The Commissioners expended £40 on it years ago.

135. Was it made originally by the Commissioners?

—No; it has been a sewer connected with the old gaol, where the town hall stands at present.

136. Have all these matters been represented to the guardians?—They had plans made by Mr. Brett, the county surveyor and their engineer. He made a plan for the drainage of the town and it came to such an immense sum—over £5,000 or £6,000—they did not like to enter into it. They have asked him to make more modified plans, but I do not know what the result of that will be. It is Mr. De Burgh's notice to them that made them take this step now.

137. What supply of water have you here?—I think it is very good—it is from pumps.

138. Is it all from pumps?—All the drinking water is, but there are rivers close by.

139. Do the Commissioners maintain those pumps?—The Commissioners put them down.

140. Did they maintain them until the passing of the sanitary Act?—Yes, they put them down and maintained them up to that time.

141. How many public pumps are there in Naas?—Five, and one in the town hall yard. That one we reserve for ourselves.

142. Is it a fact that the water has been analyzed by Dr. Cameron and condemned?—Some of them have. Nothing will induce the people to think they are bad though.

143. When was it the water was analyzed?—Immediately after Dr. Cameron's appointment.

144. Were any of the pumps closed in consequence of his report?—No.

145. Did the people go on drinking the water from them?—They did.

146. How many of these pumps were condemned?—I think two or three.

147. Did it make much impression on you?—No. I sent water from my own pumps at the same time and I did not agree with him.

148. And could not you be persuaded that the water was bad?—A lot of people sent for the water from the private pumps in my yard.

149. And was that bad?—He said one was bad and that another that came from the same spring was good.

150. Which did you like best yourself?—I could not say.

151. Do you use them both indiscriminately?—I do. The one in my printing yard he said was bad, but the men don't complain of it.

152. Did you send a copy of Dr. Cameron's report to the guardians who are now the sanitary authority?—I do not know whether I have a copy of his report, but the sanitary inspector says he thinks he has got the report. The sub-sanitary officer told me that he had made a written report to the medical officer in reference to the sewage from the closets being allowed to percolate through the soil into the water.

153. But as a matter of fact were none of the pumps or wells closed in the town since that report?—No; we did not know where to get better water. There was a stream that the people of the town used to drink, or that the closet from the board-room of the work-house used to run into. That water goes into a mill-race, and at one particular time there was a great deal of sickness among the people in that locality—more than in any other part of the town.

154. Diarrhœa was it?—I don't know what class of sickness it was, but it was considered to arise from the use of this bad water; and the Commissioners called on the Board of Guardians to prevent the water-closets running into it which they did. They did away with the water-closet, and provided an earth closet in its place.

155. How long ago was that?—Five or six years ago.

156. While the Commissioners had the sanitary authority?—Yes. There was a well also in the military barracks, and Colonel Spurgeon sent up a sample of the water to Dr. Cameron. The well was opened and it was found that sewers ran into the well.

157. Was that closed?—Oh yes; Colonel Spurgeon closed that.

158. By whose orders?—The Government's. I have got the report Dr. Cameron made on the water from the public pumps. Here it is—

"Dublin School of Medicine, Peter-street. I have examined nine specimens of water from Naas, and the table on the other side shows the results arrived at. They are all very indifferent specimens. No. 3, is the worst; next No. 2; then No. 4. Nos. 1, 6, and 9 are about equal. Nos. 7 and 8 are least dangerous, so far as organic matter is concerned (but No. 7, is unfit for use, owing to the large amount of solid matter which it contains). I cannot speak favourably of these waters as a whole, as the large quantities of nitrogen compounds contained in them plainly show that they are derived from polluted sources. Charles A. Cameron, Analyst for the county Kildare."

159. That was written before the passing of the Public Health Act?—Yes.

160. Did the Commissioners take action on that by closing any of the wells?—No.

161. Was a copy of that report handed over to the guardians?—I am sure it was not.

162. Will you take care to have a copy furnished to them now?—I will. No. 1 pump alluded to in that report was the town hall pump, which was not a public pump; No. 2 was Poplar-hill pump, that was a public pump; No. 3 was the Dublin-road pump, another public pump; No. 4 the Sallins-road pump, another public pump; No. 5 a pump on the sheep fair-green, a public pump; No. 6 New-row well; and No. 7 was the one in the military barracks, which he says was worst of all. Since that report was made, the Commissioners got a flag placed over No. 3 pump well, and since then the water has been greatly improved.

163. We will now go to the expenses. You have no sanitary expenses now?—No.

164. Your principal item of expense now is for salaries, £83 17*s.* 4*d.*, and £90 5*s.* 8*d.* the year before, of which £30 was your salary?—Yes.

165. £37 to the weigh-masters—father and son?—Yes.

166. What salary have they each?—The son has £20 a year as clerk in the butter and potato market, and the father as ouncil clerk in the street, £17.

167. Is not the father also your collector?—Yes.

168. What does he receive as collector? Is he paid by salary?—He is paid by fees.

169. By poundage?—Yes.

170. What poundage does he get?—Sometimes 9*d.*, and sometimes 1*s.* As an inducement the Commissioners sometimes tell him that if he has the collections in by a certain date, they will give him an increased poundage.

171. Was the poundage fixed at the time of his appointment and stated in the bond?—It is fixed at the time he gets his warrant, and it is recited in it.

172. Is 9*d.* the sum now?—I am sure it is.

173. Yes. He collected £178 the year before, and I see by what he received, that the poundage could not have been more than 9*d.* Does he not hold some other office besides?—Yes; town sergeant.

174. What does he get as town sergeant?—£10 a year, and his son, for the £20 he receives as clerk of the butter and potato market, acts as clerk to the sheep fair-green as well, and receives the tolls at the gate. There is a small toll of a halfpenny on each sheep going in and the son receives that money.

175. There are I see market porters too. Are these the only officers in your employment?—That is all.

176. Are they paid weekly?—I pay them every Saturday. They bring me over a docket from the weigh-master, and I pay them on that.

177. It is a fluctuating amount I see you pay them?—Yes; we only keep one porter now, as we find it sufficient for our own purposes, and whenever we want additional hands occasionally there are always lots of fellows hanging about who are always willing to earn.

178. What do you pay the market porters?—1*s.* 4*d.* a day.

179. Has the town sergeant an annual uniform?—Yes.

180. Do you give £5 3*s.* 6*d.* a year for that?—It does not cost that every year.

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181. It cost that amount last year?—Yes; but we got a contract this year for £5.

182. Printing, stationery, and advertising last year cost £14 18*s.* 7*d.*, which appears only half what it cost the year before?—There were two years put in the year before.

183. Then would £15 a year be a fair average for that?—It is generally less; £14 would be a fair average.

184. What are the election expenses entered in your list?—In case we have a contest there are some small expenses attending, and the returning officer is allowed his expenses.

185. Are you the returning officer?—No; the chairman is the returning officer and polling clerk.

186. You had apparently a contest last year, and the expense amounted to £6 15*s.* 8*d.*?—Yes.

187. Did you pay the auditor five guineas last year, and four guineas the year before?—Yes; but since the year before the Local Government Board made an alteration in the scale and sent us a circular.

188. The rent and taxes for the town-hall and Fair-green come to a good sum—£48 12*s.* 5½*d.* last year, and £48 15*s.* the year before. Then you have a large sum for repairs of the town-hall last year—£105 12*s.*?—That was only portion of a contract for £200.

189. Was that a balance?—No, that was an instalment. The balance has been paid since. That is what the improvement rate was struck for. To meet that we had a surplus on hand, and the Commissioners struck a rate.

190. Last year you began with a balance in your favour of £61 19*s.* 11*d.*, and you ended the year with a balance due to the bank of £25 4*s.* 11*d.*; then finding you had not sufficient funds you struck a rate for the current year. Will that give you a good balance at the end of the year?—No, the contract is large; but we won't be in debt.

191. You charge I see for fuel for the town-hall £3 18*s.*, and £7 14*s.* for incidentals. What were they?—They are small payments.

192. Were they all submitted to the auditor?—Yes; and passed by Mr. Finlay.

193. What was the disallowance of one guinea by Mr. Finlay in respect of?—In reference to the auditor's fees, Mr. Finlay said that was a monstrous charge to make on the town. He comes down here and audits the Union accounts at the same time as ours, and he thought that a monstrous charge to put on the town.

194. But this disallowance—what was that for?—For the attendance of the clerk of the union with his books. The chairman for the time being thought it was necessary to have the clerk of the union present with his books. There was a clause in the Towns Improvement Act that required his attendance, but since that was passed, it appears he is not required to attend. But at any rate the Chairman took it on himself to bring him up, and Mr. Finlay disallowed the amount. Since then the clerk of the union has been speaking about it to Mr. Finlay, and he says he will look more fully into the matter.

Dr. Hayes

Dr. HAYES, Town Commissioner, examined.

195. Previous to the Act of 1840, were not the Corporation possessed of a considerable amount of property?—Yes, I always understood so.

196. That was what the Commissioners reported in 1835—that the remnant of a much larger property, producing £322 17*s.* 7½*d.* a year, was vested in the old Corporation?—Yes.

197. It was doubtful, they said, whether property amounting to over £500 a year was not; but at all events property and the amount I have mentioned was. Was not that just about to be granted in fee-farm to the Lord Mayo of that day?—Just about a year before the Act passed, it was intended to be granted; but the deed was never executed.

198. Therefore it remained in the hands of the Corporation, and what I understand is that this property had been let to trustees, for the purpose of supporting a Protestant Orphan Society, but the information I have before me from the town clerk, does not tell when that lease was granted. Mr. Finlay, who mentioned it before the House of Commons, said it was about 1840 the assignment was made?—The transfer took place on the 19th of November, 1835.

199. It was long then before the Municipal Act of 1840 was passed, abolishing the old Corporation?—Yes, the transfer took place on the 19th November 1835, and was between the sovereign, the burgesses, and Corporation of Naas, of the first part; the Right Honorable John Bourke, Earl of Mayo, of the second part; and Walter Burgh, Arthur J. Preston, Hercules Robinson, Richard Bourke, and Ponsonby Moore, of the third part.

200. Were they the trustees?—Yes, these gentlemen were appointed as trustees by the said Earl of Mayo. First the Corporation agreed to make over the property to the Earl of Mayo, but that deed was never perfected.

201. Was it to be a fee-farm grant at £12 a year?—Exactly.

202. And the deeds were drawn but were never engrossed or executed?—Never. This property was held by letters patent from James I. First there was a grant by Elizabeth.

203. Have you got the deed there?—I have a copy of it.

204. Does that recite under what authority that grant was made?—It does. It first recites the grant of James I. to the Sovereign and Corporation of Naas. The Corporation held first under Queen Elizabeth's charter, and then when James I. came to Ireland he called on all the towns to surrender to him their property, and he made a regrant of it to them in a few days after.

205. By what authority did the Corporation transfer this property?—"Whereas as the several members of the said Corporation at a meeting properly called and held for the purpose on the 29th September, 1832, resolved that a fee-farm grant for ever of the several lands and premises comprised in certain letters patent of King James I., bearing date the 2nd day of May, 1609, excepting, however, and reserving thereout the certain lands and premises mentioned and comprised in a certain fee-farm grant from the Corporation to the said Bourke, Earl of Mayo (grandfather of the present Earl), be executed and approved by this Corporation unto the said Earl of Mayo and his assigns, subject to the yearly rent of £4; and whereas the said Earl of Mayo agreed to accept the said fee-farm grant, but no deed has been executed." Then it goes on to transfer the property to the other trustees jointly, and he accepts the trust, signing the deed himself.

206. This deed recites that the Earl of Mayo called on the Corporation in pursuance of that resolution, and that they agreed to hand over this property for the benefit of the children of deceased Protestant parents, the children in the town of Naas to be always considered in preference if there were enough of them?—Yes; but that is not adhered to. There are English children on the list.

207. They were to pay a yearly rent of £12, but that does not appear to have been paid since?—There is a portion of it paid to the parish church of Naas. You will see that £9 of it was for the repair of the parish church of Naas.

208. I see nothing about the sum of £12 here being paid to any other party. The resolution is that it should be paid to the Corporation, and they are now represented by the Commissioners?—The grant was on condition of "paying thereout to his said Majesty, his heirs and successors, £4."

209. That you believe to have been always paid since, together with that £9 to the parish church?—It was paid up to 1873 any way.

210. In point of fact did the Commissioners get nothing out of these lands of Magdalen?—Not a farthing. The deed first recites all the houses and lands made over to Lord Mayo, with remainder to the trustees.

211. And were these lands made over to a previous Lord Mayo, grandfather of the present Lord Mayo?—Yes.

212. There was a small rent paid by him. What became of that?—I don't know.

213. The extract I made from the Commissioners' report was that a valuable portion of this property was granted in fee-farm at the annual rent of a few pounds, but the Commissioners do not mention how much?—No.

214. Mr. *Tracy* (Chairman of the Town Commissioners).—I have been told by some of the old inhabitants that at the time this transfer took place the people took the opinion of Daniel O'Connell, and he said that the deed could not be broken except by a special Act of Parliament.

215. Dr. *Hayes*.—By the letters patent of James I. it is left to the Corporation and their successors for ever.

216. CHAIRMAN (to *Witness*).—In point of fact, then, this property which the Commissioners reported upon in 1835 was, in a few years after their report was made, transferred to this society, and the inhabitants lost the benefit of it entirely?—Yes.

217. Is the condition that the poor children of parents resident in Naas should have priority not complied with by the society?—There would not be sufficient Protestant orphan children to fill the place.

218. But are the orphan children of Naas who claim to be maintained by the society first provided for in the orphanage?—If they applied they would. There is no doubt the gentlemen connected with it are first class.

219. But do you mean that Naas orphan children have been ever refused?—Not at all.

220. Where is this orphanage?—In Naas. They meet in this room.

221. How many children are there in it?—I don't know.

222. Do you know who it is managed by?—Yes; the Rev. Maurice De Burgh, Mr. Moore, of Kilshee, Mr. Barton, of Straffan, and Baron Robeck.

223. Do you know if there were any other lands at that time belonging to the Corporation?—None other except what was made over by fee-farm grant to the former Lord Mayo.

224. The same resolution recites that the Corporation at that time proposed to grant in fee-farm for ever the markets and fairs of Naas at £9 15*s*. 5*d*. a year to Lord Mayo. That was not done, of course, for you have them now?—We have them now.

225. But was it not agreed at that meeting on the 29th September, 1832, to grant this property to Lord Mayo, and, furthermore, was it not proposed to also grant him the fairs and markets at Naas at £9 15*s*. 5*d*. a year?—I don't know whether that was ever done. There is nothing about it in the deed.

226. Do you know whether there were any tolls or fees receivable by the Corporation beyond what is received now?—Certainly. I recollect the tollmen receiving or collecting at what was called the custom-gap, just above the hotel.

227. What you receive now are not old tolls?—No; we have no tolls. The horses or cattle pay nothing, and the sheep only half a penny; and that is merely to pay the ground rent; but we have no tolls. In the potato and butter market there are no fees except for weighing.

228. But there were certain tolls which were payable to the old Corporation of Naas, which, I presume, were handed over to the Lord Mayo of that time—for instance, "a year's rent, £9 15*s*. 5*d*." I want to know what became of that £9 15*s*. 5*d*.?—I don't know.

229. There is no notice in the account of it. Do you know whether Lord Mayo receives any tolls?—He does not.

230. Are there no tolls levied in Naas now?—No.

231. Do you know under what patents these tolls were levied by the old Corporation?—No, except by old charters.

232. Have you no records about it?—No.

233. Was ever any opinion taken with regard to this property except Mr. O'Connell's?—No; at the time of the occurrence there was great dissatisfaction in Naas. I know the people met and the Rev. Gerald Doyle, P.P., took an active part in it, and took some opinions, but I don't know what they were.

234. CHAIRMAN (to Mr. *Tracy*).—Did you ever see Mr. O'Connell's opinion on the case submitted to him?—No; but I have that from two opposite quarters, so it must be true.

235. What was the necessity of expending the money you got in as the result of the burial rate?—The place was in a most disgraceful state, with no fence around it, and it was for the poor people of the town of Naas it was intended as a burial ground. The occupiers of the adjoining ground used to have in cattle trespassing on it and the poor people complained of the desecration; and the Commissioners being then the burial board served the usual notice on the landlord of the place to enclose it within six months and as he did not do it, then the Commissioners did it, unfortunately, for in nine months afterwards it was handed over to the Poor Law Guardians under the Irish Church Act. That was the cause of the outlay.

236. As you expended £135 13*s*. 6*d*. upon it, I suppose it was put into good condition. How was it enclosed?—Nothing more than a good substantial wall built round it under the direction of the county surveyor at the time, who got his fees on it. It is now with the Poor Law Guardians and they have appointed their sanitary inspector superintendent of the place.

Mr. JAMES SAMMON examined.

237. Are you the town sergeant and collector?—Yes.

238. And were you the sanitary officer before the Town Commissioners ceased to act as the sanitary authority?—Sub-sanitary officer.

239. Are you sub-sanitary officer now to the Guardians?—Yes.

240. I understand you made a report to the Guardians upon the very bad condition of the drainage of the town?—I did.

241. You made the report to the sanitary officer—the dispensary doctor?—I did.

242. And has that been reported to the Guardians?—It has.

243. When was that report made?—There was a report lately—within the last week—about a sewer in the street; but it is twelve months or more since I reported first.

244. Did you make two or only one report to them?—I made different reports about different parts; but the last one was about a sewer in the street. The general drainage of the town I reported on twelve months ago.

245. Was anything done by the Guardians to remedy the bad defects reported on twelve months ago?—There was. The drains in the streets were opened and the sewage taken out. Contracts were taken for it, and I was to see they were properly cleared out.

246. Did your report refer to the surface drains being stopped up?—Yes.

247. Have you reported that none of the houses in the lanes in the town of Naas have closets or ashpits?—Yes; several times. I gave a report to the doctor, and I took down the condition of every house in the town of Naas.

248. Do you know whether the Poor Law Guardians were ever made aware of Dr. Cameron's report on the state of the water?—I could not exactly tell the truth as to that; but I think it was under the Commissioners' notice. I gave a report to the doctor about the water. During the time I am appointed under the Guardians there was no report made on the water.

249. No; the report was made in 1874 or 1875 at the request of the Commissioners; but I want to know whether the Board of Guardians ever saw that report, or were made aware of it?—I can't tell.

250. Is it not a fact that the sewage from the closets

NAAS. *March* 19, 1877.

Mr. James Sammon.

of the houses run down the surface drains, and does not go into the main drains?—It runs down the surface drains.

251. And over that into the road?—No, it runs into the surface drains or sewer under the surface drain, and then goes in that covered drain, at this end of the town, until it goes to the canal and joins the sewage from the gaol. Then from the other end of the town, at the town hall, it goes the other way. But in this end it goes down to the basin, and on to the canal; but from the town hall down it goes into the sewer and into the stream down the other way.

252. Did you draw the attention of the Commissioners to a sewer outside the court-house last week?—Yes; that is the one I reported on.

253. Is that a paved drain?—No, nothing but a gravelled bottom, walled with lime and sand, and covered with lime and sand.

254. Is there anything to prevent the overflow filtering into the ground?—Nothing to prevent it sucking down into the ground; but the surface sewer is paved over that.

255. Is that surface drain running in close proximity to any well or pump?—It does. It runs down to the canal, and passes a well the people use at about ten perches on one side of it.

256. Has all that been reported within the last week to the Guardians?—It was reported. This drain here where it opened at the court-house.

257. You are collector for the last six years?—Yes, of the town rate.

258. Do you collect the dues of the market as weighmaster?—Yes.

259. How often do you pay the money you receive to the treasurer?—Sometime I lodge the ouncil money every month, just as my son sends it to me.

260. Do you account every Saturday to the town clerk for what you receive during the week?—My son settles every Saturday for the markets. If I receive £10 or £20 in a day I lodge it at once.

261. You never keep any cash exceeding £20 in your hands over a week, or so long?—No, I do not—to my recollection I never kept it at all.

262. Do you get rid of the money as fast as you can?—I do.

263. How closely have you collected the present rate?—I think there is £4 or £5—it may be less—not collected; debts that could not be collected.

264. You collected all that could be collected?—Yes.

265. What is your system—do you show your rate book to the town clerk or the Commissioners, and get them to certify that the balance cannot be collected?—Yes, that is the way. I go before the Commissioners when I want to get paid, and produce a list of the collected and uncollected rate.

266. And with regard to this last shilling rate, have you collected all that could be collected?—I did.

Mr. Ebenezer Molloy.

Mr. EBENEZER MOLLOY examined.

267. Are you secretary to the Protestant Orphan Society?—I am.

268. We understand that so long back as 1835 the old Corporation of Naas and the then Lord Mayo executed a deed by which a property, the rents of which were £322 a year, was conveyed to trustees for the benefit of orphans of Protestant parents subject to the payment of £12 a year—is that so?—Subject to the payment of £12 a year?

269. Yes?—It was conveyed in fee-farm to the trustees of the Protestant Orphan Society; but I am not aware of any annual payment of £12.

270. Is 19th November, 1835, the date of the deed?—1839 I think was the date of the deed; but I speak from memory only.

271. Have you the custody of the deed?—I have not at present.

272. There was a copy of it produced, and it was dated in 1835, which would make all the difference?—I could not tell the date from memory.

273. You have not the deed?—I have not. It's in the possession of the solicitor to the trustees at present.

274. Does he live in Naas?—No, in Dublin.

275. Could you get it for me, inasmuch as if it was 1839 that would be subsequent to the Act against the alienation of corporate property?—I am speaking from memory, and could not tell the date. If I had known you would be here I would have made myself up on it.

276. Can you tell what the rents are that are received now from the property?—£320 odd.

277. What benefit do the inhabitants of Naas get for this?—It was left for the support of destitute Protestant children.

278. How many children are maintained in the orphanage?—Thirty-five at present.

279. And how many of these are Naas children?—I could not tell. I don't think there are any Naas children there at present.

280. Supposing there was only one vacancy, and that a Naas child was a candidate for admission, and that there was another child from another part of Ireland—would the Naas child get the preference?—I don't think they would receive any children out of the county Kildare.

281. Is the orphanage confined to the county Kildare?—It is.

282. Is it true that at present there are English children there?—I heard that, but it is a random statement. Whoever made that statement made it under a mistake.

283. Do you believe the trustees confine it to children born in the county Kildare?—Unquestionably.

284. Are there any children there now born of English parents?—Children born in the county Kildare.

285. Supposing now in the case of a soldier who only had a temporary residence in the county Kildare, but had a child born here, and that he afterwards died in India, would that bring the child under the rules of the society?—Certainly not; but if the mother was still living in Kildare when the husband died in India the child might have a claim. The case alluded to was that of a coachman to the Marquis of Drogheda, who died lately. His wife and child were both born in this county, and the child is in.

286. Is the orphanage full?—The children are given out to nurse; there is no orphanage.

287. What is the nature of the institution?—The children are given out to nurse.

288. How can they spend £320 a year in that way?—They pay £8 a year, I think, for them.

289. £8 for each child?—£7 for some and £8 for others. When they are with the parent they allow £7, and when they are not £8.

290. In fact, this is a subsidy for putting children out to nurse?—Yes; but they are under the surveillance of the clergyman of the parish, and have to be certified as being fairly attended to every half year, and they are brought in here as well.

291. Have you any income except this £320 a year?—None whatever.

292. It appears there was a grant to Lord Mayo of some tolls belonging to the then Corporation, and I want to know do you receive anything from any tolls?—Nothing whatever.

293. Or from any other source?—Or from any other source. There is tithe-rentcharge, quit-rent, and many other things to come out of the payment to the Protestant church at Naas; £9 for repairs of the Protestant church.

294. Up to what age are the children kept out at nurse?—Up to fifteen years, and then they are apprenticed to a trade. They get a fee of £8.

295. How long are you secretary?—I think about two and a half years.

296. Have there been any Naas children under charge of the trustees during these two years and a half?—Yes, there was one.

297. Only one?—Only one, that had been with its mother in Naas, but it is since dead.

DROGHEDA.—WEDNESDAY, MARCH 21, 1877.

(Before Mr. CORBETT and Mr. LAWLESS, Q.C.)

Mr. JAMES KILLEEN, Town Clerk, examined.

1. CHAIRMAN.—How long have you been town clerk?—Since 4th November, 1867.

2. Your duties are those prescribed under the Municipal Corporations Act of 1840?—Yes.

3. Have you adopted the Towns Improvement Act here?—Yes, since January, 1855.

4. Has any rate ever been made under that Act?—There was a rate, I believe, made in 1856; but there is a member of the Council here, who knows more about the matter than I do.

5. That was before you were town clerk?—Long before it.

6. I understand that that rate was contested and led to so much expense that the Corporation has never laid another rate since?—They have not.

7. What does the Corporation consist of?—Twenty-four members—eighteen councillors, and six aldermen, who are elected by wards.

8. How many wards are there?—Three.

9. Can you tell me the number of burgesses, the rateable value, and the population of each of these wards?—The names of the wards are:—Fair-gate, Laurence's-gate, and West-gate.

10. Can you give me the valuation of these wards separately?—I cannot; but there is a gentleman here who can do so.

11. Give me the number of burgesses in each ward?—In Fair-gate Ward there are 84; in West-gate Ward there are 94; and in Laurence's-gate Ward 130.

12. Has Laurence's-gate Ward the largest population as well as the largest number of burgesses?—I think it is the richest ward of the three; and has, I think, the largest population as well as the largest number of burgesses, but I am not exactly certain as to that.

13. You may not be able to give us the population of each ward, but you will the rateable value?—I cannot give you the population, but I will give you the rateable valuation.

14. What is the area comprised within the municipal boundary?—The engineer has the return of the area.

15. It is much less, I believe, than it used to be?—Oh, much less.

16. The parliamentary boundary, I believe, is 5,760 acres?—Yes.

17. And was the municipal boundary originally the same?—It was originally.

18. But since the Act of 1840, it has been reduced very considerably?—Very much. I think there are only about 450 acres now.

19. Are the wards the same as they were set out in the Act of 1840?—Just the same.

20. They have been changed in many places, and I wished to know if they had been changed here?—They have not.

21. The boundaries are those fixed by the Municipal Corporations Act of 1840?—Precisely. The three wards were set out in the schedule of that Act, and have not been changed since.

22. Mr. LAWLESS.—Wasn't there a redistribution of the wards here in 1853?—No.

23. Are you sure of that?—I am quite certain of it.

24. CHAIRMAN.—I gather from Thom, that your population is a decreasing one—that it has decreased at each census?—I think it has been decreasing.

25. I suppose I may take these figures as correct. In 1851, your population was 16,843; in 1861, 14,740, and in 1871, 13,510?—Yes.

26. Has your population been increasing or decreasing since 1871?—I rather think it is now increasing.

27. Is the mayor elected from the aldermen and councillors indiscriminately, or from the aldermen alone?—From the entire Council.

28. And the election of mayor does not, I suppose, create a vacancy in the twenty-four who comprise the Corporation?—No.

29. Does the mayor receive a salary?—He does; a very small one of £150 a year.

30. What officers have you in the Corporation besides yourself and the treasurer?—There is the engineer.

31. Is there, irrespective of the bank, a treasurer who receives your rents?—There is a treasurer appointed under the Corporate Act, who receives our rents, and lodges them in the bank to the credit of the borough fund. The account is kept at the bank with the borough fund.

32. Are the cheques on that fund drawn by the members of the Corporation or by the treasurer?—They are drawn by the Corporation, signed by the treasurer, and countersigned by me as town clerk. (Copy account of Hibernian Bank with borough fund produced.)

33. Give me the names of your officers and the salaries?—The Mayor has a salary of £150; the treasurer a salary of £100; the town clerk, £80, and £10 as executive sanitary officer.

34. Do you hold no other office?—No.

35. Has the engineer £100 a year?—Yes.

36. And how much has the sergeant-at-mace and court-keeper?—£54 10*s*. The mace-bearer has £32 10*s*., a portion of which is for his services as sub-sanitary officer, for which he gets £5 a year, and it makes his salary £32 10*s*.

37. Amongst your officers I see a bellman and caretakers—what are the salaries of these?—The bellman has a salary of £10 a year, and as to the caretakers, one is caretaker of the mayoralty rooms, and the other of the fish-market. The salaries of the two caretakers amount to £33 12*s*. 8*d*.

38. Have you a consulting sanitary officer?—Yes.

39. What does he receive?—£10.

40. And the dispensary doctors are *ex-officio* sanitary officers?—Yes, but they are paid by the Poor Law Guardians.

41. Are these all the officers you have?—All the officers.

42. Do you clothe any of these men?—Yes; you will find in the accounts; "Clothing for the town-sergeant and watchmen, £17."

43. Is the sergeant-at-mace the town sergeant?—He is.

44. What are these watchmen?—There are six watchmen set down in the accounts as "Watch establishment."

45. Have you these watchmen to assist the constabulary here?—Yes.

46. What are they paid?—Five of them are paid 12*s*. a week, and one, who is a kind of superintendent over them, is paid 14*s*. a week.

47. Their duties are, I suppose, those of night-watching only?—For night-watching only.

48. The receipts of the Corporation, I believe, emanate almost exclusively from real property?—Yes.

49. What is the total of your rental?—About £3,300.

50. I see by the last year's account, audited up to the 31st August, 1876, that your receipts were £3,233 9*s*. 9½*d*.?—Yes.

51. Is £3,316 the amount of your entire rental?—Yes.

52. Arising from 348 holdings?—Yes.

53. Does that comprise the whole?—Yes.

54. The great bulk of these small holdings, I suppose, are tenements in the town?—They are.

55. Can you tell how much is in the county Meath, how much in the county Louth, and how much in the county of the town of Drogheda?—The engineer will be better able to give you that information.

56. Except the rate to which you have referred, no rate has been made since you became town clerk?—No.

DROGHEDA. *March* 21, 1877.

Mr. James Killeen.

57. And you have not, I believe, ever made a borough rate?—Never.

58. Have you made a sanitary rate since 1874?—No.

59. In fact no rate at all?—No.

60. Then is this £3,711, which constitutes your receipts for the year, principally derived from your property, from the public cranes, and the sessional fines, except the payment from the bridge committee, which was an exceptional receipt?—Yes; but I should mention that we do not get the dog-tax. The county treasurer gets that.

61. What are these public cranes to the receipts of which you are entitled, and under what authority are these tolls levied?—They are not tolls—they are mere dues, which are set up annually to public auction.

62. Do the Corporation set the cranes annually by public auction?—Yes.

63. What were they let for last year?—£150. They are let to the highest bidder.

64. Is £150 the average you get for them per annum?—We have got more for them for the last three or four years than we did previously. Some years they were let for £70 or £80, but now the letting has come up to £150.

65. Is that, then, the highest?—It is the highest.

66. Have you no public markets?—None, other than these markets.

67. And there are no tolls from any markets?—No; they were abolished years ago.

68. Have you no public or covered markets belonging to the Corporation?—We have the corn market, but that comes under the head of the cranes.

69. Have you none in which rents from stalls or shambles, or anything of that kind, are received by the Corporation?—No; we receive no rents other than the cranes—in fact we pay a rent for the fish-market and the hay-market of £60 per year.

70. Mr. LAWLESS.—Do you derive anything from that?—Yes, portion of the craneage comes out of that.

71. CHAIRMAN.—Do you weigh the hay and straw?—No, the farmer does.

72. Last year I see you received £92 10*s.* 5*d.* on account of the petty sessions and court fines?—Yes; that was for two quarters ending 31st August, 1876.

73. For some time before you had not, I believe, received any fines?—We had not.

74. In consequence of your attention having been called to the matter by Mr. Collot, I believe you made an application for these fines?—Yes; we submitted a case to counsel, and by his direction made an application to the magistrates at petty sessions, and the clerk was ordered to pay us the fines (except the fines for licenses and deserters) on behalf of the borough fund.

75. Do not you receive the fines from the mayor's court?—We receive all the fines of the mayor's court now.

76. Did not you receive them before?—Never.

77. The only other receipts appearing in the last year are £8 2*s.* 6*d.* from the Government, half salaries of the sanitary officers, and £2 for gas of the mayoralty rooms?—Yes.

78. That made your total receipts £3,711 9*s.* 7½*d.*, exclusive of the balances brought forward by the treasurer from the preceding year amounting to £149 3*s.* 10*d.*?—Yes.

79. Making the total receipts £3,860 13*s.* 5½*d.*?—Yes.

80. Do you receive any portion of the corporate income yourself?—I do not.

81. Are not the fines paid to you?—No; they are lodged by the clerk of petty sessions himself to the credit of the borough fund account.

82. What are the charges on the corporate property—have you any debt outstanding?—Yes; the entire amount of charges on the corporate property is £9,400.

83. Are these secured by mortgage?—There are six of them by bond, and the first of them on the list is for £5,000 due to Mr. Thomas Plunkett Cairnes.

84. At what interest?—Four and a half per cent.

85. How long ago, and in respect of what, was that money borrowed?—It was borrowed for the purpose of building St. Mary's bridge in 1865.

86. Was it borrowed with the consent of the Lords of the Treasury?—It was.

87. Was there any provision for a sinking fund?—Not that I am aware of. I have not a copy of the mortgage.

88. And no portion of that has been repaid?—No.

89. The next is a bond to Mr. Moore for £1,200?—Yes.

90. At what rate of interest?—At four and three-quarters per cent.

91. Was that borrowed for the same purpose?—It was borrowed to partly pay off the liabilities of the Corporation at the time.

92. What is the date of the bond?—I have not the particulars of the bond. The treasurer, who is here, says that it is sixteen years since the money was lent. I have the records, which I can produce for you.

93. Then I see there is £2,000 owing to the Sisters of Charity—what is that for?—That was borrowed at the same time to pay off the debts of the Corporation. One of the trustees, Mr. Chadwick, has been asking me if we have any bonds or records, that the ladies of the convent hold no security for this £2,000.

94. Mr. LAWLESS.—When was that sum borrowed?—I could not tell you.

95. CHAIRMAN.—But you believe it was borrowed about the same time as Mr. Moore's?—I think so.

96. Were these two loans borrowed with the consent of the Treasury?—Yes.

97. Were the Lords of the Treasury aware that they were to pay old debts?—I cannot say. I wasn't in office at the time.

98. The Sisters of Charity were to get five per cent.?—Yes.

99. You have a debt down to the county infirmary of £500, also at five per cent.?—That, I think, was a debenture. It was an old debt.

100. And then you have what is called "Mr. Bellew's bequest." What was that?—That was a sum of money he gave years ago to the Corporation, for a charitable institution, on behalf of the poor of St. John—it was a bequest to the poor portion of the town, in consideration of £100 at the time. The interest is paid to the receiver of the poor of St. John's.

101. What is the rate of interest?—Six per cent. We pay £6 a year to the agent of the charity, over which there are twelve trustees.

102. What is the debt to Mr. Pentland, £500?—I could not tell you; that was long before my time.

103. I believe that some of these are mentioned in the report of the Commissioners as outstanding debts in 1833?—I think some of them were.

104. They were, at least, antecedent to the passing of the Act of 1840?—Yes.

105. The Corporation are not, I believe, manufacturers of gas themselves?—No.

106. Then you light the town by contract with the gas company?—Yes.

107. What is your contract?—For one year, to terminate on the 30th April next, for 149 lamps, at £2 9*s.* per lamp.

108. Are they lit all the year round?—No. Thirty-one are lit all the year round, and the remainder for seven months only.

109. Are the hours limited within which they are to be lit?—Yes; they are limited to be lit within one hour after sunset, and to be extinguished at the following hours:—In April, at 4.30 A.M.; in May, at 3.30 A.M.; in June, at 2.30 A.M.; in July, at 3 A.M., and in August, 4 A.M. The others are to be lit from dark until six next morning.

110. What officers give bonds here?—The town clerk and treasurer. I may mention that although I give bonds for the custody of title deeds and leases since 1870, there are two keys kept of the safe, so that if any party came here asking for a document I

could not show it to him unless in the presence of the Mayor, who holds the other key. The Mayor and myself have a key each.

111. What is the amount of the bond you give?—£400.

112. And what is the treasurer's bond?—£1,500.

113. Have you the custody of the treasurer's bond?—That is in the safe at the present moment.

114. And who has the custody of your bond?—The late Mayor, Mr. Whitworth, M.P. for Newry, got it, and he has not given it up to the present Mayor yet.

115. Are you the only two officers that give security?—Yes.

116. Is the treasurer re-appointed year after year?—He is not.

117. Mr. *Knaggs* (Mayor).—It is understood that his appointment is from year to year.

118. *Town Clerk.*—The re-election or re-appointment never takes place. It never did from the day of his appointment up to the present, at all events.

119. CHAIRMAN.—Has there been any bond given since the first bond?—Yes; if any one of the sureties died, there would be another substituted.

120. But there is not a fresh bond every year?—Oh no.

121. I understood you to say you were the executive sanitary officer?—Yes.

122. I suppose here as elsewhere the same form of proceeding goes on—you receive the reports from the sanitary officers and you produce them to the sanitary committee of the Town Council. Is that so?—Yes.

123. Can you say whether or not these reports are generally acted upon by the Town Council or the sanitary committee of the Council?—There is a sanitary committee appointed consisting of the whole Council, and they meet on the second Wednesday of every month.

124. And are these reports generally acted upon, and does the Corporation show a desire to carry them out?—Yes. Immediately after I get these reports and bring them before the committee, I direct the sanitary officers to serve notice, and since the sanitary Act came into operation, except in three or four cases, we have had no prosecutions. The people generally, before the time mentioned in the notice expires, abate the nuisance. But at the present moment I think we have about 90 or 100 notices that have not been complied with, and I purpose bringing the matter before the sanitary committee this day week to see how we are to act on the report of the doctor, who states that in a certain district known as Chester-lane there is not a house fit for human habitation. The notices having been served, the people have whitewashed the houses, but the doctor says that is not sufficient.

125. Is the drainage of the town satisfactory, and are there good main drains through the town?—For myself I could not say.

126. Are there many complaints lodged by the sanitary officers as to want of connexion between the houses and the main sewers?—There has been a good deal.

127. Has that been remedied to any extent since the passing of the Act of 1874?—I may mention that the Local Government Board in 1873 sent an order that certain sewers should be constructed. These sewers have been made except one in a portion of Laurence's-street.

128. These are main sewers?—Yes.

129. Until these main sewers were constructed there could be no outlet for the house drains?—No.

130. Since these were constructed, have the inhabitants been connecting their houses with them?—They have.

131. And those who have not done so, have they been summoned?—They have been summoned, brought before the magistrates and fined.

132. Is the town free from epidemic disease generally?—It is; I consider the town to be a very healthy one. A guardian here present informs me that there is only one fever case in the hospital.

Mr. JOHN MOORE, Borough Treasurer, examined.

133. CHAIRMAN.—How long have you been treasurer?—Twelve years.

134. Do you collect the whole of the corporate rents?—Yes.

135. And receive the moneys from whatever sources coming to the Corporation?—Yes.

136. Except the fines, which, I understand, are paid directly to the bank?—The petty sessions clerk lodges the fines and hands me the docket.

137. You receive the rents of the cranes and of the estates?—Yes.

138. Are you paid by poundage or by salary?—I receive £100 a year and no poundage.

139. Where do these estates, by which the Corporation realizes £3,300, lie?—The greater portion lies in the county Louth, part is in the county Meath, and a portion is in the borough.

140. Can you tell me what is the extent of the county of the town?—I cannot. The county of the town for parliamentary purposes goes down to Ballymakenny, but the municipal boundary is considerably smaller. The larger portion is in the county Louth.

141. Eager's holding of 53A. 2R. 30P., I presume, is outside the boundary?—Yes.

142. The premises described as houses and gardens, are they in the town?—They are.

143. Amongst the 348 corporate holdings, are there any large farms, or are they generally small holdings?—Well, they are town park holdings and are principally very small.

144. What is the largest rental you receive from any one individual?—The largest sum I receive is £100 per half year from the representatives of Mr. Ogle, and that comprises some twenty holdings.

145. Is Mr. Eager's holding the largest single holding?—Yes; we get from that £140 18*s.* 6*d.* per annum. It is a farm at a place called Townrath, near Ballymakenny. Mr. Eager holds another holding adjoining, for which he pays £18 every half year. I cannot give you the acreage without referring to the rental.

146. This rental you produce simply gives the rent, the amount received, and the amount of arrears. Why does it not specify the rateable value or the acreage?—The number of acres never appeared in the rentals prepared by my predecessors. I can get you the information in a moment; and I may mention that I am preparing a rental which will exhibit all these particulars. Mr. Eager holds 53A. 2R. 30P. (Irish), for a term of thirty-one years, at £140 18*s.* 6*d.* per annum, from the 1st May, 1857. His lease is numbered 1,140.

147. Has that lease been granted by the present Corporation?—It has.

148. Was there any fine paid for it?—No.

149. The rent is not quite £3 per Irish acre. I ask you, as one whom I suppose has some knowledge of the value of land in the neighbourhood, is that a fair rent?—Of course the land may be worth more now, but at the time it was let I was in the Corporation, and I am aware that competent valuators went down to the land, and they were of opinion that that was the full value of the ground.

150. Was that let by auction or by advertisement?—It was let by tender.

151. Was it by public or private tender?—Well, I must explain. Mr. Eager had been in possession under a lease granted by the old Corporation, the validity of which was impeached, inasmuch as it was made at the period when the alienation of corporate property was prohibited. Mr. Eager held the land under the old lease which had been granted to a person named Hardman, of whom he was sub-tenant, and his title was disputed. However, the Corporation then made a new lease to him.

152. Was the rent raised?—Yes; the rent was

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Mr. John Moore

raised, and the tenant complained very much at the time, for on the faith of the old lease he had made certain improvements.

153. He thought he was hardly dealt with?—Yes.

154. The other land Mr. Eager holds, was that let to him about the same time?—Yes. (No. 1,132.)

155. Mr. *Farrell.*—I am poor-rate collector in the locality, and I think it right to state that the land in that district is of a poor, heavy, and wet description.

156. *Mayor.*—The second holding of Mr. Eager appears to be 34A. 0R. 20P.

157. CHAIRMAN.—Is that land in the same neighbourhood as his other holding?—It is.

158. He only pays £36 3*s.* 5*d.* annually for his second holding, which is little more than £1 per Irish acre. When was the lease of that portion made?—(*Witness.*)—1st May, 1856, for thirty-one years.

159. Can you give me any idea of what is the reason for the great disparity between the rent paid for this holding and the other?—As far as I could learn, portion of the land at the time was very bad and swampy.

160. Was that land let by competition?—By public auction.

161. Is it the custom here either to let the lands by public auction or by advertisement?—Yes; sometime ago they used to be let for little or nothing, but now they are let by public auction in the Crown Court.

162. Up to 1856 had they ever been let by public auction?—No.

163. Since 1856, or some later year, have they been let through advertisements in the newspapers?—Yes; and by the auctioneer at sales in the Crown Court. Since that period we have not had much land to let, as the leases did not expire.

164. I want you to give me an idea of how many farms have fallen in to the Corporation since 1840?—Very few indeed. There were but a few small, very small, holdings. One of them, a holding of about four acres at Townrath, fell in, and was let by public auction. In fact it was mostly house property in the town that fell in.

165. On what terms are the houses in the town generally let?—Latterly they have been always let on leases of thirty-one years. There have been some building leases given for seventy-five years, with the assent of the Lords of the Treasury. In some instances where the Corporation gave thirty-one years' leases, the parties agreed to repair the premises, or a valuation having been obtained, the places were let at an increased rent. In other instances tenders were sent in, and some of them were accepted after a little hesitation.

166. With respect to the tenements in the town, and the small farms which have been let since you became treasurer, do you know whether they have been let above Griffith's valuation?—In every instance I think they have been let above Griffith's valuation.

167. Can you tell me roughly what is the acreage of the township in bulk?—I cannot.

168. Can you tell me what portion is in Louth, and what portion is in Meath?—The greater portion is in Louth, but I could not tell what is the proportion. I can only say with regard to the rents, that I receive nearly £2,000 a year from the county Louth side, about £700 or £800 from the county Meath side, and the remainder from the town itself.

169. That would be about £2,000 for Louth, £700 for Meath, and £600 for the borough?—Yes.

170. Mr. LAWLESS.—Where is the denomination called "Aldermen's Acres"?—About a mile from the town.

171. CHAIRMAN.—Is all the property that was held by the old Corporation in the possession of the present Corporation, or is any portion of it outstanding and overheld?—Since the books came into my possession, I know of only one holding where the title of the Corporation is disputed. That is a certain holding in the town the corporate title to which has been disputed for thirty-five years, and the arrears have been put down during that time.

172. Is it overheld from the Corporation by somebody who claims it as his own freehold?—Yes.

173. Mr. LAWLESS.—Does it appear on your rental?—Yes; the arrears have been accumulating and you will see them mentioned in the account.

174. CHAIRMAN.—I see there is £209 11*s.* 11*d.* arrears, and the sum supposed to be paid annually in respect of the holding is £5 6*s.* 1½*d.* It appears that even before 1840, therefore, there was a failure to pay rent to the old Corporation?—Yes; the original tenant was a man named Brenton, and Alderman Carty became the sub-tenant. From what I could learn, I understand that even before the time of the reformed Corporation an ejectment was brought against the late Alderman Carty for the recovery of the premises in question; but when the high sheriff went to the place, Mr. Carty challenged him to take possession of the particular place mentioned. The result was that the sheriff refused to execute the *habere* unless the Corporation pointed out the exact premises. This the Corporation could not do, and things remained as they had been. The present tenant is the representative of Carty; and that is the only holding I am aware of as being at present overheld from the Corporation.

175. Mr. LAWLESS.—I suppose the premises became mixed up with some other property, and then could not be distinguished?—Yes, that is so. The walls were broken down and the distinction became lost.

176. CHAIRMAN.—Is the property held by the present Corporation in other respects the same as that held by the old Corporation, or has any portion of it been sold since 1840?—Yes, there was about £600 per annum worth of corporate property sold in the Incumbered Estates Court in 1856, and with the sum realized, we paid off, I think, about £16,000 of old debts.

177. Was that done with the consent of the Lords of the Treasury?—I think it must have been.

178. You were not treasurer at that time?—No. The value of land at that time was very low, and the property sold brought but a low figure.

179. With the exceptions you have mentioned, does the present Corporation hold all the property held by the old Corporation?—All.

180. Do you anticipate that in the course of a few years, a number of the present leases will fall in?—Yes, and this will increase the corporate revenue. I may give you an instance. A house for which we had been receiving £1 per annum, reverted to the Corporation, and we are now receiving £33 a year for the same premises. A good deal of property will fall in to the Corporation in about ten years, and I should think it will increase the income of the Corporation by £2,000 per annum, should land remain at its present value.

181. Could you tell me for what terms were these lands or premises, which will fall in within the next ten years, granted by the old Corporation?—Ninety-nine years.

182. Are there any leases for ever?—Yes.

183. Mr. LAWLESS.—Are they leases for ever or for lives renewable for ever?—For ever, I think; for instance, the lease of the vicarage and graveyard to the vicar of St. Peter.

184. CHAIRMAN.—Have the Sisters of Charity got a lease for ever?—They are not tenants of the Corporation. A great number of the leases are for 999 years.

185. I see the first ten on the list are leases for either 999 years or for ever?—Yes.

186. Had the great bulk of the leases that have been cancelled been granted in contravention of the restraining Act of 1836?—Yes.

187. Besides the first ten leases, I see there is one more for ever, and eleven for 990 years—that makes twenty-two altogether for 990 years, or upwards; and there is one for 200, and one for 141 years?—Yes.

188. The rest are all under 100 years?—Yes; the great bulk of them are for ninety-nine years.

189. Was there any lease previous to 1840 for less than ninety-nine years?—I think not.

190. And those which were for 990 years and upwards are generally at 6*d.*, or some such nominal rent?—Yes, 6*d.* or 3*d.*

191. Since 1840, have leases been granted for more than thirty-one years?—There have been a few granted for seventy-five years. There are three leases for eighty years from the 25th March, 1857, but these are building leases. All the leases above the term of thirty-one years have been given for building purposes.

192. I see these are let at pretty high rents—an acre and a half is let at £23; another lot is let at £52 10*s.*, and a third, which is under an acre, is let at £23 12*s.* 6*d.* These are all evidently building leases?—They are.

193. Were all these leases submitted to the Lords of the Treasury?

The *Mayor*.—They were.

194. *Town Clerk*.—I have here now the leases you referred to, and which you requested me to produce. One is numbered 1,140, and grants fifty-three acres to Eager; the other is numbered 1,132.

195. Mr. LAWLESS.—This lease (numbered 1,132) to Eager, appears to be a lease, according to the indorsement for twenty-four acres and twenty perches, and not thirty-four acres, as appears by the rental; and the rent is £38 3*s.* 9*d.*, the term being for thirty-one years from the 1st May, 1856.

196. CHAIRMAN.—What about the other lease to Eager, No. 1,121?

Town Clerk.—That lease I gave to the treasurer, and I think he handed it to Mr. Simpson, the solicitor, for the purpose of having an ejectment brought.

197. I would like you, Mr. Killeen, to read the minutes with reference to those leases of Eager's granted in 1856 and 1857.

Town Clerk.—The first minute is dated 13th May, 1856—

"Your committee beg to report that they have viewed and valued that part of the lands of Townrath, lately recovered from the representatives of Joseph Holmes, and now occupied by Ternan, Hueston, Eager, Traynor, and Magill; and in reference thereto, your committee recommend that the occupying tenants be called on to send in written proposals for their different holdings; and that if each offer the value for same that they, each of them, get a preference for their respective holdings, at leases for thirty-one years from 1st May inst., on the terms of their taking out and executing same within a period of two months from this date."

The next minute with respect to the matter is dated 25th September, 1857—

"A lease this day, sealed to Charles Eager, of Townrath, farmer, of part of the lands of Townrath, containing 53A. 2R. 30P. Irish plantation measure, at the yearly rent of £140 18*s.* 7*d.*"

198. Mr. Killeen, those minutes don't inform us whether the lands were let at the same rents or at higher rents than those at which they were previously held. Can you tell us whether they were let at increased rents?—I could not tell you. I have nothing to show whether they were held at higher or lower rents. The resolutions in respect to these holdings were that the tenants were to have them again, provided they offered fair rents.

199. Do you know the circumstances under which the lands of Townrath were recovered from the representatives of Holmes?—I do not. That wasn't in my time.

Mr. J. MOORE, Treasurer—examination continued.

200. CHAIRMAN.—Can you tell us anything about the recovery of these lands, Mr. Moore?—The leases were made to Holmes at the time the Corporation was not allowed to make leases—about the time of the passing of the Act of 1836. These leases were the subject of considerable litigation, eventuating in an appeal to the House of Lords, and the lands were recovered.

201. Mr. *Patrick Courtney* (ex-Town Councillor).—Holmes' case was one of many others which went to the House of Lords.

202. CHAIRMAN.—The lease to Holmes then had been granted by the old Corporation after the passing of the Act restraining the alienation of corporate property?

203. Mr *Courtney*.—Exactly. Messrs. Brassington and Gale valued these lands, and they were let some shillings over that valuation.

204. Do you know the terms on which they were let to Holmes?—No. He was the town clerk and obtained leases from the old Corporation for a long period, and he had a promise that they should be renewed before the term expired.

205. There could be no doubt, I suppose, but that they were obtained at much lower terms than the value of the premises?

206. Mr. *Courtney*.—Well, Mr. William Campbell's holding is bringing in nearly £200 a year more than that under which it was formerly held.

207. Who was it valued the lands at the time?—I think you will find by the minutes it was Brassington and Gale.

208. The minutes state "that the committee having valued the land," did so-and-so, but mention nothing about the employment of professional valuators?—They must have been acting on the report of the valuators.

209. Are you quite sure professional valuers were employed?—There is no doubt of it, and it was according to their valuation the lettings were made. We even did not let the land at their valuation, but put on three or four shillings more. At that time land was not of the value it is at present.

210. (To *Witness*).—Can you tell me, Mr. Moore, whether, as a general rule when leases fell in the lands were set according to the valuation of a professional valuer, who had been called in, or according to the value placed on the lands by members of the Corporation themselves?—Latterly they had no public valuator—but they have taken Griffith's poor-law valuation with regard to the house property. Then they send a committee who inspect the premises and report to the Council. In some cases the tenant puts in a tender, but at times they put a higher value on the lands, and if the tenant applies for the place on the terms mentioned he gets the lease.

211. Since 1856, I understand the Corporation has adopted the rule of advertising and letting their lands by auction?—Yes; they let them in public court here.

212. And houses too?—I don't know of any houses being let by auction.

213. Mr. LAWLESS.—Supposing a house fell out of lease yesterday or to-day, how would the Corporation let it to-morrow?—Well, I will give you an instance. This time twelve months a lease fell in, and the party in possession put in a tender. They looked at the poor-law valuation and deciding that the place was worth more, promised to give a thirty-one years' lease upon getting the increased rent.

214. CHAIRMAN.—Did they put a higher per-centage on Griffith's valuation?—They did.

215. Have you known an instance in which the Corporation let below Griffith's valuation?—No.

216. Have any of the leases since 1840 been made to the members of the Corporation or their relations? I don't know of any lease being made to a member of the Corporation but one, and that was to Alderman Campbell, some years ago. The lease was impeached the same as Holmes' lease.

217. Does Alderman Campbell or his representatives hold that lease?—Yes.

218. Does that lease comprise a house or lands?—A house, situate in West-street.

219. Mr. LAWLESS.—Was Campbell at that time the tenant in occupation as representative of Holmes?—He was.

220. CHAIRMAN.—Was this one of the leases granted to Holmes recovered and regranted to Campbell?—

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Yes, and Campbell's representatives now hold the premises at £25 per annum.

221. When was it granted?—It was granted for a term of thirty-one years from the 1st May, 1857, at £25 a year, the place being described as a house, back yard, and premises situate in West-street.

222. A lease of these premises had been granted to Holmes, under whom Campbell was sub-tenant, and that was one of the invalid leases?—Yes.

223. Was that house and premises valued by a public valuator before they were relet to Alderman Campbell?—I could not say now.

224. Mr. *Courtney.*—I remember the lands and premises were advertised at the time, and a preference was given to the occupying tenants in case they offered what the Corporation considered was the fair value at the time. I think the original rent of these premises was only £10, and then the Corporation got for them £25 a year. We took the rating in connexion with the offer made by Campbell and came to the conclusion that £25 was the value.

225. Do you know whether it was above Griffith's valuation?—I could not exactly say.

226. The *Mayor.*—The present valuation of the premises is only £24.

227. Mr. *Courtney.*—I am satisfied the rating could not have been above the amount for which it was set as we were very strict at the time, and we would have held back the property rather than let it under what was the fair value.

228. CHAIRMAN.—Is that the only instance you know, Mr. Moore, of property having been let to a member of the Corporation?

Mr. *Moore.*—That is the only instance.

229. Were there no other lettings to members?—No. There are a good many members of the Corporation now tenants; but they are not tenants directly, they became possessors of corporate property through buying from other parties.

230. There seem to have been a good many ninety-nine years' leases granted in 1841 and 1842, and I perceive there is one for ever?—Yes.

231. In 1846 there was, I see, a lease given for 200 years?—Yes.

232. That was apparently granted with the assent of the Lords of the Treasury to the bishop for the Presentation Convent?—Yes. There was a provision that he should build a large school. The rent is a nominal one of £1 16*s.* 11*d.*

233. For the first two or three years after the passing of the Act of 1840, I see all the leases were for upwards of ninety years. In 1842 I see there is a lease for ever to a number of persons. What was that for?—That was for the Chord burial ground.

234. Was the consent of the Lords of the Treasury obtained for that?—I think so.

235. I observe there are from twenty to thirty leases, varying from seventy-five to ninety-nine years, which were granted during the first two or three years after the passing of the Municipal Corporations Act of 1840. Can you say whether the assent of the Lords of the Treasury was obtained to all these? In some instances, I notice, it is mentioned on the minutes that the consent of the Treasury was obtained, but in others there is no allusion to it?—I could not say without inspecting the leases.

236. Are these leases for small areas?—Yes; they are for 210 feet and patches of that kind.

237. Were they let for building purposes?—They were all let for building purposes.

238. Since 1846, the time that the last of these leases was granted, you gave, I see, very few leases beyond thirty-one years, and for any you did give you got the consent of the Lords of the Treasury?—Yes.

239. Mr. LAWLESS.—Have you got the minute of August, 1866?

240. CHAIRMAN.—We want to have that as an illustration of the way in which the lands were let?—I have the minute, which I will now read—

"Moved by T. C. Moore, and seconded by T. C. Cullen—'That Mr. John Farrell get a lease for thirty-one years of his two houses in Laurence-street at £35 per year, he giving a lease to Mr. Healy of his house for thirty years at the annual rent of £25 per year, on the same condition as contained in his own lease.'"

241. Do you know if any valuation of the premises was made?—A valuation was made in 1854. They were valued at £35.

242. Are you certain it was in 1854?—Yes.

243. And in 1876 the place was let at £35?—Yes.

244. Mr. LAWLESS.—Was that valuation the Government valuation?—It was Griffith's valuation.

245. CHAIRMAN.—The Corporation did not appoint a valuator?—No.

246. Do you know anything of the value of house property?—Mr. *Farrell.*—Yes; I am the poor-rate collector; that was the valuation supplied by Griffith.

247. Do you think that £35 a year is its full value?—I do think so, because the house in which I live requires the outlay of £100 to make it habitable.

248. What has your house to do with the matter?—It is the house referred to.

249. You then are the party to whom the letting was made?—Yes.

250. You are Mr. Farrell?—Yes.

251. But you did not, at all events, object to giving that rent for it at the time?—I did; I had a very hard battle with them about it, and I should not have given the rent for it, because the house is a most unhealthy one, but that its position is so central and so very convenient to me in my position as a collector.

252. Mr. *Daly.*—I may say that some of the members thought the rent was too low; there was a difference of opinion in the matter, but the highest rent suggested to be put on it was £40. I myself was one of those who went in for the low rent.

253. CHAIRMAN (to witness).—We may take it, I think, now as a fact that with respect to house property there never is any public competition invited. The occupying tenant is offered the premises at whatever sum is fixed by the Corporation as being a fair rent?—Yes; that is the way that the house property is let.

254. Some two or three members of the Corporation put a value on the property and let it to the occupying tenant or to some other individual, without putting it up to public competition?—Yes.

255. You say that the practice is different with respect to farms—that since the year 1856 the farms let were all put up to public competition?—Yes; I do not know of any farms being let since then without being put up to competition.

256. Have many farms fallen in within the last twenty years?—Some of the farms that we recovered were let to the parties in occupation. In these cases they paid a very high rent; they were also let by an auctioneer. I think that some of the Alderman's Acres were.

257. What do you call Alderman's Acres?—The properties held by the old Corporation were called Alderman's Acres. Every member of the old Corporation had a piece of land—either one or one and a half acres—and the new Corporation took proceedings to recover them, and after some law they surrendered the lands, which were then re-let.

258. When were those lands recovered from the old aldermen?—I think about the years 1856 or 1858. There is a record of the transaction.

259. When the Corporation recovered them after taking proceedings, were they re-let by public auction?—They were.

260. Mr. LAWLESS.—Were the aldermen of the old Corporation allowed to continue in possession of the Alderman's Acres until the year 1856 or 1858?—Yes.

261. Although at that time it was trust property which the new Corporation should have taken possession of for the benefit of the town?—Yes.

262. CHAIRMAN.—When did the present Corporation first take proceedings to recover possession of these Aldermen's Acres?—I think it was about the year 1854; it was a long time in litigation because

the old aldermen thought they had a right to keep possession of it.

263. They took proceedings then a good while before they could obtain possession?—Yes.

264. You do not receive any moneys except the rents and the receipts from the public cranes?—Those are all I receive. I record the fines also and keep an account of them.

265. From the public cranes for last year you received £150. I suppose that is the highest amount they have been let for?—That, I think, is the highest.

266. They were let at that rate for the year 1875 and last year?—Yes.

267. And were they let for the same this year?—Yes.

268. Are they all let to one person?—Yes.

269. Does he pay the rent yearly?—He pays it quarterly.

270. I see that you received £225 6*s.* 11*d.* from the bridge committee last year. What was that for?—It is an item that will not appear in the accounts again. They had this money in hand after the bridge was erected.

271. Who were the bridge committee?—Members of the Grand Jury.

272. Mr. LAWLESS.—The Grand Jury of the county of the town?—Yes.

273. Mr. *Chadwick.*—The Grand Jury of the county of the town of Drogheda presented £5,000 for the construction of the bridge, and there was a bridge committee formed to carry out the work.

274. CHAIRMAN.—And I believe the Corporation borrowed another £5,000?—The Corporation gave £3,000 for the same purpose, and the Boyne Commissioners £2,000.

275. Alderman *Daly.*—That is not the case. It was £5,000 from the Corporation, and £5,000 more from the other two bodies.

276. CHAIRMAN.—We had it from the town clerk that the Corporation borrowed £5,000.

277. *Witness.*—Yes; and this £225 6*s.* 11*d.* was a balance that remained in the hands of the bridge committee after the bridge was erected, and they were threatened with a lawsuit concerning a contractor who broke down. For that reason the bridge committee thought it would not be prudent to deal with the balance till such time as the lawsuit was settled.

278. The bridge committee, I understand, was formed partly of the Grand Jury of the county of the town of Drogheda, partly of the Corporation, and partly of the Boyne Commissioners?—Yes; those are the three bodies who contributed to the erection of the bridge.

279. They contributed, as I now understand, in the following proportions—the Corporation, £5,000; the Grand Jury of the county of the town, £3,000; and the Boyne Commissioners, £2,000?—Yes.

280. After the bridge was built and all the contractors paid, and after this pending lawsuit to which you referred was also settled, there remained this balance of £225 6*s.* 11*d.* in the hands of the bridge committee, which was then handed over to the Corporation on the understanding that they were to keep this bridge in repair for ever. Is that so?—No; there were two bridges, and that money was to be applied to keeping St. Dominick's-bridge, which is a wooden structure, in repair. £200 would go a very short way towards keeping the other bridge in repair.

281 After the bridge was constructed the bridge committee was dissolved, I suppose?—Yes; a reason why that balance should be so applied was because they had already spent very nearly that amount in repairing the wooden-bridge.

282. Mr. LAWLESS.—Did the Boyne Commissioners and the Grand Jury of the county of the town assent to this money being given over to the Corporation?—This was the balance raised from the county cess and it was, therefore, the Grand Jury only that was consulted in the matter.

283. CHAIRMAN.—Are all these payments which I see on the expenditure side of your account made by you? Do the moneys pass through your hands?—Yes, they pass through my hands. The finance committee meet every Friday, and fill up cheques for the different payments required to be made. The cheques are signed by the Mayor, two members of the Council, the town clerk, and by me as treasurer, and I then draw the money from the Hibernian Bank, and make the payments.

284. You get a cheque from the finance committee to enable you to make the payments for the current week?—Yes.

285. And you countersign the cheque in the first instance and then cash it?—Yes.

286. And make the payments—so that necessarily you know all about the different items?—Yes.

287. I see a charge of "Rents paid;" there are, I presume, head rents payable on some of this property?—Yes; we pay something about £400 a year for rents.

288. It was £332 14*s.* 8½*d.* last year I see, and you paid exactly about £660 in the last two years?—Yes.

289. Are these ground rents?—Yes; we pay £60 a year for one place where there is an open cattle-market held, and we pay £68 a year for another place.

290. Are these payments then made principally for fair or market grounds?—Well, you may say they are market grounds; but the places for which the rent is paid, on which the markets are held, are portions of streets in the town.

291. Mr. LAWLESS.—Is any of this rent paid for any portion of the property formerly in the possession of the old Corporation?—It has descended from the old Corporation.

292. You mean that property for which you pay the rents?—Yes. We pay that amount in the account for the accommodation of the public. We pay £25 a year for the corn-market.

293. CHAIRMAN.—I see there are certain payments entered as "pensions;" £42 to the Blue school, £21 to the male and female schools, and £10 to F. Evans.

294. Are the two first subscriptions to the Blue school and to the male and female schools?—They were grants given by the old Corporation—forty guineas to the Blue school, and twenty to the male and female Protestant schools. There were formerly a good many pensioners, but F. Evans is the only one remaining now.

295. Those three sums make £73 altogether. They are all grants originally given by the old Corporation, and you say that formerly the number of pensions was considerably larger?—Yes.

296. Are those the only grants now remaining?—There is another grant of £20 Irish to the "Dean Cox" fund; the original object of which was to pay apprentice fees for Protestant boys.

297. Do you pay that still?—Yes; it will appear in our next audit sheet; it is not in the present one. We hesitated to pay the grant, and a Bill in Chancery was filed against us.

298. Were these grants all charged on the rents by the old Corporation?—Yes; the Corporation took legal opinion as to their liability to pay these grants, and they were advised that they were liable.

299. When was that opinion taken?—As well as my memory serves me, it was sometime between 1842 and 1845.

300. They were advised you say that they were liable to pay the grants?—Yes.

301. Vicar's chorals, £43 7*s.* 7*d.*; what is that?—That is paid to the Vicar of St. Peter's.

302. Is it an old grant of the same description?—Yes.

303. Is it charged on the Corporation property?—Yes; that is the foundation of the property that was granted by James I.

304. Do you mean that it was granted under the old charter?—Yes; it was for the payment of this that the Corporation got the property.

305. I found a similar grant at Naas the other day.

DROGHEDA. *March* 21, 1877. Mr. J. Moore.

We have now gone through all the old charges on the Corporation property?—Yes.

306. All the other payments appear to be for lighting, paving, watering, and soforth?—Yes.

307. What do you pay for the gas?—Close on £400 a year.

308. Only a little over £200 is down for last year?—Yes; but there might be something outstanding. We have 153 public lamps, which are lit at £2 9*s.* per lamp. We also supply lamps to the court-house and watch-house, but the supply to them is regulated by meter. I think the cost of lighting averages close on £400 a year.

309. Then last year you could not have paid the full amount due?—No.

310. For the previous year you paid £398 1*s.* 9*d.*, and last year £227 11*s.* 1*d.* Is the amount for last year so small, because part of the account for the year was not paid?—Yes; the whole of it did not come into that audited account.

311. The fact is, it came into the year's account but you did not pay it. Was the reason it was not paid, because you did not wish to overdraw your account at the bank?—Yes.

312. Are you in funds at the bank now?—Yes; I think we have about £290 to our credit at the bank.

313. Have you paid the arrear of your gas account for the last year?—No; it will take all the money we have now to pay it.

314. The Corporation are of course supposed to keep all the streets of the town clean?—Yes.

315. To do all the cleansing, watering, paving, &c.?—Yes; they do all that, and also do the macadamizing.

316. What staff is there employed for scavenging?—The scavenging is done by contract.

317. Is it let by contract for a year?—Yes.

318. What is the amount of your present contract?—£297.

319. Was that a contract made in October, 1876?—Yes.

320. Have you contracted for many years?—For one year.

321. Have you been in the habit I mean of having that work done by contract for a number of years?—Yes; for the last seven years.

322. Have you found it could be done more cheaply by letting it to a contractor than by your own staff?—Yes.

323. And more satisfactorily?—Yes.

324. Are there any complaints made about the manner in which the streets are kept?—No; if the engineer finds anything neglected or done badly he reports it, and the contractor is fined. When the reformed Corporation came into existence they gave up £800 a year of tolls payable to the town of Drogheda, and also £300 or £400 for the watch which was then taxed for, but which is now paid out of the funds. The tolls were charged at the gates, on the produce and cattle coming into the town, and they used to amount to between £600 and £800 a year. The reformed Corporation gave that up. The practice of taking tolls at the gates very often caused dissatisfaction. The cattle and goods of some freemen came in without a charge, and this always caused contention. One man did not like to pay tolls when another passed in free, and the police had sometimes to be called in.

325. When were these tolls surrendered?—After the first meeting of the reformed Corporation.

326. Your heaviest item of expenditure for last year seems to have been the one for paving?—Yes.

327. Is there a committee to superintend all these paving works, or is it left to your engineer?—The engineer reports what work it is necessary to do, and the committee consider his report, and recommend what is to be done.

328. There are, I suppose, several committees in the Corporation?—Yes.

329. How many committees are there?—There is the finance committee, the paving committee, the valuation committee, and the health committee.

330. With reference to the watching of the town, will you tell me of what does your watch establishment consist?—It consists of six men; five are paid 12*s.* a week, and one 14*s.* a week; the total payments amount to £3 14*s.* per week.

331. Do you pay them?—Yes, on every Friday.

332. Are their duties confined to watching the town at night?—Yes.

333. Do they give as much satisfaction here as they do at Limerick?—There is not so much complaint about the watchmen here. They are very seldom brought up for bad conduct.

334. Mr. LAWLESS.—The constabulary are not paid by the Corporation?—No.

335. Is there a good understanding between your watchmen and the constabulary? Does a good feeling exist between them?—So far as I know there is.

336. You have never heard any complaints made against the watchmen by the constabulary?—No.

337. CHAIRMAN.—Have you ever heard it said that the watchmen were in league with the publicans?—No.

338. Or that they are watching in the interest of the publicans rather than that of the public?—I should say not.

339. Of course I do not mean to say that the watchmen do not do their duty in this town, but we have heard in other places that they very frequently neglected it?—They do not go on duty here till nine o'clock at night.

340. And come off duty at six o'clock in the morning, I suppose?—Yes.

341. Is the man who is paid 14*s.* a week supposed to be in charge of and to look after the others?—Yes; he is supposed to have an eye over them and see them on their beats.

342. What is their principal duty? Do they patrol the whole town or are they given distinct beats?—They are stationed in different parts of the town. Each man has to go a certain round and see that no plundering goes on, and that there are no fires.

343. Is it their duty to see that no doors of houses are left unlocked?—I do not say that they go so far as to do that. A part of their duty is to report any street lamps found unlit or broken.

344. Do they arrest persons at all?—Yes; they frequently arrest people for drunkenness.

345. Are any charges of drunkenness brought against themselves?—I do not remember any such charges being brought against them except in one case which happened some time ago.

346. Was the man against whom that charge was made retained in the watch or was he dismissed?—I think he resigned and left.

347. To the best of your belief, you say, they work well with the constabulary?—Yes; I think the two bodies pull very well together. So far as I can see they do.

348. The pumps and water supply, I suppose, as well as the paving, are under the superintendence of the engineer?—Yes; there is a man paid a guinea a week for minding the pumps.

349. £58 12*s.* 5*d.* is charged under the head of "pumps and water supply"?—Yes; there may be some other little charges included in that sum—leathers for the pumps, and so on.

350. The man to whom a guinea a week is paid is, I suppose, under the orders of the engineer?—Yes.

351. £385 2*s.* 5*d.* is charged for sewers. Is the sewerage looked after by the engineer?—Yes.

352. What is the meaning of this clause in the contract for cleaning and watering streets—"All the streets and lanes and by-ways within the municipal boundary, except those cleaned by the Grand Jury"?—Several small portions are done by the Grand Jury of the town of Drogheda. It is within the borough boundary that the streets are cleaned and macadamized by the Corporation. Alderman Daly is here, and will tell you of the great disadvantage that arises from this condition of things.

Alderman DALY examined.

353. Alderman *Daly*.—The boundaries of the county of the town of Drogheda were formerly not coextensive and coterminous with the present municipal boundaries. Now they are exactly the same. You will be astonished when I tell you the county of the town of Drogheda formerly consisted of 5,758 statute acres, and that now it is restricted to 454 acres. There is no reason why this work should not be done entirely by the Corporation. We, at one time, had nearly 6,000 acres, which came in within the county of the town, and an anomalous state of things exists at present.

354. Mr. LAWLESS.—Was it within the municipal boundary also?—No, not for municipal purposes. It was liable for all Grand Jury purposes, and the Grand Jury having to do with the making of the roads, these little portions which are outside the gates, and were portions of the old 6,000 acres, are still repaired by the Grand Jury of the county of the town, although the county of the town and the municipal borough of Drogheda are the same. I just wish to draw your attention to this most extraordinary state of things. Forty years ago none of the old people belonging to the town could give any explanation of the matter.

355. CHAIRMAN.—Was not an alteration of the boundaries made immediately upon the passing of the Act of 1840?—Yes, we cannot find any person in the town of Drogheda to inform us how this state of affairs came about.

356. The Act of 1840 sets out what are to be the boundaries?—Yes.

357. And you say you cannot understand upon what grounds these boundaries were fixed?—Yes; the workhouse, which you may have seen as you came from the railway station, is outside of the town boundary. The railway is also outside, and the hackney cars, the licenses for which are granted by the Corporation, when there are beyond the control of the Corporation, and the lamps on the way to the railway station are paid for by the Corporation; yet the railway pays none of the rates. There are many other places outside the town which should be within it for municipal purposes. Here is the boundary of this large and important town restricted to those borough stones, beyond which we are unable to go, and make such improvements as should be made.

358. You complain as a great grievance that the municipal limits were so restricted?—Yes; the boundary was fixed without the sanction of anyone in the town.

359. What is the Parliamentary area? Is it the same as the old municipal area of 5,758 acres?—Yes.

360. Were they coterminous?—Yes.

361. Are you sure of that?—Yes; and the Grand Jury of the county of the town of Drogheda have done everything in their power to draw the attention of the Government to this state of things, and we want now to impress upon you that we are desirous of obtaining a fair and reasonable extension of our municipal boundary, but at the same time we want it done without having to get an Act of Parliament. We applied with reference to this to the Local Government Board, and got a most extraordinary answer to the effect that if the people outside would agree to it we would be able to get them brought in. What we would ask is, that the Government would send down a proper officer, who might determine what the boundary should be. If the boundary were reasonably extended it would be of the greatest advantage, not only to those inside the boundary now, but also to those who would be taken in, because the rate they would be called upon to pay would probably not be more than they give at present to Louth and Meath. We have no borough rate at all. I want to know if it is possible for us to get this extension without going to Parliament for it?

362. Mr. LAWLESS.—I am afraid not, unless you have the consent of all occupiers of the outlying places?—We have the consent of the Grand Jury of the county of the town, but the answer we received from the Local Government Board was, that parties holding lands and premises in the neighbourhood should give their consent, and although they have some dread that upon some other demand being made a rate will be put on the town, people who have the advantages of the lighting and cleansing, and whose property is increased in value from its proximity to the town should pay the town for it, and not contribute to Louth and Meath.

363. CHAIRMAN.—The Grand Jury of the county of the town have only jurisdiction within the present municipal area?—That is all; only over the borough boundary.

364. Was your petition for the transfer of the Grand Jury powers or only for the incorporation of certain districts with the municipal borough of Drogheda?—Our petition was to bring in certain districts, and to extend the limits of the municipal borough to a reasonable distance, as it is in Newry and Dundalk.

365. It makes all the difference if you applied for a transfer of Grand Jury powers from Louth and Meath. If you did so, the Local Government Board could not grant it without the consent of the Grand Juries of both counties; but if, on the other hand, you applied for the incorporation of certain districts, the Chief Secretary might send down an inspector to inquire into the matter, and report what, in his opinion, ought to be done. I want to know what your petition was for?—The answer we got was, that although they did not dispute the fairness of the demand we were making, if the people who lived in the houses close to the town did not agree to it we could not succeed in carrying out our wishes.

366. Have you got a copy of the petition, and the answer to it from the Local Government Board? If you can let us see that correspondence we shall be glad to have it?—The town clerk has them, and can produce them. (Town clerk hands in the petition and the reply.)

367. How many years is it since the petition was made?—About two years ago.

368. Did you, in your petition, set out what you considered the limits of the boundary should be?—No; we did not. We asked for the old boundary, or such other boundary as an inspector sent down to inquire into the matter, might fix upon.

369. You have been a member of the Corporation for a long time, I believe?—For about twenty-five or thirty years.

370. Have you considered what would be a fair boundary—fair alike to the people inside and outside the present municipal limits—or whether the old boundaries, in case of an extension, should be adhered to or amended?—Certainly, they should be amended.

371. You would not have the limits extend so far as the old boundary?—No, not in some directions.

372. To what distance from the centre of the town would you wish it to extend in each direction. You have been for twenty-five years a member of the Corporation, and came here for the purpose of stating what you consider to be a grievance, so I want to know if you have made up your mind as to what would be a fair boundary?—I think the municipal area should extend about two miles all around the town.

373. You would strike a radius of two miles from the centre of the town?—Yes.

374. Do you think that if the boundary extended two miles in every direction from the centre of the town, that the inhabitants brought in would derive so much advantage from the lighting and water and other conveniences provided for them by the Corporation, as would compensate them for the payment of any rate they might have to contribute to the town?—Yes. People within that distance should contribute to the rates. It is a great matter to be situated so close to the town. I myself hold about eighty Irish acres within a radius of two miles from the centre of the town, and for my purposes, for instance, for drawing manure to the land, it is extremely convenient, and one is enabled to bring a great many loads each day.

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375. I suppose a great deal of that eighty acres which you hold would be now exempt from a town rate?—Yes.

376. Would you be willing to pay a rate on that part of your property rather than allow the boundary to remain as it is now?—Certainly.

377. And do you believe your neighbours would be willing to do so likewise?—I do; they would if they really knew the facts with regard to this question. The Corporation property is so large at present, and is increasing so much, that they would never be called on to pay more than they are paying at present to Louth and Meath.

378. You think the increase in the rental of the property would be sufficient to meet the increased expenditure if the boundary was extended?—Yes, I do.

379. Mr. LAWLESS.—In your petition you ask for the restoration of your ancient boundary, or such other boundary as the Board might think proper; and the answer to the petition, dated 5th April, 1873, says, referring to your communication—"I have to state, that the prayer to the Board does not appear to be sufficiently specific to enable them to act upon it." Was anything done after the receipt of that reply?—You will observe that it says we must get the consent of the people themselves.

380. CHAIRMAN.—But you say there would be no difficulty in getting that consent?—I say that when we speak to them on the subject they agree to it; but it is quite another thing when they talk over the matter amongst themselves.

381. At all events you did not make any more specific application after the date of that reply to your petition?—No. The Grand Jury hold that the Local Government Board ought to do what is fair, irrespective of what the people may like or dislike.

382. But the Local Government Board must act in accordance with the provisions of the Act of Parliament?—Some think that the Local Government Board are a sort of Parliament in matters of this sort.

383. Do you think that by this extension of the boundary you would be able to (I do not say you have not a very good class of men at present) get a better class of men—large owners of property, who would be interested in the proper administration of affairs in the town—as members of the Corporation?—Certainly; you would have a larger area to take them from.

384. And you think there are some such persons now excluded by reason of the narrow limits of the municipal borough?—Yes; we have a very good class of men in the Corporation at present, but we might then be able to get better representatives of the different classes of society—landlords, and so on.

385. A good many of the members of the Corporation, I suppose, live outside the borough and are members of the Corporation by reason of their holding property in the town?—Decidedly; Mr. Chadwick is one of those.

386. Is that one of your reasons for wishing to extend the borough boundary?—Yes.

Mr. J. Moore.

Mr. MOORE, treasurer, recalled.

(Rental for September, 1876, is handed in.)

387. CHAIRMAN.—I see that the arrears of rent due at the beginning of the year were £809 10*s.* 8*d.*, and that you left off with £953 5*s.* 2*d.* How did you come to allow the arrears to increase so much. There is one large arrear of rent which we already referred to as running for a long time; but leaving that out of the question, there is still a very large arrear due. It looks as if there was very great negligence in the collection?—The collection is very good now. There used to be arrears of £1,300 or £1,400 for the half year.

388. The arrears, however, are very large, and a year and a half ago Mr. Collot called attention to it—he also called attention to it in his last audit. He says, "It appears from the above that the arrears of rent have increased from £809 10*s.* 8*d.* to £953 5*s.* 2*d.*, showing the necessity for more exertion in the collection of the rental. This is the more necessary as it may be seen that on the expenditure side of the abstract there is a charge of £13 18*s.* by the bank as interest on overdrawn account." A year and a half ago Mr. Collot drew attention to the very large arrears brought forward, and recommended the committee of the Corporation to investigate them with the view to have the irrecoverable arrears cut off?—Yes.

389. He congratulated you on having made a very good collection for that year, but it seems you have fallen off again. Can you tell me why, at the time this committee met to clear off the irrecoverable arrears, they did not deal with this item which I see in the book of £200?—They left that item untouched because the person by whom it was due was dead, and his representatives were in the Court of Chancery.

390. They left it alone in the hope of getting it from his representatives?—Yes.

391. Did they make any effort to get it?—Yes; but the receiver, Mr. Dillon, has lodged a defence, and denies the right of the Corporation to recover the arrears.

392. What steps have been taken by the Corporation in the matter?—They were advised by their solicitor at the last meeting to abandon the proceedings.

393. What proceedings were taken?—They brought an ejectment.

394. Mr. LAWLESS.—Did they ever bring an action to recover the arrears—not an ejectment?—No, not to recover the arrears.

395. I think the arrears due would establish the right of the Corporation to the property.

Town Clerk.—An ejectment was brought by the Corporation for the recovery of the premises, and a defence was entered disputing their title. The leases expired in the year 1836, and so great was the difficulty in establishing the Corporation's case that their solicitor advised them to abandon the proceedings.

396. CHAIRMAN.—Will that item now be treated as an irrecoverable arrear?—Yes.

397. Have you not, irrespective of that £200, still an arrear of over £700. That seems to be a very large arrear on a rental of £3,300. I want you to give me any explanation you have to offer with regard to it?—All I can say is, that I collect the rents as fast as I can. In fact, so strongly do I push the collection that the tenants complain of my being too hard on them.

398. Are the arrears principally on house property in the town?—Houses and lands.

399. I see here £100 odd due by the representatives of Henry Oakley?—Yes.

400. Mr. LAWLESS.—Is that arrear on premises in the town or on lands?—On both houses in the town and lands—they are small tenements.

401. The half year's rent due in March last year was not paid in August, 1876?—No.

402. Has it been paid since?—Yes; it was paid about a week afterwards.

403. Is it a fact that the rent due on September, 1876, is now due by him?—No; he paid it about a fortnight ago.

404. And there is no rent now due by him?—No; he paid it about a fortnight ago.

405. Is there no rent now due by him?—No; I had to go to Dublin to get it from him, but I did get it from him.

406. CHAIRMAN.—I see a William Campbell owes five years' arrears. Is that Alderman Campbell?—No, it is another Campbell. We had to bring an ejectment in that case. The arrears have been paid since. One of the tenants in possession of the place redeemed it.

407. There appears to be a year and a half's rent due by John Collons, and the year before there was five years due by him?—Yes; that man went away to England, and the arrear was considerably reduced since by the person who went into possession.

408. That money has been paid since?—The greater portion of it has been paid.

409. The rent of Henry Clinton's holding is £5 12*s.* 6*d.* for the half year, that is £11 5*s.* a year, and he now owes an arrear of £32 17*s.* 6*d.*?—Yes; that £32 17*s.* 6*d.* is an arrear that has been going on for, I suppose, the last twelve or thirteen years. The property consisted of houses, and it was sold in the Bankrupt Court. It was bought by Henry Clinton, and the arrear was due by the former tenant. The matter was put into the hands of our solicitor, but he never recovered the money from the Bankrupt Court. It was afterwards handed over to another attorney.

410. Why was that arrear not wiped off by the committee when they undertook to wipe off all the irrecoverable arrears?—This particular case was left over to see if the attorney could not recover the money from the Bankrupt Court.

411. I see another sum of £22 due here?—That has been paid since.

412. The great bulk of the arrears consists of single half-year's rent, with the exception of those we have already noticed?—Yes, they are.

413. £5,000 was borrowed for the bridge, and were not £1,200 and £2,000 borrowed to pay off old debts?—Yes.

414. I want to know was the consent of the Lords of the Treasury obtained for the loan of that £1,200 and £2,000 which is said to have been borrowed for the purpose of paying off old debts. The town clerk says that you had the custody of the bonds. He said you had copies of the bonds?—I have not got the custody of them.

415. Do you know anything about the matter?—No.

416. I cannot understand the consent of the Lords of the Treasury having been obtained for these loans to pay off old debts. This £500 was a loan from the county infirmary to the Corporation, and the money is still owing; but we understand it is transferred to a Mr. Kearns, who gets the interest on the money instead of it being paid to the infirmary, from whom the money was borrowed.

Mr. George Knaggs, Mayor, examined.

Mr. George Knaggs.

Mr. *Knaggs*.—I think that the Corporation received that money from and paid the interest to the county infirmary, and the question is whether the governors of the infirmary had a right to dispose of these moneys to Mr. Kearns.

417. Mr. Lawless.—The county infirmary had this demand against the Corporation, who paid the interest on the money to the infirmary. The county infirmary became dissolved, and sold their interest in the loans to Mr. Kearns, who thereby became entitled to receive the interest from the Corporation of Drogheda until such time as the principal is paid off?—Yes; but the question is whether the governors had a right to sell it.

418. Chairman (to *witness*).—Has the Corporation of Drogheda anything to do with the Harbour Commissioners?—No.

419. The Harbour Board is a distinct body altogether?—Yes, except that I, by virtue of my office as Mayor of Drogheda, am *ex-officio* Chairman of the Harbour Board. As a matter of fact, it is principally the gentlemen who are members of the Corporation that compose the Harbour Board, but they, of course, are separately elected to each body.

420. Mr. Lawless.—Do the Corporation derive any fees or dues from the port or harbour?—No, they do not.

421. Chairman.—You say that although the Corporation, as a body, have nothing to do with the Harbour Board, the same persons are generally members of the Corporation and the Harbour Board?—Yes; they must be elected for one body the same as for the other. Several members of the Corporation are members of the Harbour Board.

422. Are you the only *ex-officio* member of the Harbour Board?—Yes.

423. We found in some places that the Harbour Board was constituted by a certain number of members of the Corporation and a certain number of members of other bodies?—That is not the case here.

424. The members of the Harbour Board are elected by the burgesses, and it is merely a chance whether they are members of the Corporation or not?—Yes, but as a matter of fact they generally are.

425. Mr. Lawless.—What body is that which is called the Boyne Navigation Company?—My impression is that it is the canal company.

426. How long are you a member of the Corporation?—Over twenty-five years.

427. About as long as Alderman Daly?—Yes.

428. Did you hear his views about the extension of the borough boundary?—Yes.

429. Are your views just the same?—Yes; except with regard to the area of the limits. I would rather have a larger boundary than that mentioned by Alderman Daly.

430. To what distance from the centre of the town would you wish it to extend?—I should say about two and a half miles.

431. Were the Corporation unanimous in that petition to the Local Government Board?—They were, and every Grand Jury for the last ten or twelve years have been the same, and forwarded memorials on the subject. I am decidedly of opinion that it would be an advantage to the outsiders to be brought in.

432. Are you a land owner?—I have property both within and outside the borough boundary.

433. Have you property outside the present boundary, and within the two and a half miles to which you wish it extended?—Yes.

434. And would you be willing to pay a rate on that property if one was struck rather than have the boundary remain as it is?—I would, even if I had twenty times as much property as I have at the present time, because I think it would be a great improvement.

435. It is said that the railway station, which is outside the present boundary gets the advantage of your lamps?

Mr. *Harvey*.—The road from here to the railway is very badly lighted.

436. Chairman (to *Witness*.)—As a matter of fact is the road to the railway properly lighted?—It is not.

437. It is said also that there is a lamp in a very important position, which is not lit at night. Would you be glad to have the power to light the lamps further than you do now?—Yes; I appealed to the Poor Law Guardians to see if they could not put up a lamp at that part of the road for the accommodation of the paupers going to and from the workhouse. I think they ought to do so, because we have lamps outside the boundary which we are not bound to light in Meath, and any ratepayer could object to our doing so.

438. Do you wish to have power to light them further?—Yes.

439. But is it not quite clear that the Corporation are bound to light that lamp referred to?—Yes.

440. You have been twenty-five years a member of the Corporation. Are you satisfied with the way in which the rents of the Corporation property are collected?—Yes; I am, because I think that if the September rents are collected before the March rents are due it is a very fair collection. The treasurer should be allowed to prosecute anyone owing a whole year's rent. If one half-year is paid up before entering on another I think it would be very fair.

441. But I saw some cases in which there were three, four, and five half-years' rent due?—Those were cases in which our right to the rents was disputed.

442. Not always. There is no doubt that between 1875 and 1876 the arrears increased about £150?—It has been decided by the Council that dates will be fixed for the payment of the rents.

443. Mr. *Harvey* (to Mr. *Knaggs*.)—Is it not a fact that the treasurer opens his office every day for receiving the rent?—Yes.

444. Have not then the tenants greater facilities for making the payments than if it were only taken on certain fixed days?—No. I think that it would be a great advantage to have a fixed rent day.

445. Chairman (to *Witness*).—Do you contemplate having a fixed rent day in future?—Yes.

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Mr. George Knaggs.

446. CHAIRMAN (to Mr. *Moore*).—There is one item which I do not understand. There is so much charged for income tax and poor rates allowed to tenants by the treasurer. What is that?—That is the amount of income tax and poor rate which I take credit for as allowed to me on the rents I paid.

447. Is it on the ground rent?—Yes.

448. Mr. LAWLESS.—Do you charge yourself with the full rent paid by you for the Corporation?—Yes; and then I credit myself with the amount deducted for poor rates and income tax.

Mr. John G. F. Greene.

Mr. JOHN G. F. GREENE examined.

449. CHAIRMAN.—Are you the engineer of the town of Drogheda?—Yes.

450. What are your duties?—As engineer of the Corporation I have to look after the carrying out of all works such as scavenging, and maintaining the streets of the town.

451. Are the sewerage works and the paving done under your direction, and have you the care of the pumps and the water supply?—Yes.

452. For those duties do you now receive a salary of £100 a year?—Yes.

453. I see that Mr. Collot at the last audit disallowed a sum of £30 which was charged to your salary. How was it that he only allowed you £100, although you were previously paid £130?—The reason for his doing so, as far as I am aware, was this: The Corporation advertised for an engineer at a salary of £130 a year, £30 of which was to be paid to the retired officer. Since I was appointed in the year 1871 I only received £100 a year.

454. It was an indirect way which the Corporation adopted for superannuating an old officer, and the auditor very properly disallowed the charge of £30?—Yes; only £100 was handed to me.

455. I understand that the cleansing and watering of the town are let to a person by contract?—Yes.

456. And subject to your approval and certificate?—Yes.

457. Is it done to your satisfaction?—Well, generally, it is. I have to give a certificate every week saying that the work is properly done, or mentioning places which are not done.

458. And is the contractor liable to a penalty if he does not carry out your instructions?—Yes.

459. Have you got the contract?—No, the town clerk has it.

460. Mr. LAWLESS.—What is the name of the contractor?—Edward Monaghan, junior. (Contract is handed in.)

461. Were you the person who prepared this specification?—Yes.

462. It was made in July, 1875?—Yes.

463. And was renewed in 1876?—Yes.

464. Is the same system of working continued still?—Yes.

465. Does Mr. Monaghan do the work specified in this document?—Yes.

466. Does he do it under your supervision?—Yes.

467. Is he paid by weekly payments?—Yes.

468. CHAIRMAN.—What becomes of the manure which is taken off the streets of the town by the scavengers?—It belongs to the contractor.

469. Mr. LAWLESS.—That is not mentioned in the specification?—No; he is merely to cleanse the streets and to remove the manure.

470. Does that specification embrace all the smaller lanes in the town as well as the larger streets?—All the streets and lanes, except those presentable for by the Grand Jury.

471. CHAIRMAN.—Are those the main streets coming into the town, but outside the walls?—All streets within the gates of the town are maintained by the Corporation, and those outside the old walls of the town are maintained by the Grand Jury.

472. Mr. LAWLESS.—Can you state whether the same care is bestowed by the contractor on the back lanes as on the main streets?—Oh, not at all; because he might have to sweep the main streets twice for once that he would have to go to the others. I must give the certificate; and when I see that he has not complied with the directions given him, I certify that, and they take off five shillings for each case.

473. CHAIRMAN.—We understood from one of the witnesses that the Corporation were required to make certain sewers in the year 1873. Have these sewers been since completed?—They have.

474. All of them except one street?—The only orders made compulsory were for two streets—King-street and James-street. Those two were completed within the prescribed time.

475. Can you say whether the main streets of the town are now properly sewered?—They have not main sewers; they are constructed in the older style. Those contracted for since 1873 are different altogether.

476. Have those sewers since 1873 been constructed with a proper outfall, and are they properly ventilated?—Yes. The Local Government Board ordered the Corporation to proceed to make two sewers within a certain time, and they have complied with those requests. They recommended the Corporation should go on with the others also, but they do not limit them to time.

477. Are the other old sewers generally constructed of brick?—No, they are stone drains quite square—very old ones indeed.

478. And very imperfect and unfit for their purpose I suppose?—Well, they are more or less unfit for their purpose at the present time; when they were built water-closets were not in existence at all, and they were only made to carry away certain matters.

479. Are there connecting drains from most of the houses where you made new main sewers?—I don't believe there are.

480. Is it the case that the parties are unwilling to make them without further proceedings?—When the Corporation have made arrangements, they won't avail themselves of them; they have to be served with notice, and in many cases they wait until the time expires.

481. In these old drains are there any junctions?—There are, but some of the drains are not deep enough to take the drainage.

482. Have you a good water supply in Drogheda?—Very good. It is by private pumping. The Corporation supply the pumps and fountains alone.

483. Pumps and water supply cost £58 12*s.* 5*d.* We were told that that sum arose principally from a salary of £1 per week to a man for looking after the pumps?—Oh, no; that money principally goes for repairs of the pumps and fountains; the £1 a week is included in the pay sheet.

484. All the Corporation supply are certain public pumps?—Yes.

485. How many?—Seventeen. The handsome one opposite here (the Whitworth Memorial) is supplied for the waterworks; that was a presentation to Mr. Whitworth, and the waterworks company gave a supply of water, but we have seventeen pumps or fountains without the Whitworth fountain.

486. Where do you get your supply for watering the streets?—From the river; we have a pump from the river.

487. And are the sewers flushed?—They are not flushed at all.

488. Mr. *Harvey*.—The sewage water from the public sewer flowed into my cellar. Finding no remedy I applied to the Local Government Board; there is a difference of opinion on the point, but my impression is that a sealed order came from the Local Government Board to have the sewers completed by the 1st of January, 1876.

489. Mr. LAWLESS.—(Reads report of Local Government Board of February, 1874.) Was there a sealed

order of the Local Government Board sent down here after that?—I believe there was.

490. *Town Clerk.*—There was no sealed order.

491. Mr. *O'Brien.*—I believe there was.

492. Mr. LAWLESS.—What was done in compliance with that order of the Local Government Board?—There was a sewer made in George's-street, and a sewer made in James'-street, at a cost of £385 2*s.* 5*d.*

493. CHAIRMAN.—I find by this document that King-street, James'-street, and the North-road, are the places most calling for immediate notice. Were the works done?—They were.

494. Within the limit of time?—Well, whether they were done within the limit of time would be an invidious thing to say.

495. Have any been made since that?—No.

496. Mr. LAWLESS.—Because it goes on to say "When these most necessary works have been fully executed, then, and not until then, the other cases shall be taken up and be considered."

497. The *Mayor.*—So soon as the Corporation shall have funds at their disposal.

498. *Witness.*—I may tell you that the Corporation asked me to make out the specifications and plans for the sewers.

499. Mr. *Harvey.*—Perhaps it would be well that the Commissioners should know that Mr. O'Brien ordered a sewer to be made in Shop-street, to go below the level of the bed of the river—so much for the value of the Local Government Board's officer.

500. CHAIRMAN (to Mr. *Harvey*).—There is no question in your judgment I suppose, that a great deal remains to be done?—Oh, yes; a great deal remains to be done.

501. Is it not a question of funds?—That is so.

502. And it is quite clear it can't be done out of your present income. Under the Act of 1874, you can get a sewerage loan, and make a sewerage rate, and charge it on that.

503. Mr. LAWLESS.—Are there any parts of the town unprovided with main sewers?—There are.

504. Are those parts where the poorer inhabitants live?—Yes.

505. It would not be a difficult town to sewer, I believe?—No, quite the reverse.

506. Have you been requested by the Corporation to prepare any general drainage plan?—I have.

507. And have you done so?—I have.

508. And an estimate of the costs?—Yes.

509. And has that matter been under consideration lately?—It has.

510. Since Mr. O'Brien made his report, have you had any instructions on the subject?—Not that I know of.

511. When Mr. O'Brien was here did you show him the plans you had prepared?—No, I did not. Several important works were held over until Mr. Greene was appointed, and Mr. Greene did everything he possibly could since then; but his hands are tied—that's my impression.

512. Mr. LAWLESS.—Are there cellars in this town used for people to live in?—No; they are all closed up—there is one cellar to be built up in Peter-street, and there is another in James-street.

513. Are there any cellars used as kitchens?—Yes; and the basement floors of houses in certain streets are below the level of the bottom of the sewers.

514. CHAIRMAN.—Is that the case, Mr. Greene?—It is.

515. And what is the nature of the soil?—It is all gravel in the lower portion.

516. It can then be easily percolated?—Yes.

517. What is your estimated cost for making proper sewerage in the streets that now require it?—An expenditure of £1,800 or £2,000. It was the intention, I believe, at one time of the Corporation to get a loan of the money.

518. Are there any slaughter-houses in the town?—Yes, there are.

519. Are there any public lodging-houses?—There are.

520. Under whose inspection are they?—There is a person appointed called the "registrar of lodging-houses." The appointment is under the late Sanitary Act. The slaughter-houses are looked after by the sub-sanitary officer of the district.

521. Are those slaughter-houses properly inspected—are they properly cleansed, or are they so kept as to be a nuisance?—From all I know of them I would like them to be a great deal better than they are. The buildings are old.

522. Are they kept properly cleansed and flushed?—They are.

523. Where do they get their water from?—They generally get it from the private waterworks.

524. Mr. *Harvey.*—They are washed out into the streets; and the blood and matter flows into the street and is most disgusting.

525. *Witness.*—That is in Magdalen-street.

526. Is that the street you referred to when you said one street is not properly kept in order?—Yes.

527. Who is the inspector of lodging-houses?—Mr. Levins.

528. He is not down here?—(Referring to list of officers)—He is down as "sub-sanitary officer.

529. What was the paving that cost £457 last year—what streets did you pave?—Although it appears under the heading of "paving" there has been very little paving done at all; the money is for cleansing sewers, &c.

530. You told me the payment to the man for taking care of the pumps was included in that?—Yes; that is a portion of it, and whenever a sewer wants to be cleansed we have to employ extra men to do it.

531. Are the men who are employed in all these works paid and overlooked by you, and is the pay-sheet signed by you before it is taken to the treasurer?—Yes.

532. Your certificate is given for all the payments for this class of work?—Yes.

533. Mr. *Harvey.*—Would you ask in what account he charges for the opening and re-opening of Ship-street to prevent the flow of filth from the sewer into Mr. Calahan's and other basements—a flow of filth; not a percolation alone, but a leakage of three or four feet.

534. CHAIRMAN.—Is that one of the old drains?—*Witness*—No.

535. Mr. *Harvey.*—I wish to be perfectly clear if I can. I have seen these openings publicly made in the street to clear these places, from time to time, in the same locality—within the circle of twenty yards or so from where we are standing.

536. CHAIRMAN.—That must be a continued source of expense; and, after all, I believe, it is only a make-shift?—Mr. *Harvey.*—It is only a makeshift.

537. Mr. *Harvey* (to *witness*).—How often have you opened that street in three years?—Three times.

538. CHAIRMAN.—At the best, the result is very unsatisfactory?—Yes.

539. Do you know whether any action has been taken by the Corporation to enforce the making of ashpits, &c?—The executive sanitary officer has been telling me he intends to summon us at the next sessions.

Dr. KELLY examined.

Dr. Kelly.

540. Are you one of the sanitary officers?—I am appointed as sanitary officer to the town and county.

541. Do you make your reports from time to time on your district to the town clerk as the executive sanitary officer?—Yes.

542. And by him they are, I suppose, laid before the Corporation, and they make their orders upon them?—Yes.

543. Do you ever meet and confer with the Corporation upon them?—Oh, I constantly meet them.

544. Because generally I find the doctor never attends the meetings of the sanitary committee?—

DROGHEDA. *March 21, 1877.* Dr. Kelly.

Witness.—When the Act came out first I didn't know if they were very friendly disposed towards us; but latterly they are very much so.

545. CHAIRMAN.—I am very glad to hear that.

546. *Witness.*—For the last six months they have been most active and energetic; but I can't say much further than that.

547. What report can you make of the sanitary state of your district generally?—I think it has been improved; but, still I have recommended several sewers, and the Corporation deferred the work till the dry weather came in many instances. Magdalen-street is the street dividing the east and west districts. There ought to be a main sewer, so as to compel those people having slaughter-houses to send the leakage stuff into it. They have no main sewer at present. The committee also recommended a sewer for Green-lane, and it is about to be done. While you mention the slaughter-houses, I am certainly very much of opinion there ought to be a single slaughter-house for the whole town; it is impossible for any sanitary officer to be always inspecting these places. I certainly find them at times in a very bad state.

548. Are they registered?—They are registered.

549. And whose business is it to inspect them?—The sub-sanitary officer of the district, but there is no special arrangement about them. I have constantly gone down myself about them.

550. Are the lodging-houses kept in a satisfactory state—are any by-laws passed for their regulation?—There are no by-laws laid down at the present time specially in reference to lodging-houses. Some time ago there was a move made in that direction. The police informed me that if there were by-laws passed they would have the power of inspecting them. The great difficulty is the low class of people who get in there; they are two or three in a bed, especially on the fair nights. Of course if you have treble the proper number of persons sleeping in each room it leads to disease.

551. Mr. LAWLESS.—And have you asked the Corporation to pass by-laws?—Yes.

552. Mr. *Cullen.*—We have by-laws passed in 1863. [Copy of by-laws produced.] Every lodging-house in the town has a copy of these posted up since last September.

553. *Witness.*—I called attention to the necessity of having special by-laws.

554. CHAIRMAN (to Mr. *Cullen*).—Do you say these were only issued last September?—Only since last September; and they have been laid up in lavender for twelve or thirteen years. We have now on our notes that these by-laws issued in 1863 were never circulated until 1876.

555. Mr. *Curtis* (a Town Councillor). — They appeared to be almost brown from age.

556. Is there much disease in your district?—*Witness.*—I don't believe Drogheda has been in such a healthy state for the last twenty years as it is now.

557. Is the state of the district such as to favour the spread of epidemic disease in the event of fever or small-pox breaking out?—There is a portion of my district such that I recommended to the Corporation to shut the houses up altogether—a number of houses in Moore's-lane, and a number of other places.

558. Have any steps been taken in Drogheda to provide improved dwellings for the labouring classes?—No.

559. You have had no small-pox here I believe since 1872?—No.

560. Do the people keep their houses tolerably clean?—They do not; in all the small cabins about the town there is always an accumulation of filth, especially where they keep pigs in the house—that is mostly not within the limits of the town.

561. On the whole, for the last six months at all events, have you been satisfied with the action of the Corporation as a sanitary authority?—Yes.

562. But you think they may be stimulated still further with advantage to the town?—Yes.

563. And the principal thing you want is main sewers, that's clear?—Yes. If you put a force of water into sewers of the present class you would actually deprive the people of their water.

564. And you would probably flood all the cellars?—Yes.

565. Mr. LAWLESS.—When you make a report to the Corporation on any subject do you find that your report is properly and promptly attended to?—Certainly, within the last six months.

566. Has it frequently occurred that you have had occasion to report the same nuisance more than once?—It has; more than once. My impression was that when the Act required them to appoint a sanitary officer the Corporation thought they had already a sanitary officer quite capable of doing his duties. We are willing to assist, but I do not consider it is the position of the dispensary medical officer to be inspector of nuisances or sanitary officer. I think the Act would work much better if the officer had no other duties to perform, and he could call in a medical officer if necessary. We, having to live by the public, don't want to fight with our patients; and if we were to carry out the sanitary Act strictly as is our duty I certainly think we would lose more than we would gain.

567. Are you acquainted with the state of the habitations of the poorer classes of the town?—I have been for the last twenty years.

568. How are they off for privies?—In the majority of cabins they have none.

569. CHAIRMAN.—Are there any public water-closets?—There are one or two in the town; there is one public water-closet and several urinals.

570. I suppose there are many places where there is no means of putting up privies?—Well, if you put up the ordinary class of privy and it is not cleaned, it is more a nuisance than if there were no privy at all.

571. But in some houses I suppose from your description they have no back yards?—In the very centre of the town here they have no back yards, and when they put water-closets in them they were a great nuisance. In one case while a water-closet in the the next house did exist there was leakage from it and in the next house we had some of the worst cases of typhoid fever we have had in the town. A water-closet, if not properly kept is a great inconvenience.

572. Have you had an analysis made of the drinking water?—I have had an analysis of the water from Dr. Cameron lately, and he condemns three of the pumps. Two of the pumps have been closed, and one has been condemned as unfit, and the other scarcely fit.

573. As a matter of fact is one of the pumps condemned still in use?—Yes.

574. Mr. LAWLESS.—Out of how many has he condemned three?—Ten altogether.

575. Mr. *Cullen.*—And there are about a hundred private pumps in the town.

576. CHAIRMAN.—How long ago has that report been made by Dr. Cameron?—About three weeks.

577. (Referring to printed copy of analysis).—He says only three are fit for domestic purposes—"Cane's well, hay market, and Dublin-road." One he says is quite unfit for use; and out of ten public pumps there are only three, he says, fit for domestic purposes. Two are unfit for use, and three are also said to contain a dangerous quantity of mineral matter?

578. *Witness.*—I would recommend the Corporation to insist on the construction of connecting sewers. Some sewers have been recently constructed in North-road, and I must say they are very well constructed.

579. Where is their outfall?—Into the river. From the natural advantages of Drogheda—it being situated on the slope of two hills—whenever the rain gets into the sewers it washes them down.

580. CHAIRMAN (to the *Mayor*).—Can you tell us whether the Corporation have considered the desirability of getting drinking water from the waterworks, and also for the purpose of flushing these new sewers?—It has been under the consideration of the Council. There is a party for it, and a party against.

581. You have not got a majority yet?—Not yet; a good many of the Corporation are shareholders, and are by that means prevented taking a part in the matter. If they all had the same voice in the matter they would be unanimous for it. I believe there would be a majority for giving it into the hands of the waterworks committee; and it is only a question of what sum the waterworks committee would take if the majority of shareholders of the company should be disposed to give the Corporation a bargain.

582. *Witness.*—I said I would flush the sewers with pump-water if they liked; and I certainly would flush the people with good healthy water, which is much more likely to keep the people free from disease by giving them proper water to cook their food.

583. The *Mayor.*—The Corporation at one time thought the sum asked by the company for supplying the public fountains was rather exorbitant. A majority of the Council were then unwilling to give that power to the Waterworks Company.

584. First of all, did the Corporation put up six fountains for the purpose of supplying their district?—They did; and they are up still.

585. And was it the wish of the Corporation at that time that they should be supplied with the Waterworks Company's water?—Yes; but they thought the sum asked too much.

586. Is that the sole reason they are not so supplied?—Some people said they couldn't bear the water, and that it wasn't fit for use in many cases. Mr. Courtney sent a memorial to the Lords of the Treasury on the subject and prevented them going forward into the matter; but what I stated was substantially the reason why the arrangement was not carried out.

587. Is Mr. Courtney a member of the Corporation? He was not at that time.

588. Is the district in which these six pumps have been put up very much in need of water?—Very much. Besides, the principal pump on the North-road is one of those erected by the Corporation. There are lots of people there totally unable to pay for water.

589. Mr. LAWLESS.—Are you aware, whether or not, there has been any difficulty caused in making drains from private houses by the owners of those houses objecting to do the work?—We had two or three cases of prosecutions, but the owners soon consented. When we summoned them they began to make alterations.

590. Is your district a very fair sample of the town?—A very fair sample.

Mr. THOMAS M'KENNA, Poor Law Guardian, examined.

591. CHAIRMAN.—We have been told that since 1840, only one member of the Corporation here got any of the corporate lands?—There were things connected with the getting of leases not very creditable to the parties mixed up in them. I heard Alderman Carty propose here that litigation should commence in reference to the matter, and that if the Corporation were defeated he would personally defray all expenses.

592. What is the matter you refer to?—The matter is about property down in Shop-street.

593. Is that property belonging to the Corporation?—It is.

594. Mr. *Farrell.*—The property was leased by the Corporation to a Mr. Henry Smith about the year 1835; subsequently to this the Belfast Railway was started, and took a portion of the property with it. The Corporation insisted it should get the original rent reserved in the lease although portion had been sold. Gradwell and Chadwick got an assignment afterwards of the property, but would not pay the original rent in the lease as portion had been sold. At last the Corporation accepted the rent at a reduction.

595. CHAIRMAN.—Were Gradwell, Chadwick, and Company connected with the Corporation in any way?—Alderman Chadwick here to-day was, but he derived under the assignment.

596. *Witness.*—A number of councillors came here one day in full force, and they carried a resolution handing over the property.

597. Mr. *Farrell.*—There was a valuation made by parties competent to do it.

598. Do you know of any instance where a man has resigned his lease, and gone in and got a reduction of the ordinary rent?—Well, some of the officers have told me it has been done in the case of Mr. Tighe.

599. Who is the officer who told you so?—A Corporation officer told me.

(Witness was pressed to name the officer he referred to but declined to do so.)

600. Is there any other instance you have heard of?—I have heard of a case where Mr. Francis William Leland owned a great deal of property under the old Corporation. He had property which fell out of lease, and the Corporation took on with a new tenant, Mr. Flanagan. I will not say whether he got the property under the value or not, but I know it was not put up to auction.

601. Are there any other instances besides those two that you know of?—Oh, yes; there was a piece of property that belonged to Mr. Burton Tandy in which the tenancy was not let by auction.

602. Is this a case where the tenant came in and got a renewal of his lease at less terms than the former tenant?—Oh, I do not know that, but I know they departed from the resolution to let by auction.

603. What the treasurer has told us is, that in any case of land falling out of lease—in the very few cases of this kind—it has been put up to auction. In this last case you have named, is the person who got the renewal of the lease connected with the Corporation?—He was with the old Corporation.

604. Mr. LAWLESS (to Mr. *Farrell*).—Was he a member of the Corporation at the time the new lease was granted?—When his lease terminated, his property was at once taken from him and let to others.

605. *Witness.*—I have a complaint to make in reference to the gas company. They agreed to charge the Corporation five per cent. on unpaid bills, the Corporation paying in their debt; and they came up here to this Corporation and voted that sum to themselves out of that fund, and they have never paid any money to this Corporation, either for the use of the money or anything else.

606. What about the sanitary appearance of the the town?—A gentleman called me in to see some premises in Laurence-street, and there was as terrible a state of filth there as if a single sanitary law had never been passed, or a sanitary matter never entered into the heads of one of the Corporation here any more than into one of the south-sea savages.

607. Is the place in Dr. Kelly's district?—It is not.

608. *Witness.*—A fair-green in the town of Drogheda is the greatest want. I am astonished the Corporation do not lay out a proper fair-green. We have general cattle-fairs held in the street, and the cattle are there preventing the people from getting in and out—breaking their windows with their horns, smearing their houses in the most disgusting manner; and next morning there is nothing but dirt and filth in the streets. This is the case with the horse-fair, the pig-fair, and the cow-fair.

609. Have any representations been made to the Corporation on the matter?—Yes.

610. And have no steps been taken to remedy it?—No.

611. Who want to keep up the street fairs—is it the publicans?—Well, I don't think it is the publicans; men coming into the fair, or on market-day, drink just as much as if they had a public-house beside them.

612. *Witness.*—The construction of the water-works cost a great deal of money. They went to a place where there is no supply, and the consequence is that they want a supply of water for nearly two hours every day at the time of the day when it is wanted most. I admit the water was a great benefit, for in

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Mr. Thomas M'Kenna, P.L.G.

some months it is very good for all purposes, but in other months it is foul.

613. CHAIRMAN.—The evidence we have had from Dr. Cameron on the subject is that it is the best water of any town in Ireland?

614. *Witness.*—The inhabitants sent in a petition to say that in the locality of the pump Dr. Cameron closed up they were free from small-pox or any epidemic.

615. CHAIRMAN.—Well, we can't go into that now.

Mr. George Knaggs.

Mr. GEORGE KNAGGS re-examined.

616. We understand from the last witness that you are one of the directors of the gas company?—I am.

617. The effect of this witness's evidence is that a large number of the Corporation are directors of the gas company, and that they charge five per cent. on all over-due accounts of the Corporation, and not on any other accounts. Is that true?—It is not true. The contract they made was that if the money was not paid within a certain time, the charge would be five per cent. I must also tell you with regard to the gas company, that I am the only member of the Corporation in any way connected with it.

618. The town clerk told us that the mains were belonging to the Corporation. Is that the case?—It is not. The mains belong to the gas company, but the lamps to the Corporation. The reformed Corporation, when it was elected, handed the mains over to the gas company.

619. How came you to pay £27 11*s.* 1*d.* to the gas company for lamps, as well as £200 for lighting?—That is the purchase of lamp-posts I am referring to. Any new lamp ordered is directed to be put up by the Corporation. This was for some additional lamps put up by the Corporation.

620. *Witness.*—Then I must tell you, in addition to that, there was great altercation between the gas company and the Corporation, when the latter thought well of lighting with oil. The public know the advantage the town derived from that, and the state the town is in now.

621. I suppose it was found not to answer?—The gas was found to be the cheaper in the end.

622. I want to draw your attention to this: we have it in evidence from the treasurer that the reason the £200 stood over was because you will not allow interest on over-due drafts?—There is nothing of the kind in the present contract.

623. CHAIRMAN.—All I wanted to direct your attention to was, that if it were, you were paying as much to the gas company as to the treasurer.

624. *Witness.*—In addition to that, I may tell you the gas company pay very heavy rates indeed for county cess and poor rates; I have a vote in the waterworks on these occasions; but it is a misfortune, as I said already, to have any local interest in the prosperity of the town. So far as the waterworks are concerned, no matter what sum we may expend on the sewers, unless they are properly flushed you will have a perfect nuisance from the scavenging going into them. It was decided to ask the present waterworks company what they would take for the works, and the votes were equal. Mr. Whitworth at that time challenged another gentleman to lay down £9,000 if Mr. Carty would take the challenge and have the water free.

Mr. James Killeen.

Mr. J. KILLEEN, Town Clerk, re-examined.

625. Mr. LAWLESS.—Will you read us the minute of the 3rd May, 1858, passed by the Corporation?

Witness reads:—"T. C. Kirby, pursuant to notice, moved, and Councillor Courtney seconded the same, that in future all property belonging to the Corporation to be let shall be done so by public auction, taking into consideration and respecting the tenant-right of the tenant in occupation, which motion, having been put from the chair, was declared unanimously carried."

626. Has that resolution been acted upon?—It has; but in some instances the Corporation took tenders, and did not sell by auction.

627. Mr. LAWLESS.—Will you now read the resolution of the 12th February, 1875?—(Reads.) "Resolved—That, except in such cases as the Council shall otherwise order, no property be set by auction, as we consider it more judicious to receive tenders therefor."

628. Was that resolution carried unanimously?—It was.

Mr. James Curtis.

Mr. JAMES CURTIS examined.

629. *Witness.*—I wish to say that the reason for that resolution being rescinded was this: some of the house property fell out of lease, and was about being set. It was put up to public auction. No one competed with the person in occupation, consequently they had it at anything they liked to bid for it. It then came before the Council, and they then refused to ratify that contract. They then came to the conclusion to advertise for tenders, and now people find if they send in a fair and reasonable offer it is accepted in every case.

630. But what I understand is this, that no one liking to oppose the occupying tenant, the occupying tenant got it at a sacrifice?—It was with the view of getting a fair rent that this resolution was passed. A committee of the Corporation was appointed to see whether a fair rent was given or not; and they never took advantage of their position against the tenant.

631. Were these rents fixed by the committee, or did they call in a public valuator?—They were fixed by the committee.

632. Have they any skilled knowledge as being agents or valuers themselves?—They have not; there was one gentleman among them, Mr. Battersby, who is a valuator; and Alderman Daly has considerable skill in matters of this kind.

633. What I understand by the resolution of 1875, is this—that they should let by advertisement for tenders?—In these cases I mention, when the property was put up to auction, there not being a fair price, they then set it by private tender.

634. How long have you been a member of the Corporation?—Four years.

635. During that time has the land been let at fair letting terms?—In every instance that I am acquainted with, they have.

636. And below Griffith's valuation?—I don't know Griffith's valuation, but I considered it a fair honest rental. There was one case in Fair-street, where three houses were bringing in 19*s.* for the half-year, and now they are bringing £80 a year; those are the very houses for which no one would compete with the occupiers.

637. Those have been old grants?—Yes.

638. Do you believe it to be the object of the Corporation to get the best terms possible?—On every occasion.

Mr. James Killeen.

Mr. JAMES KILLEEN re-examined.

639. CHAIRMAN.—Mr. M'Kenna told us, Mr. Killeen, that you could give us information as to this lease to Mr. Tighe with Mr. Leland?—I don't know anything about Mr. Leland; but Mr. Tighe has been recommended by the Corporation for a lease for thirty-one years at £18, he to lay out £150.

640. Mr. LAWLESS.—What was the property?—A store in John-street.

641. Is Mr. Tighe a member of the Corporation?—He is not.

642. What was that property let at before?—I don't know.

643. CHAIRMAN.—Besides, Mr. Tighe undertakes to lay out £150 a year at least?—Yes.

644. What was that land of Leland's—do you know anything about it?—I do not.

645. Mr. LAWLESS (to Mr. *M'Kenna*).—What was the nature of the property Mr. Leland held—houses or lands?—Lands. The only thing I can say on this point is that the property was not put up to auction at all.

646. Were the people who got Leland's land after the lease fell in members of the Corporation?—No.

647. Mr. *Knaggs*.—Mr. Flanagan who got Mr. Leland's land was the father of the present Mr. Flanagan, and neither he nor the son were connected with the Corporation at that time.

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March 21, 1877.

Mr. James Killeen.

ENNISKILLEN.—MARCH 23, 1877.

ENNISKILLEN.
March 23, 1877.

(Before Mr. CORBETT (Chairman), and Mr. LAWLESS, Q.C.)

Mr. JOHN CLELAND examined.

Mr. John Cleland.

1. CHAIRMAN.—Are you town clerk of Enniskillen?—Yes.

2. How long have you been town clerk?—Eight years.

3. How is Enniskillen governed?—Enniskillen was subsequent to the Municipal Corporation Act of 1840, governed by the 9th Geo. IV., cap. 82; and in 1870 a Local Act, the 33 & 34 Vic., cap. 143, was obtained, under which the town is now governed.

4. Are the Town Commissioners of Enniskillen made a body corporate by that Act?—Yes. By that Act the Commissioners under the 9th Geo. IV. are continued and made a Corporation. I have not a copy of the Act. I have only a copy of the Bill.

5. Were you town clerk previous to the passing of that Act?—I was.

6. Were you concerned in the preparation of the Bill?—No.

7. I perceive that in the Act the parliamentary and municipal boundaries are made equal. Is that so?—Yes; the municipal limits and the parliamentary limits were made equal by section 8.

8. Were the powers of the Grand Jury of Fermanagh within the borough transferred to the Commissioners?—Yes. By section 16 and the following sections all the Grand Jury powers are transferred from the county of Fermanagh to the Commissioners.

9. Except that there is a provision making the borough liable to contribute to certain charges of the county at large?—Certainly.

10. How is the amount of these charges ascertained?—The Grand Jury furnishes an account half-yearly to the Commissioners; and that account has to be certified by the borough surveyor.

11. What is the nature of these charges?—These charges to which the borough contributes are for the purpose of maintaining the county gaol, the local asylum, and other county at large purposes.

12. Previous to the passing of this Act, did the Commissioners under the 9th Geo. IV., cap. 82, make a rate?—They did not.

13. Did they never make a rate?—No, they regulated the town entirely by the income derived from their rents. This Act, the Enniskillen Improvement Act, gave power to make an improvement rate and a water rate, both being limited. The improvement rate was limited, by sec. 29, to 2*s*. 6*d*. in the pound, and the water rate, by sec. 42, to 1*s*. 6*d*.

14. For what purpose was the water rate to be applied?—For the purpose of making waterworks and supplying the town.

15. What is the highest improvement rate you have levied?—2*s*. in the pound. That is the rate which has been made ever since the passing of the Act, and it is the rate for the current year.

16. What is the water rate?—The water rate is 1*s*. 4*d*. in the pound; it is continuous.

17. What is the nature generally of the corporate property?—It consists principally of houses in the town, and the townland of Kilnaloo, about three miles from the borough.

18. What is the acreage of Kilnaloo?—122A. 0R. 32P.

19. Into how may holdings is it divided?—I think there are four or five small holdings.

20. Have these lands fallen out of lease or come into the hands of the Commissioners since 1840, or were they leased by the old Corporation?—Well, I have here two leases made in respect of land in the townland of Kilnaloo; one of them is dated 1849, and the other 1840.

21. Was the lease of 1840 made by the old Corporation?—Yes. The lease of 1840 is a lease of 21A. 1R. 35P., Irish measure, for three lives or sixty-one years, granted to Mr. Robert Hueston at £24 8*s*. per annum.

22. That is not much more than £1 per acre?—Not much more.

23. What is the value of that land?—I have not the least idea of what the letting value of it is. It is a farm of land.

24. Mr. LAWLESS.—What is the exact date?—22nd June, 1840.

25. CHAIRMAN.—Was the consent of the Lords of the Treasury obtained to that lease?—I should say not; I don't think so.

26. I wish to see was Enniskillen included in the Restraining Acts of 1836 and 1838. Do you know if it was?

Mr. *Jeremiah Jordan* (chairman of the Commissioners).—It is included in the schedule.

27. CHAIRMAN.—The Act of 1836 was an Act restraining for one year the alienation of corporate property. That was extended by subsequent Acts to 1840, and this lease was granted during the time the Act was in operation?—Yes.

28. The present Commissioners found that lease in existence?—They did.

29. The other lease was granted in 1849?

Town Clerk.—Yes. That was granted by the Commissioners under the 9th Geo. IV. The lease of 1849 was, I understand, a lease of part of the lands of Kilnaloo, containing twenty-eight acres, for a term of thirty-one years, at £23 a year, to James Maguire.

30. What is the letting value of land at Kilnaloo and its immediate neighbourhood at the present time?—I could not say.

31. When that lease was made to Maguire can you say was there any valuation made of the lands?—Not that I am aware of.

32. Is there any minute about it in your books?—In a minute with reference to the month of May, 1849, there is something mentioned about the lease, but there is nothing said about the valuation. I never came across in the books anything with regard to the valuation.

33. CHAIRMAN (referring to minute book).—Here is Maguire's offer:—

"9th April, 1849.

"I propose to give the Town Commissioners of Enniskillen the sum of £23 sterling per annum for that portion of the lands of Kilnaloo formerly held by Adam Maguire, with the sum of £100 sterling—£50 towards the old arrears, and the remaining £50 to be allowed in the rent as it may accrue. Rent to commence 1st day of May, 1849. A lease to be given for sixty-one years provided the Town Commissioners have power to do so."

34. The next meeting appears to have been on the 25th April, 1849. It was then proposed—

"That Mr. James Maguire be allowed to retain £20 of the fine he is to pay for Kilnaloo towards building a house on the plan of that burned; and that if the Commissioners succeed in getting the £25 sought for, Mr. Maguire be handed the difference; and if less be obtained, Mr. Maguire do hand back the difference to the Commissioners."

That does not indicate whether his offer was accepted

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Mr. John Cleland.

except by implication. What is the date of the lease?—The 4th June, 1849.

35. It appears by the minutes that on the 12th March, 1849, it was resolved—

"That our agent be directed to give up to Adam Maguire whatever property he has now under seizure on the said Adam Maguire first giving up the full and legal possession of the farm which he holds under the Corporation of Enniskillen, which is situate in the townland of Kilnaloo, said possession to be given up within one week from this date."

Evidently there was some distraint for rent, and the lands were to be given up on the goods being given back. Do you know what relation was James to Adam Maguire? Was he his son, or any relation?—I don't know.

36. At all events, at the next meeting James Maguire made the offer I have read?—Yes.

37. He was to pay £100; practically that was no fine at all, for £50 was to be applied towards payment of arrears, and the other £50 were to be allowed for the next two years' rent?—Yes.

38. There does not appear to have been any steps taken by the Commissioners to value the land. There is no reference to the old rents they had been paid; and, in fact, there was really no formal acceptance of Maguire's offer?—No.

39. And no attempt to let the land by auction?—No.

40. There is no reference to the matter after that, except about the allowance for £20. The lease was not granted for sixty-one, but for thirty-one years.

41. Mr. *H. N. Lowe* (collector of the Commissioners' rents).—Maguire assigned his interest to another party, who assigned it to a third, and the place is now in possession of a man named M'Barron. I wasn't agent at the time the letting took place.

42. Have you, Mr. Town Clerk, in your possession any other leases granted of the lands of Kilnaloo?—No.

43. No older leases than 1840?—No, I think not.

44. The borough engineer says there is 122 statute acres in the place, and about seventy of these are not accounted for. All I understand you to say is that you know of no other leases of Kilnaloo being in existence?—I do not.

45. Since you became town clerk have any old leases fallen into the Commissioners' hands, and have relettings been made?—Yes, some house property in the town of Enniskillen fell into their hands.

46. Nothing but houses?—No.

47. None of the Kilnaloo property fell in?—No.

48. In those cases have the premises been relet by auction, or by public advertisement, to the highest bidder?—In some instances they were let by advertisement. A considerable portion of the property in Belmore-street was let by tender. They were not let by leases—the letting was from year to year, and was made to two or three gentlemen who sent in the highest tenders. One portion was let to Mr. William Lowry, and another to Mr. Patrick Maguire.

49. Were these gentlemen Commissioners?—No, neither of them.

50. Nor connected with the Commissioners?—No.

51. And was the hightest offer the one that was accepted?—Certainly.

52. Is that the only instance since you have been town clerk, in which premises fell into the hands of the Commissioners, and were relet?—I think so. One of the old tenants came in and surrendered a lease on condition of his getting a new one, the provision being that he should remodel the house.

53. Was that Mr. John Collum?—Yes.

54. I see he holds a house in Belmore-street for seventy-five years, at £8 per annum; he holds a tenement and garden in Toneystick—a strip of land, and a third holding, for seventy-five years each?—I am referring to his holding in Belmore-street.

55. Is that the one at £8 a year?—No, it is not in the list I sent you. The rent had been £2 14*s.* per annum, and in consideration of his paying an increased rent up to £4 a year, he got the seventy-five years' lease.

56. How many years of the old lease had yet to run?—Twenty-four, I believe.

57. He surrendered that on condition that he got a fresh lease for seventy-five years, at £4 a year?—Yes, on the terms of his undertaking to raise the house a story. It had been a thatched house—and he undertook to raise it, and put a slated roof on it—thereby increasing the value of the property.

58. Have you got a minute of that in your book?—I have (referring to book).

59. Is he the same Mr. Collum that holds the tenement and land in Toneystick, and the house in Belmore-street?—Yes.

60. Was the consent of the Lords of the Treasury obtained to that lease?—It was not. I have the minute here:—

"3rd August, 1874.

"That we take a surrender of Mr. Collum's existing lease of that house in Belmore-street, occupied by Philip Shannon, at an existing rent of £2 14*s.*, and give him a new lease for a term of seventy-five years from the present time, on the condition specified in his letter of 30th July, 1874, at an additional rent of £1 6*s.* sterling, making a total rent of £4 sterling per annum, and that Mr. Collum bear the legal expenses resulting from the change."

61. The house is said to be in the occupation of Philip Shannon. What rent does he pay for it?—I don't know. The frontage appears to be twenty-seven feet six, and the depth sixty-two feet. That was an increase in the rent—when it was raised to £4 per annum—of about 1*s.* per foot.

62. What is the place valued at at present?—It is at present valued at £15 10*s.*—that is since the new building was put upon it.

63. What was the former rate?—I don't know.

64. Mr. *M'Mullen* (poor-rate collector).—The former rate was £10 a year.

65. CHAIRMAN.—This gentleman, Mr. Collum, appears to have had three other leases granted since 1840. One in Belmore-street, one in Toneystick, and other property besides at Forthill?—Yes; and he has a good deal of property in the pig-market.

66. Property belonging to the Commissioners?—Yes.

67. Mr. *Jordan* (chairman of the Town Commissioners).—He has not a great deal in the pig-market. He has no lease of that property so far as we know.

68. Mr. LAWLESS.—Does he pay a weekly or annual rent?—Mr. *Jordan.*—He pays an annual rent.

69. CHAIRMAN.—Does Mr. Collum pay rent to the Commissioners for property in the pig-market for which he has no lease, so far as you are aware?—Yes.

70. Then he holds on sufferance?—Mr. *Jordan.*—I really could not tell you. He says his title is good, though the Commissioners don't know anything about it.

71. Have the Commissioners ever taken any steps, since you became town clerk, Mr. Cleland, to ascertain what title Mr. Collum had to this property in the pig-market?—Not that I am aware of. It appears the Commissioners appointed committees to inquire whether Mr. Collum had a title, but they never could make it out. (Rental handed to Chairman.)

72. I suppose this ground for which Mr. Collum pays rent is in disputed possession?—Well, sometime ago the Commissioners, as I stated, appointed a committee to investigate his title, and they could not come to any satisfactory conclusion on the subject.

73. If he had a lease he could produce it?—He could, but he failed to produce it.

74. Does he pay an adequate rent for it?—I am not sure whether he does or not. It is not valued. Mr. Darragh and Mr. Lowe have built on it. Paget-street is the pig-market.

75. £7 a year is what he pays for the pig-market; and Captain Collum, who I understand now represents Mr. John Collum, claims that he has a lease of that property?—So I believe.

76. The Commissioners could not find out whether he had or not, though they asked him to produce the deed, and he failed to do so?—I am not aware that the Commissioners asked Captain Collum to produce the leases, but they asked his father, the late Mr. John Collum.

77. In the meantime have they accepted the rent?—They have.

78. How long have they been receiving the rent

since the question as to the lease was raised?—Some three or four years.

79. What is the nature of the property for which he pays this £7 a year?—It was a plot of vacant ground, upon which a few years ago some stores were erected.

80. Erected by John Collum or his representatives?—Erected by the tenants to whom he sublet the property.

81. Do you know what he sublets the property for?—No.

82. Mr. *George Darragh.*—I pay £7 10*s.* a year for the ground, but that includes some ground held by Mr. Collum himself, and which the Commissioners have no claim upon. The ground is only fourteen feet in front.

83. CHAIRMAN.—What are you paying Captain Collum for the property belonging to the Commissioners?—The front part of the strip belongs to the Commissioners, and the back to Captain Collum. I pay him £7 10*s.* for the whole, but there is a provision as to £2 a year, which is to be abated when Captain Collum's lease under the Commissioners of that portion falls in, and the £2 a year will then have to be paid to the Commissioners.

84. Then I may say you are paying him £2 a year for what he holds from the Commissioners?—I suppose it amounts to that. There are four houses included in that £7 10*s.*

85. Do these four houses belong to the Commissioners?—They are built on the land of the Commissioners.

86. What is the rent altogether which Collum gets for the Commissioners' land?—I could not tell you that.

87. These are houses on the Commissioners' land, and when they dispute the lease one would think that they would take some steps to ascertain their rights.

Mr. *Lowe.*—I never got directions to take such steps.

88. CHAIRMAN.—Give me the rateable valuation of the property at all events.

89. *Town Clerk.*—The names of the parties occupying are William Johnston, John Maguire, John Love, and Francis Kelly, and the rating is £39 a year, for the whole premises. Mr. Darragh's store and Mr. Law's store are valued at £22 and included in that £39.

90. CHAIRMAN.—That would leave about £12 a year for what he is paying £7, exclusive of the other places?—Yes.

91. What he is paying £7 a year for is rated for £12 exclusive of the new buildings put up by his tenant. Can you tell me the particulars of the lease granted since 1840 and for which he pays £16 a year?—No. (Lease produced).

92. Mr. *Jordan.*—That is the old lease which was made to Dr. Hugh Collum, and when he surrendered it a new lease was made to Mr. John Collum.

93. CHAIRMAN (to *Town Clerk*).—Look in your minute book for 1849 for anything in relation to that surrender and fresh lease. What was the rent in the old lease he surrendered?—£13 per annum.

94. And how many years were to run?—It was made in 1839 for sixty-one years, so that there were twenty-three years to run.

95. And did he agree to pay £3 a year more to get the lease for seventy-five years?—Yes, and to build a house costing £200. The old lease which was cancelled was one of the leases granted by the old burgesses in 1839, after the statute was passed restraining the alienation of corporate property to a brother of Mr. Collum, and Captain Collum holds it as successor of John Collum.

96. There was another strip of land in Toneystick which was granted to him at the same time for seventy-five years at £2 a year?—Yes. (Lease produced).

97. Was that a building lease?

Mr. *Jordan.*—Yes. Under that lease he was to expend £50.

98. This was a piece of ground about which there was a dispute as to a right of way, and he was to expend £50 within five years?

Mr. *Jordan.*—Yes, but he never built, so that he has not expended the £50, or any portion of it, except what he laid out paling it.

99. This was a strip of ground over which Collum claimed a right of way, and in order to get rid of the dispute, the lease was granted to him for a term of seventy-five years, on condition of his expending £50 on the place, but that £50 has not been laid out by him?—*Witness.*—Quite so.

100. We now come to his holding in Belmore-street, which he held from the Commissioners under a lease for seventy-five years at £8 per annum?—That lease is not forthcoming. It does not appear that we have got a copy of it.

101. It is down on the schedule you handed me of leases granted since 1840. Perhaps Mr. Lowe, the agent of the Commissioners, will let us have a list of the lands held by Captain Collum and a list of the persons holding under him.

Mr. *Lowe.*—Yes, I will do the best I can.

102. *Witness.*—I think the annual rent mentioned in the lease of the Belmore-street premises is £6 15*s.* 2*d.*, and not £8. The latter figure is evidently a mistake.

103. Who keeps the leases?—The chairman and town clerk have each a key for the safe in which they are kept in the town hall.

104. When did you first ascertain that these leases were lost?

105. Mr. *Jordan.*—Three or four years ago.

106. *Witness.*—Far longer. There is a printed list showing the lost leases. That was made some ten years ago, long before I was town clerk. I found it in existence when I came into office.

107. Is that printed list you found the lease to John Collum of the house in Belmore-street mentioned?—Yes, at an annual rent of £6 15*s.* 2*d.*

108. Mr. *Jordan.*—It may be well to inform you that Mr. John Collum was law agent for the Corporation from the commencement of the Commissioners, under 9th George IV., cap. 82, and he was succeeded by his brother Mr. Archibald Collum, so that they had all our leases and papers under their hands and control. Some of these papers, we cannot say whether intentionally or otherwise, have got astray.

109. Then in point of fact, at the time some of these leases were granted to him, Mr. Collum was agent to the Corporation?—One of the brothers was.

110. Mr. LAWLESS.—Who was agent in 1849?—Mr. *Jordan.*—Mr. John Collum himself was law agent, and in 1852, Mr. Archibald Collum succeeded him—Mr. John Collum, having gone to reside more in Dublin. We have not been able to lay our hands on that Paget-street lease, and the Belmore-street lease is another of the missing ones.

111. CHAIRMAN.—Except what appears on the printed document to which reference has been made, we seem to have no record as to the lease of Belmore-street at all. I followed what appeared on the rental. I saw Mr. Collum's name down there four times; and here I have Mr. Collum down for £6 15*s.* 2*d.*, and I find Captain Collum again down for £4 9*s.* 6*d.* per annum?

Mr. *Lowe.*—That is for the place opposite the railway station, known as the railway hotel, and occupied by a man named M'Namee. The premises are rated at £22.

112. What is the date of that lease?—It is dated 27th November, 1850—and was made for that plot of ground on which two old houses or cabins were erected, lately in the possession of John Copeland, or his tenants.

113. Who is that lease made to?—A man named M'Donnell for seventy-five years.

114. Who pays you the rent?—Captain Collum pays the rent, £2 4*s.* 9*d.* half-yearly.

115. How comes Captain Collum to hold the property now?—It was assigned to his father John Collum, by M'Donnell. My belief is that M'Donnell was simply the trustee for John Collum.

116. What is this property rated for in the rate-

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book?—Since the buildings have been erected on it the rating is £22 a year.

117. He stipulated to lay out £100 in building premises. Did he do so?—Oh, yes; he laid out more.

118. Collum or M'Donnell?—Collum.

119. Can you make out a list for us, specifying the tenements, &c.?—I do not know where the tenements are. I got the Commissioners' rental, and I followed it strictly since I became agent. I never examined their property. I am not the Commissioners' agent. I only receive the rents, and get the miserable poundage of 6*d.* for doing so.

120. Mr. LAWLESS.—Can you let me have the rental?—Yes. (Rental produced.)

121. Is this a copy of the old rental that you got when you went into office?—Yes; it is the same, except for any alterations that were made since in the tenements.

122. CHAIRMAN.—Will you just put down on paper the different holdings for which Collum pays you rent, with the locality of the holding, the amount of the rent, and whether there are leases or not?—Yes.

123. Has the present Mr. Collum continued to hold all the property that was leased to Archibald Collum?—There was no lease to Archibald Collum, but Captain Collum holds the property leased to John Collum. The lease in 1849 was surrendered by John Collum, and a new lease was granted by the Commissioners.

124. CHAIRMAN (to *Town Clerk*).—Was there another letting by the Commissioners since you have been town clerk?—There was a lease made to Mr. John Lemon in the year 1870, since I became town clerk—a building lease—and another building lease to Mr. Coulter. Lemon's lease was a building lease for seventy-five years.

125. Can you produce that lease?—Yes. (Lease produced.)

126. What was the consideration of that lease?—He was to expend £1,000, I think, but I am not certain. He spent about £2,000 on the place. The lease was for seventy-five years—either two or three acres, at £13 1*s.* 8*d.*

127. Is that building ground in Toneystick?—Yes.

128. £13 1*s.* 8*d.* for seventy-five years?—Yes.

129. Can you tell me what was the rateable value of that land in Toneystick for which he paid £13 1*s.* 8*d.* previous to the erection of the new building by Mr. Lemon?—No, I cannot tell you.

130. What is the rateable value now? Are the buildings completed?—They are.

131. What do the buildings consist of?—There are six houses. The valuation of the houses, offices, and gardens on that ground is £104 10*s.* There is one piece of land valued at £5 10*s.*, and another piece at £6, and there is a separate valuation on the houses.

132. Which piece of ground is valued at £6?—It is separate from the houses altogether.

133. You say one piece of the land is built upon—is it not?—No.

134. Does he not pay £3 a year rent for that portion of which he has a thirty-one years' lease? Which of the pieces is that?—I cannot tell.

135. Perhaps it may be for the two?—Yes, it may be.

136. Are they both in the occupation of Lemon?—Yes.

137. Whom does the rate-book say is the owner?—It does not say.

138. Is not Mr. Lemon the owner?—No; the Town Commissioners are the owners.

139. At all events, the only two pieces of lands that are not built upon and are held by Lemon in Toneystick are divided into two pieces—one valued at £6 and one at £5 10*s.*, and the only rent he pays is £3 a year for the lands not built upon?—Yes; the houses are built upon a piece of ground for which he pays £13 1*s.* 8*d.* a year.

140. We cannot get what the value of that ground was before the houses were built upon, but we can get the value of the land which is not built on, and which he holds under a thirty-one years' lease. Can you give me that lease?—Yes. (Lease produced.)

141. I see that the building ground was let for thirty-one years at a rent of £13 1*s.* 8*d.*, and it consisted of 2A. 1R. 4P. These two portions of land—one at £5 10*s.* and one at £6, and a portion on which the six houses are built—are valued exclusive of the buildings. The valuation of this is £104 odd. Is Mr. Lemon in any way connected with the body of Commissioners, or was he at that time?

Mr. *Jordan.*—He was a member at the time the lease was given to him, and he was at the board on the day the lease was signed—that is the first lease.

142. Was he a member of the municipal body at the time he obtained this lease of building ground at £13 1*s.* 8*d.*?—No, he was not.

143. That was in the year 1870?—Yes.

144. How recently had he been a member of the municipal body?

Town Clerk.—Not for a number of years previous to that date.

145. Mr. *Jordan.*—He was again elected a member in 1873, but had not been a member for many years previously. He was present as a Commissioner when the lease was made on the 6th March, 1848.

146. Mr. LAWLESS.—I see that the last signature of the lessors on the lease is his. He must have signed it as a Commissioner.

147. CHAIRMAN (to *Town Clerk*).—Did he surrender that lease in 1873?—Yes.

148. Did he do so on the understanding that a seventy-five years' lease was to be granted to a subtenant?—Yes.

149. Can you get the minute of that transaction?—Yes; it is dated 3rd November, 1873.

150. When are the Commissioners elected for the year?—They are elected in the month of July for three years.

151. Had he resigned previous to the 3rd November, 1873?—No.

152. Will you now read the minute?—Yes.

"3rd November, 1873.

"Proposed by Mr. Mills, seconded by Mr. Cassidy, and passed unanimously, that an entry of Mr. Lemon's offer be made in the minute-book, that he will not be disturbed in his holding until the expiration of his lease by his now surrendering the lease, so that Mr. Arthur get his building lease in accordance with the resolution of 1860."

153. Mr. *Jordan.*—These houses were partly built by another man. Mr. Lemon had assigned the piece of ground to another man named Bleakley, who had the houses partly built. Mr. Arthur bought his interest, and then came to the Commissioners for a building lease for seventy-five years, although the houses were in course of erection.

154. Do you say that the houses were actually built by Mr. Bleakley?—Yes, they were. He assigned to Arthur; and Arthur, under the conditions in the surrender of Mr. Lemon's lease, got a building lease for seventy-five years for building houses that were already built.

155. Was Mr. Lemon a Commissioner in 1860?—I think not. Here is the minute of 2nd January, 1860:—

"Proposed and seconded, that Mr. William Arthur's proposal for a lease for a plot of ground situated in Toneystick, at the yearly rent of 30*s.*, be granted on condition of Mr. Lemon handing over his lease of the premises to be cancelled. Five voted for and three against."

156. Was there a lease granted in 1860?—No.

157. This resolution of 1860, although passed by a majority, was never acted upon?—Never.

158. And the matter was not brought up again till the year 1873?—Not to my knowledge.

159. Mr. *Jordan.*—I think there was a time specified within which it was to be executed. I believe within one year, and that period elapsed without it having been done.

160. The lease was not enlarged, and nothing was done till 1873?—No.

161. CHAIRMAN (to *Town Clerk*).—Was Mr. Lemon's lease not surrendered till 1873?—No, it was not.

162. Mr. *Jordan*.—We do not know anything whatever about Bleakley's lease. We never knew anything about it.

163. CHAIRMAN.—The Commissioners at that time recognised that there was a lease, because Lemon is to hand over his lease to be cancelled. It was assumed there was a lease?—We do not know anything about the assignment of that lease to Bleakley.

164. In November, 1873, a resolution was proposed and passed which was to the effect that Lemon was not to be disturbed in his holding until the expiration of his lease, and that a lease was to be given to Arthur on condition of Lemon's surrendering his lease; that means, in fact, that he was to go through the form of surrendering his lease, for, as I understand it, he was still to get the benefit of the lease, and that because of his doing so a lease was to be given to Arthur for building houses which, in fact, were built fifteen years before?—Yes, that is it.

165. In 1848 a lease of some land was given to Lemon at a rent of £3 a year for thirty-one years. In 1860 a proposal was made that a building lease should be granted for a portion of that ground to Mr. Arthur in consideration of Mr. Lemon surrendering his lease, and bringing in to be cancelled any lease that might have been granted by him to Bleakley, or by Bleakley to Arthur, and that was to be done at Arthur's sole expense and risk if any new lease in pursuance of that resolution was to be granted. This was to be done within twelve months after the date of the resolution. No fresh lease was granted within the twelve months, and nothing else appears to have been done with regard to the lease till November, 1873, when the resolution of the 3rd of November, already read, was passed?

Town Clerk.—I may mention that Mr. Lemon came before the Corporation and made the offer verbally.

166. CHAIRMAN (to *Town Clerk*).—Was the plot of land on which the buildings were put up sublet by Lemon to Bleakley or Arthur?—I cannot answer that question.

167. It was part of the holding, at all events?

Mr. *Lemon*.—It was a garden; it was part of the holding at £3 a year. I sold it to Bleakley.

168. CHAIRMAN (to Mr. *Lemon*).—Who put up the houses; was it Bleakley or yourself?—It was Bleakley.

169. Did you grant a lease to Bleakley?—I sold it to him.

170. You sold him your interest in the lease?—No, I sold him the garden.

171. All you could sell him was your interest in the lease that was granted to you?—That is all.

172. How much did you sell it for?—For £10.

173. Did he, on a piece of that ground, build the houses?—Yes; he built six houses.

174. Was there any conveyance or assignment to him of your interest?—I expect there must have been some assignment, but I do not remember anything about it.

175. Mr. LAWLESS.—By whom was the rent paid to the Commissioners after you sold your interest to Bleakley?—I always paid the rent to the Commissioners.

176. CHAIRMAN.—Were the Commissioners in any way a party to this transfer from you to Bleakley?—No.

177. Did you not in consideration of having put up those houses ask them to grant him a seventy-five years' building lease?—I did not.

178. Well, Arthur did?—Arthur did apply for a lease, but they could not give it to him because I had one. He asked me if I would surrender my lease in his favour, and I said I would.

179. What was he to give you for doing so?—Nothing whatever.

180. That was very good-natured of you?—He never promised me a penny, and I never got a penny. I knew the lease had not a very long time to run, and I also knew well enough the Town Commissioners would not take advantage of me in the transaction.

181. Has any lease been granted to Arthur in pursuance of this resolution?—No.

182. The matter has never gone beyond the passing of the resolution?—No, it has not.

183. Mr. LAWLESS.—Did Mr. Arthur or Mr. Bleakley ever pay you any rent?—No; they never paid me any rent. Bleakley paid me £10 in the first instance, but Arthur never paid me anything.

184. I understand that in the year 1873 you were again elected Town Commissioner, not having been a member of the body for many years previous?—Yes.

185. Were you re-elected in July, 1873?—Yes.

186. In November, 1873, when this resolution was passed you do not appear to have been present; I understand you resigned some time after your election?—I did. I did not remain a member of the Commissioners more than six or eight months.

187. Can you say whether or not you were in office at the time this proposal was made?—I cannot say now. I would need to look into the matter. I think it was previous to the time I was re-elected a Commissioner that Arthur made the application.

188. Of course it was; but I mean the last time the matter was brought up?—I could not tell you.

189. *Town Clerk*.—I find by the minute-book that Mr. Lemon was a member of the body of commissioners on the 1st November, 1873.

190. Was he present at that meeting in November, 1873?—He was.

191. CHAIRMAN (to *Town Clerk*).—Was there any other lease granted since you have been town clerk?—Yes; there was a building lease granted to Mr. William Coulter.

192. Mr. LAWLESS.—What was the date of that lease?—It was merely a piece of building-ground—property that was never built on before. The date of the lease was the 6th October, 1873. The ground was let to him at 2*s*. per foot.

193. It was for seventy-five years at the rent of £3 5*s*. 2*d*., in consideration of his improving the dwelling-house or putting up a more substantial house?—There were no houses built on the ground.

194. The condition in the lease is tenement houses to be built and improved?—Yes; but it was then a plot of waste ground.

195. The amount of money to be laid out on it is not specified?—I may mention that he has since erected two or three very substantial houses on it.

196. What is the ground let at now?—On the recommendation of the committee it was let at 2*s*. per foot.

197. Mr. *Jordan*.—The committee consisted of Dr. Walsh who is now present, myself, and some other members. There are three houses altogether, valued at £25 10*s*. Mr. Coulter has built two houses on the plot of ground valued at £8 15*s*. each.

198. CHAIRMAN (to *Town Clerk*).—Has he put up buildings valued at £17 10*s*. per annum?—Yes.

199. I understand from Mr. Jordan, and perhaps you can of your own knowledge confirm what he says, that the land was valued by a committee before it was let to Mr. Coulter?—Yes; it was.

200. Is that the only case since you have been town clerk in which to your knowledge any property let or re-let by the Commissioners has been valued by a committee?—That is the first instance.

201. Mr. *Jordan*.—We advertised the ground to be let at a higher rate, and no person would take it on the terms.

202. CHAIRMAN (to *Town Clerk*).—It was first advertised before it was let to Mr. Coulter?—Yes.

203. Is that the first instance of land being advertised?—This plot was advertised for a considerable length of time.

204. Was it ever let to any person before, either by the old Corporation or the present Commissioners?

Mr. *Jordan*.—I believe the place was let by the old burgesses, and there were houses built on it.

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205. I asked the question, because the town clerk said just now, that it was never let before?—I think it was let to a tenant named Lyons.

206. *Town Clerk.*—It was never before let on lease that I am aware of.

207. CHAIRMAN (to *Town Clerk*).—This land was advertised to be let for some time before it was let to Coulter, and no one came forward to take it on the terms on which it was offered, and was it then valued by a committee of three?—Yes.

208. Is that the last lease granted by the Commissioners since you have been town clerk?—No; there was another plot of ground since then let to a Mr. Stewart, also a building lease; the lease has not been executed up to the present time, although it is in the hands of the solicitor.

209. What steps were taken before it was agreed to grant that lease. Was the ground advertised?—Yes.

210. And did Mr. Stewart make the highest offer for it?—He made the only offer that was made for it.

211. Is it a lease for seventy-five years?—Yes.

212. Mr. *Jordan.*—I think there was an offer of 1*s.* 8*d.* per foot for the whole of it. I think Mr. James Coulter offered that.

213. How much per foot was Mr. Stewart to pay for it?—2*s.* 6*d.* per foot.

214. And the stipulation is that he is to put up substantial houses?—Yes; he has built four houses already.

215. Although the lease is not yet perfected?—Yes; the lease is in the hands of the solicitor.

216. The houses were built on the faith of the lease being granted?—Yes.

217. CHAIRMAN (to *Town Clerk*).—Have you now told us about all the leases granted within your time?—I have.

218. Since you have been town clerk, have any resolutions been passed by the Town Commissioners with regard to granting leases to members of their own body?—No.

219. Have any resolutions been brought forward on the subject of the surrender of old leases and with the object of obtaining new ones?—No, except in the case of Mr. Collum, which took place during my term of office.

220. But the question has not been revived of granting leases to the members of the municipal body, or of accepting surrenders with the view to granting new leases?—No.

221. I should like to hear something about the waterworks. Were they constructed since you have been town clerk?—Yes. The waterworks are situated about four and a half miles from Enniskillen—at a lake four and a half miles from the town.

222. Is an ample high-pressure supply for the town of Enniskillen obtained from these works?—There is a very ample supply.

223. What did the works cost?—Upwards of £10,000.

224. Mr. LAWLESS.—How did you expend £10,000 when the Act requires only £8,000 to be laid out?—The Commissioners got into debt, and we were obliged to spend the money.

225. CHAIRMAN.—The Act of 1870 gave you power to borrow £16,000?—Yes.

226. Of which £8,000 was to be devoted to purposes of town improvement?—Yes.

227. And £8,000 for the waterworks?—Yes.

228. Then you say you borrowed £10,000?—No; we borrowed £7,000 for the waterworks only, but the cost of the works and the Parliamentary bill of costs amounted to £10,000.

229. Mr. LAWLESS.—What was the cost of that bill?—About £1,900.

230. Were there any petitioners against it?—The Grand Jury of the county Fermanagh and grand jurors individually, but they withdrew their opposition before the Bill went before the committee.

231. The Grand Jury did?—Yes.

232. CHAIRMAN.—From whom did you get the money?—From the Public Works Loan Commissioners of London.

233. How much of that debt is still outstanding?—£5,250.

234. There were two loans—one was a loan of £4,000?—Yes, that was in the year 1873.

235. And the previous loan of £7,000 for the construction of the waterworks was obtained in September, 1871, and there remains unpaid of that up to the present time £5,250?—Yes.

236. That is repayable in the ordinary form of Government loans—by instalments and interest?—Yes, in twenty years.

237. Have those payments been made annually?—Yes, on the 1st November of each year.

238. You got another loan of £4,000 from the Commissioners?—Yes.

239. That was for the town improvement?—Yes; that £4,000 was obtained from the Board of Public Works in Ireland.

240. The other was from the Board of Public Works in England?—Yes.

241. Last year you paid £330 11*s.* 10*d.*, the annual instalment on that loan of £4,000, and £1,000 in reduction of debt?—Yes.

242. Where did you get that £1,000 from?—From the Enniskillen gas company.

243. How did the Enniskillen gas company give you that £1,000?—In the year 1874, the Enniskillen gas company sought for, and obtained a special Act of Parliament, making it compulsory on the Town Commissioners to sell to them the piece of ground on which the gasworks were erected, and for which they paid to the Town Commissioners the £1,000 referred to. Mr. Malin, the chief partner in the works, came before the Commissioners, and it was agreed that sum should be paid. With the consent of the Lords of the Treasury, the £1,000 was applied to the reduction of debt.

244. What have you outstanding on the first loan?—£5,000.

245. And less than £3,000 on the second?—Yes; £2,440 on the second loan.

246. Have you any other capital debts?—No.

247. How do you stand at the bank at the present moment? Have you a balance against you?—We are overdrawn at the bank to the extent of over £100.

248. Were you overdrawn at the close of the last audit—on the 31st July, 1876?—We owed our Treasurer then a sum of £154 8*s.* 11*d.*

249. And you had a balance in your hands for current expenses of £30?—Yes.

250. You had started in the beginning of that year with a small debt of £36 11*s.* 6*d.*, to the Treasurer?—Yes.

251. And you had £40 in hands on the other side of the account?—Yes.

252. You had £40 in hand at the beginning of the year, and £30 at the end; how much do you generally hold in your hands for current expenses?—For the past twelve months I have had £50.

253. You get a cheque for £50 I suppose, and then you pay wages and certain small payments out of it?—Yes.

254. When you are running short do you go to the Commissioners and get a fresh cheque?—No. If I find the £50 insufficient to meet the payments during the month, I either advance the money myself, or go to the chairman of the Town Commissioners and get it; I do not get a fresh cheque.

255. Not until the next month?—No.

256. You are always supposed to have a small amount of money in your hands to meet current expenses?—Yes.

257. And it never exceeds £50?—No.

258. Do you give security?—No.

259. What payments are made by you?—I pay the town sergeants their weekly wages. There are three town sergeants.

260. What are the duties of those town sergeants?

—Their duties are to look after the sweeping and the cleansing of the town, and to see that the public lamps are lit for the proper time. One of the town sergeants is sub-sanitary officer.

261. Irrespective of the sanitary work are their positions equal, or is one of them a head sergeant, and the other two under his orders?—They are all equal.

262. Is a different district of the town allotted to each of them?—Yes.

263. What are they paid?—One gets £20 8*s.*, per annum, and another £23 8*s.*, and both these men have a free house. The other man gets £39 per annum, and has not a free house. They all get a suit of clothes annually.

264. I see you paid £27 19*s.* 6*d.* for clothing last year?—Yes; but that was for two years.

265. Do you not generally pay your bills within the year?—We generally pay them once a month.

266. And how then did this run on?—I think the clothing made at the time did not fit the men, and the account was not passed up to the 31st July.

267. What was the amount of rents received last year?—£665 16*s.* 6*d.*

268. £563 13*s.* from tenants who pay half-yearly, and £102 3*s.* 6*d.* from the tenants who pay weekly and monthly?—Yes.

269. What balance uncollected was there at the time when the account was closed?—Well, I can't tell you that just at present.

270. Not from the rental?—I have not got the rental.

271. Does that represent nearly the whole of your annual income?—That is the whole of the annual rental for houses and lands.

272. Is that above or below the average?—That is rather above it.

273. What are these rents?—About £650 a year I think.

274. CHAIRMAN.—The "annual rents" are £526 9*s.* 11*d.*, and £563 13*s.* was brought into account last year. The cranes and weekly and monthly rents are £122 8*s.* 6*d.* and £102 3*s.* 6*d.* was paid last year; so that in the year you got £20 less by the cranes, and the rents came to about £40 more?—Yes.

275. You seem to have received £45 1*s.* 6*d.* by persons to whom you let rooms in the town hall?—Yes.

276. That was for theatricals, &c.?—Yes.

277. Do you generally, every year, get a certain amount for the annual letting of this town hall?—Yes.

278. What is the average?—The previous year I think the amount was about £38 or £39. During the present year we have hardly got anything as the hall is undergoing repair.

279. How much was received for water rents last year?—£224 14*s.* 6*d.*

280. Does that represent the annual rental?—No, it does not. There is £20 more than this. The railway company paid us a year's rent instead of one and a half year's rent.

281. Portora Royal School makes £20; the Model School £18; Great Northern Railway Company £90; County Infirmary £12; Military Authorities £60; and other contractors £24 14*s.* 6*d.*?—Yes.

282. Do all the inhabitants pay the water rate?—Yes.

283. Is there any charge made to any private house beyond the water rate?—No.

284. The water rate amounted last year to £795 7*s.*—Yes.

285. Well, what does the 1*s.* 4*d.* rate produce?—£735 13*s.* 3*d.*

286. What is your rateable value?—The rate upon which that amount was struck was £11,034 19*s.*; that produces at 1*s.* 4*d.* in the pound £735 13*s.* 11*d.*

287. Did you then receive about £60 more from old arrears?—Yes.

288. Was that rate closed with an equal amount of arrears on the preceding year or not?—I think just about the same as in the preceding year. I may just mention to you now, that since the Commissioners first met in 1871, a sum of £60 0*s.* 2*d.* has been pronounced irrecoverable; and the entire amount of the assessments, with the exception of the sum above referred to, came to £9,454 0*s.* 2*d.* The entire of that amount, with the exception of £60 0*s.* 2*d.* and £64 0*s.* 2*d.* carried forward to the current account has been lodged to the account of the treasurer.

289. I think you told us already the same rates have been laid every year—2*s.* improvement rate, and 1*s.* 4*d.* for water?—Precisely.

290. What have you done with all the improvement money during those last five or six years?—Mr. Wray will be able to give you that better than I.

291. I suppose there has been a considerable amount expended on sewerage?—Yes; I should say about £1,200.

292. Your other income besides this water rate and your rental consists of the fines from the borough court and the dog licenses chiefly?—Yes; and some other little things, manure stores, &c.

293. What did you get for fines last year?—For thirteen months, up to the 31st of July, the borough fines were £98 19*s.*

294. What from the dog licenses?—£13 5*s.* 5*d.*

295. That was for the year only?—That was for the year only; it is paid annually.

296. Then you received back from the Local Government Board on account of the salaries of sanitary officers, £22 13*s.* 4*d.*, and in lieu of Government rates, £77 2*s.*?—Yes.

297. The last are principally on the barracks?—Yes.

298. I see there are two such barracks?—There are two barracks in the town.

299. The sale of manure brought £28 3*s.*?—Yes.

300. Do the Commissioners get all the sweeping and cleaning done by contract or by people employed by them?—By their own men, not by contract.

301. Where is the manure-yard?—On the Dublin-road.

302. Out of the town?—Out of the town.

303. And not near any dwelling?—At a considerable distance from any dwelling.

304. So that it cannot be a public nuisance?—Oh, no.

305. How often do you sell?—About two or three times a year—twice a year.

306. Then you have £9 3*s.* 6*d.* interest on that £1,000 the gas company paid you before you paid off the loan?—Yes; it was deposited in the Ulster Bank.

307. And you have £17 12*s.* 8*d.* from private individuals for sanitary improvements properly chargeable to the owners?—Yes.

308. Your first item on the other side, I see, is salaries. How long have you had your borough surveyor?—He was appointed immediately after the passing of the Act—in 1870.

309. What is your own salary?—£50 per annum, with an additional salary of £15 for preparing the Parliamentary voters list.

310. Is that all you receive?—Yes.

311. You are not executive sanitary officer?—No.

312. Is the rate-collector paid by salary or by poundage?—By poundage. He gets 3*d.* in the pound for collecting the borough improvement rate, and 6*d.* for the water rate.

313. He does not collect the rents?—No; the rents are collected by an agent.

314. Is that agent paid by poundage?—He is; 6*d.* in the pound.

315. Do both these officers give security?—They give security to £500 each.

316. Who has the custody of their bonds?—The chairman of the Town Commissioners and myself.

317. The agent's poundage last year was £17 5*s.* 3*d.*, making altogether £331 16*s.* 3*d.* expended on salaries, uniforms, and fees on collections; and your town improvements, consisting of the repair of streets, footways, &c., came to £415 14*s.* 4*d.*?—Yes.

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318. The expenditure on waterworks was £701 15*s.* 4½*d.*, but that included £647 10*s.*, instalment of loan and interest due to the Public Works Loan Commissioners, so that your outlay on waterworks was not large?—Very small.

319. You pay the caretaker of the waterworks a weekly salary?—Thirteen shillings a week.

320. Has he any assistants under him?—If he requires an assistant he hires a man for the day.

321. Then we come to the lighting of your public lamps. Is that done by contract with the gas company?—By contract.

322. The expenditure for lighting of public lamps and church clock amounted last year to £221 2*s.* 3*d.*

323. What is your contract with the gas company? Do you pay so much per lamp and so much for the clock, or so much per 1,000 feet?—The account you refer to is at so much per 1,000 feet.

324. How much?—5*s.* 6*d.* per 1,000 feet. At the time of that contract the general consumers of the town paid 7*s.* 6*d.* We got it at a reduction.

325. That was part of the original agreement?—Yes; the contract was only for three years.

326. Have you a fresh contract now?—Yes, at £3 per lamp, and they light for nine months in each year. The £3 per lamp comes to considerably more in the year, but we have our lamps lit for a considerably longer period, for when we light by contract the borough surveyor is careful to have the lamps put out at a very early hour.

327. Is there any exception for moonlight nights?—Only for the night of full moon and the night before and after the lamps are not lit.

328. Three nights in each month are exempted?—Yes.

329. And do you still pay £4 a year for the clock?—No; it is not lighted at all. They wanted the Commissioners to pay more than £4, and they would not do so.

330. The next item I see is your sanitary expenses. Do the Commissioners levy a sanitary rate?—No.

331. The sanitary expenses came altogether last year to £145 1*s.* 8*d.*?—Yes; £50 is about the annual amount.

332. Who are the officers?—The consulting sanitary officer, who receives £15 per annum; the two sub-sanitary officers, who receive £10; and the executive sanitary officer, who receives £25. The Poor Law Guardians, however, pay £10 to the sanitary officer. We pay altogether £50, and the Local Government Board pay us back one-half of that.

333. Who is your executive sanitary officer?—The coroner.

334. His salary altogether is £125 a year?—Yes.

335. You paid £20 14*s.* 9*d.* for the repair of the barrack sewer, £2 10*s.* for flushing, and £27 11*s.* 6*d.* for sewer-traps and setting, while other works came to £27 1*s.* 11*d.*?—Yes.

336. You purchased a "sweeper and scraper" last year. Does it work well?—It does; it is considered a great saving.

337. How many horses for it have you?—Just one horse.

338. The keep of the horse and the wages of the man came to £158 19*s.* 6*d.*?—Yes.

339. Since you got this sweeper and scraper you think you have been able to do the work cheaper?—I think a little cheaper.

340. With less labour, of course?—With less labour, of course, and more effectually.

341. What is your opinion of the way in which the streets are kept?—My opinion is that they are very well kept. I have not myself visited any town like Enniskillen in this respect.

342. Are the back lanes and alleys as well looked after as the main streets?—Yes. Of course the back lanes and alleys are not swept, but in a sanitary point of view they are as well looked after as the main streets.

343. Your town hall cost you a good deal of money last year?—Yes, we put up sheds last year.

344. Whom does the town hall belong to?—The Town Commissioners.

345. Was there not a misunderstanding between Lord Enniskillen and the Town Commissioners?—There was a lawsuit between the Town Commissioners and Lord Enniskillen in about 1848—1848 or 1849.

346. That lawsuit was as to whom the town hall really belonged to?—Just so.

347. And the Commissioners proved their claim to it?—Yes; and the Commissioners established their right to several other portions of the corporate property.

348. You laid out £147 12*s.* 6*d.* in erecting a shed at the back of the town hall, £37 10*s.* in repairs, £2 10*s.* in insurance, £11 0*s.* 8*d.* on lighting, and £1 18*s.* 9*d.* on fuel, making altogether £200 11*s.* 11*d.* expenditure on the town hall?—Yes.

349. Do the Commissioners keep a fire-engine?—They did, previously to the introduction of the present water supply; but they now have sold it as they have no need of it, having a hose in connexion with the water main.

350. You spent £4 3*s.* 6*d.* last year on the storage and repair of your engine?—That was for storage. The Commissioners have the engine stored in the yard of a merchant in the town, for which he charges them £4.

351. The expenditure under this head comes to £4 17*s.* 6*d.* altogether?—Yes.

352. What did the engine sell for?—£45.

353. That will come in in next year's account?—Yes. It has been lodged in the bank since last audit.

354. I see by the account that £411 1*s.* 9*d.* was the sum paid for the borough's proportion of the county charges for the year ended the 31st July last?—Yes.

355. For the auditing of your accounts you paid the Local Government Board £11 16*s.*, and to the clerk of the peace for duties connected with the borough registry you paid £15?—Yes.

356. You are not the clerk of the peace?—No; the clerk of the peace is Mr. King.

357. Is he town solicitor too?—No; he is a private gentleman. The deputy clerk of the peace is Mr. Lowe.

358. Your printing and stationery came to £22 1*s.* 3*d.*; your law expenses to £4 17*s.* 1*d.*; the rates and taxes paid by you, inclusive of tithe-rentcharge to £47 18*s.* 4*d.*; the repair of houses and stalls to £17 1*s.* 3½*d.*; and the interest charged by the treasurer on overdrawn account to £9 14*s.* 4*d.*?—Yes.

359. Did the auditor disallow that last item?—No.

360. Did he say he would disallow it for the future?—No.

361. You say £17 1*s.* 3½*d.* was for the repair of the stalls in the market. I see no market receipts?—We have no market receipts; those stalls are the property of the Commissioners.

362. Those appear in your weekly rents?—Yes.

363. You don't receive any tolls?—No.

364. At the time of the Commissioners' report in 1835, I am pretty sure they mentioned that the old Corporation were in possession of the tolls?—They were, I believe.

365. What became of those tolls?—They are now in the hands of Lord Enniskillen.

366. Were they sold by the old Corporation to Lord Enniskillen, or subsequently to the report of 1835?—I really do not know.

367. Mr. LAWLESS.—What are they for?—Sales of butter, pork, flax, potatoes, flour—anything of that sort.

368. Were they under an old patent?

369. Mr. *Jordan* (Chairman of Town Commissioners).—Here is an old document in which the burgesses took the tolls for the year from Lord Enniskillen. They belonged to the burgesses first, but they were induced to take a lease of them for a year from Lord Enniskillen, and that was afterwards relied upon against them as an admission of his title.

370. Did the question of these tolls form part of

Mr. John Cleland.

the subject-matter of the litigation between Lord Enniskillen and the old Corporation?—I don't know.

371. As a matter of fact, the Commissioners have not received any tolls since 1841 at all events?—Oh I think not. Since 1846 when they were appointed, the Commissioners received no tolls of any kind.

372. Are tolls collected by you in Enniskillen in the market and fair-green?—Yes.

373. I see the fair-green was let to Lord Enniskillen for £34 10*s.* a year by the Commissioners in July, 1865?—Yes.

374. Had the fair-green been part of the subject in dispute between Lord Enniskillen and the Commissioners?—Yes.

375. It was subsequently let to Lord Enniskillen on seventy-five years' lease at £34 10*s.* a year.

376. Does he levy tolls on the fair-green?—He does, I think, at the gate of the fair-green.

377. Mr. *Carson.*—The green was leased to Lord Enniskillen. The Commissioners recovered it from him. Afterwards they sold it to the railway company, and the portion not required by the railway company was bought back by the Commissioners, which portion they have now let to Lord Enniskillen.

378. Is that the only lease to which you had the sanction of the Lords of the Treasury?—I think we had their sanction for the gasworks also.

379. What is the rateable value of property within the borough?—£11,173 4*s.*

380. What is the area of the borough?—314A. 2R. 14P. That includes water—portion of Lough Erne.

381. That is the exact area comprised in the Parliamentary borough also?—Yes, as I have it from the borough surveyor.

382. Do you know what it was before the Act of 1870?—No, I do not.

383. What was the population of the borough in 1871?—Nearly 6,000.

384. CHAIRMAN (referring to *Thom's Official Almanac*).—5,836. Is that right?—I can't say.

Mr. JOHN WRAY examined.

Mr. John Wray.

385. CHAIRMAN.—You are, I believe, the borough engineer?—Yes.

386. When were you appointed?—In the autumn of 1870, immediately after the passing of the Act. I think it was in October.

387. What are your duties?—To prepare all maps and plans of works to be erected within the borough, and superintend the working of them.

388. Are the streets under your charge or that of the town sergeant?—Chiefly under that of myself and the town sergeant.

389. Are they subject to your direction?—They are.

390. When you were appointed what was the state of the drainage of the town of Enniskillen?—It was in a tolerably tidy state in certain areas in the town, but certain other areas were entirely without drainage.

391. Have there been many new sewers constructed during the six years you have been in office?—A considerable number of drains have been made.

392. Can you tell me shortly what work has been done in the way of main sewers?—In the case of the one particular section of the town I have referred to as having been badly off for sewerage, it has already been drained. Strand-street—there are two streets of that name—Mary-street, Abbey-street, Daly-street, Head-street, and Hall's-lane, all situated in the one particular section of the town, are also now thoroughly drained, and every house has now its connecting drain with the main sewer.

393. Have all the main drains been made under your superintendence?—They have. There are other places where sewers have been made, but they are not in that district.

394. Is there much more work of the kind remaining to be done in the town before it is completed?—There is.

395. What has been the outlay on sewerage works since you have been appointed?—For the sewerage works and the reformation of the streets a sum of £1,382 9*s.* 3*d.* has been presented for.

396. Mr. LAWLESS.—Since what time has that been expended?—Since 1871.

397. CHAIRMAN.—You are executive sanitary officer as well as borough surveyor?—I am.

398. All the reports, therefore, from the sanitary officers pass through your hands before they come to the Commissioners?—Yes.

399. Were the houses well provided with ashpits and privies when you became the engineer of the borough?—Very badly.

400. Are they better provided now?—Very much better.

401. Has that been in consequence of the action taken by the Corporation?—It has; the improved condition of the town is chiefly in consequence of the main sewers.

402. Were the main sewers made at the instance of the Commissioners?—Yes; there are copies of the notices served on the owners.

403. Have you generally found the owners willing to construct these sewers without legal proceedings?—I have very rarely been obliged to take legal proceedings.

404. Have there been any instances where they have been constructed and then charged to the owners?—No; but there have been instances where people have requested the Commissioners to construct them and charge the owners.

405. Have there been complaints of the want of ashpits?—There have not; but in consequence of the state of the service drains they were ashpits themselves.

406. How is the manure removed?—In every case by the inhabitants themselves.

407. Do they, as a rule, keep their yards and back premises clean?—They do.

408. Is there a thorough inspection of them?—There is, by the town sergeant; he keeps a book, and in this book he enters all the houses visited by him day by day, and every day he submits the book to the chairman of Town Commissioners; then the whole of the report for the fortnight is read out before the meeting of the Sanitary Commissioners.

409. Is there a sanitary committee, or is it to the whole body of the Commissioners the report book is submitted?—To the whole body of the Commissioners.

410. Are then the reports of the sanitary officer as well as of the sub-sanitary officer presented by you?—Yes. First I should state, if the sub-sanitary officer finds serious cause of complaint he reports to the sanitary officer, who then inspects the place, and reports to the sanitary authority.

411. Does the sanitary officer attend the sittings of the Commissioners?—He does not; the executive sanitary officer does occasionally.

412. You always do?—Yes.

413. Does the consulting sanitary officer?—Occasionally.

414. Were these waterworks constructed under your supervision?—They were; I prepared the plans for them, and the works were constructed entirely under my supervision.

415. Are they under your supervision still?—Certainly.

416. As far as you know, are the inhabitants throughout the town now well satisfied with the supply of water?—Very highly satisfied.

417. Is it of good quality?—It has been analyzed by Professor Bamber. I asked him if it would be necessary to have filters, and he told me the water was so pure it would be a waste of money. The water has a slight amount of colour, but that is diminishing.

418. Do you use that water for flushing the sewers as well as for drinking?—For flushing the sewers we have an unlimited supply at an elevation of 150 feet over the town.

ENNISKILLEN.
March 23, 1877.
Mr. John Wray.

419. Mr. LAWLESS.—Have the Town Commissioners erected any public fountains for the people?—Oh, yes; they are bound by the Act of Parliament, I think, to erect ten, and they have erected fifteen.

420. Do they erect watering troughs for horses?—They have not erected any yet. The waterworks company are under contract to supply twenty-five gallons per head per day supposing a population of 8,000, which is one-third greater than the maximum population of this town, which has never yet been 6,000, I understand.

421. Were you the engineer for the work done at the back of the town hall last year at a cost of £100?—Yes; I prepared the plans.

422. Is it your duty to see after any buildings necessary to be taken down for the safety of the inhabitants?—It is. I serve notice on the owners, and have them removed.

423. Have the Commissioners provided fire-plugs?—They have.

424. Are there fire-plugs at convenient positions throughout the town in case of fire and an ample supply of hose?—The supply of hose has never been found short, at all events. The fire-plugs are situated at intervals as nearly as may be of 200 yards, taking advantage of cross-roads. We have fifty-four plugs in the town.

425. There were certain building regulations provided by the Enniskillen Improvement Act. Have those been observed?—They have. I have called on the architect to lodge copies of the plans with the Town Commissioners.

426. And are they submitted to you?—They are.

427. Are there common lodging-houses in the town of Enniskillen?—There are.

428. And slaughter-houses?—There are.

429. Are they under inspection?—They are. The common lodging-houses have licenses from the sanitary authority, the slaughter-houses have not.

430. Are they not registered?—They are not.

431. Are you the inspector of common lodging-houses, or is the duty performed by the police?—It is performed by the police and the sub-sanitary officer.

432. Are there any by-laws for the regulation of lodging-houses issued by the Commissioners?—There are, and they have been approved of by the Local Government Board. Copies of these by-laws are handed to each owner of a common lodging-house, and he is under an obligation to keep them up.

433. Are the slaughter-houses, although not registered, kept clean so as not to be a nuisance?—They are reported by the sanitary officer to be clean at all times, but in my opinion they ought not to be in the town. There are too many of them in the town.

434. Mr. LAWLESS.—Are they under the inspection of the sanitary officer?—They are—of the sub-sanitary officer.

435. CHAIRMAN.—Where they are found to be in an improper state, is the matter reported to the Commissioners, and are steps then taken to remedy the nuisance?—In fact I do not know that they are ever found to be in an improper state.

436. Then was it merely on general principle that you suggested their removal from the town? Are they kept as well as they can be in your opinion?—Yes; I think so.

437. Do you find the Commissioners anxious to carry out the regulations provided by the Act of 1874 to the best of their ability?—Well, a considerable portion of the twenty-one Commissioners attend each sanitary meeting; in fact, it is the Commissioners who attend at the first sanitary meeting who attend all the meetings.

438. You have had no obstruction from them?—Not the slightest—every assistance.

439. Are the fairs confined to the fair-green, or are they held in the streets?—The cattle fairs are confined to the fair-green; but the sale of horses is not at all carried on in the fair-green, but on the public road—not in the town, but adjoining the inhabited portion of it.

440. Mr. LAWLESS.—Are the markets held in the town?—The markets for the sale of butter, flax, and general farm produce, as well as pork and grain, are held in the market-place in Enniskillen; but there is what is called a "lump butter market," which is held in the public street.

441. CHAIRMAN.—Is the thoroughfare very much obstructed in consequence of that, and complained of as a nuisance?—It is.

442. Mr. LAWLESS.—Has there been no public market-place introduced into the town?—There is a place for fowl.

443. There is "lump butter," you say, sold in the street? Do the people pay any toll for that?—Not that I am aware of. They pay tolls to Lord Enniskillen for the weighing of farm produce.

444. But do they not pay tolls for anything sold?—They do not.

445. You pay tolls for live cattle?—Oh, that is on the fair-green; but we do not pay tolls on the public street.

446. CHAIRMAN.—Is there much additional work thrown on the scavengers by the horse-fairs being held in the street?—Not much.

447. Are the roads and streets, after these horse fairs are held always cleaned up next day?—When the streets are dirty the scraper and sweeper is always sent out, and they are cleaned.

448. Is the horse-fair a nuisance?—I have heard it described as dangerous to pedestrians, but beyond that I have had no complaint.

449. How often does it occur?—Once a month.

450. Are all the pigs, sheep, and cattle, sold within the limits of the fair-green?—Inside the fair-green.

451. Do you think the selling of butter in the street causes an obstruction and is a nuisance?—Yes.

452. Have any steps been taken by the Commissioners to have the nuisance removed?—There have.

453. Mr. *Carson*.—Perhaps it is necessary to make you understand the butter-market. Those who buy need a store or room, and they cannot find any convenient place for such a house.

454. Mr. LAWLESS.—Have you found any difficulty with the owners of property in Enniskillen in carrying out any new arrangement necessary for sanitary purposes?—Scarcely any now. In the beginning I had some difficulty in getting them to make drains from their yards, but not now.

455. Have the owners of house property here been called upon to erect privies and water-closets?—I am not aware that they have been called upon to erect water-closets; they have been called upon to erect privies.

456. When they have been called upon have you found any difficulty offered by them?—Well, yes, but not much. The Town Council think that the privy itself, if not kept clean, a greater nuisance than the yard without the privy.

457. Is there a public burial-ground?—There is not.

458. What are the burial-grounds now used in this town?—There is only one—the churchyard.

459. Does that abut on the street?—It does. It is at an elevation of from six to twelve feet above the street.

460. Has the propriety, in a sanitary point of view, of allowing a burial-ground to continue in such a position, ever been the subject of inquiry or examination or discussion?—The sanitary and the executive sanitary officer reported on the impropriety of it, and the Commissioners have been negotiating with the owners of property about the town with the hope of getting a public cemetery outside the town.

461. CHAIRMAN.—Have you had any answer to your application to the Local Government Board?—Oh, yes.

462. What is the state of things now?—Nothing has been done. Some of the owners asked such high prices that the Commissioners abandoned the idea. In another case, however, Lord Enniskillen offered a piece of land at a low price, but there were objections to the place.

Mr. EDWARD SMYTH examined.

Mr. Edward Smyth.

463. Are you Lord Enniskillen's agent?—I am, and I attend here at his request in case the Commissioners might wish to ask me any questions.

464. We learn that the fair-green is held by Lord Enniskillen under a long lease from the Commissioners. Is that so?—Yes.

465. Are all tolls levied on the fair-green and markets the property of Lord Enniskillen?—Yes.

466. Are they received by you on Lord Enniskillen's behalf?—Yes.

467. Why are horses not sold on the fair-green but on the streets or roads?—The area is so small there is no room at present for the horses. We were thinking, some time ago, of taking additional land and making a horse green, but the situation is too low and subject to flooding.

468. Are the tolls the same as those levied by the old Corporation?—I don't know what the tolls of the old Corporation were.

469. How long have you been agent to Lord Enniskillen?—Fourteen years.

470. Do you know the circumstances under which Lord Enniskillen obtained the right to the tolls he levies at the fair-green?—I don't know anything about them.

471. You heard the last witness say the butter-market is a considerable obstruction; is that the fact?—On Thursdays it is a considerable obstruction. We are negotiating at present about it, but there is a great opposition from the inhabitants from that side of the town; they petitioned Lord Enniskillen to leave them, as their removal would draw away a great number of their customers from that part of the town where they are at present—in the west end of the town.

472. Who are the persons who appear to be principally interested in keeping these fairs in that part of the town?—The shopkeepers.

473. Not the publicans merely?—No, the shopkeepers.

474. Mr. LAWLESS.—They are not the butter sellers or the butter buyers, who object to the change?—Certainly not the butter sellers, because they have only a little distance to go to their market.

Mr. HENRY LOWE examined.

Mr. Henry Lowe.

475. How long have you been agent to the Town Commissioners?—Since 1871.

476. Is your duty confined to receiving the rents?—Just receiving the rents.

477. How often do you pay those rents over to the treasurer?—Twice a year.

478. Only twice a year?—I lodge the money from time to time at the bank.

479. Which of the banks is treasurer?—The Ulster Bank.

480. Do you give security?—Yes in £500.

481. And what is the largest amount you are supposed to keep in your hands, or does your bond limit the amount to be kept in your hands?—Well I think not. There is something in the Act of the 9th Geo. IV. to the effect that the collector is not to keep in his hands more than £100; but I have never had £100.

482. The rental is paid half-yearly. What is your date for collecting the rental?—The 1st of May and 1st of November.

483. Can you tell us when you closed last November what arrears were outstanding?—The arrears upon the half-year's rental was £16 19*s.* 9*d.*, for the half-year ending May, 1876.

484. It does not often exceed that?—No. There is £10 in the last half-year's rental, money which I refused to take from a tenant as rent as his lease was at an end, until the Commissioners could settle the rent.

485. So that the arrears only amounted to £6 19*s.* 9*d.*?—£6 19*s.* 9*d.*

486. What were the circumstances under which you refused that £10? This was a lease granted in 1833, to George Irvine for his life, and thirty-one years after his death; the rent during his life was to be £9 4*s.* 7*d.*, and at his death to be decreased to £5?—That was the first time I heard those strange terms.

487. According to him there were two years' rent due?—Well, no; the rent was £9 4*s.* 7*d.*, and it came up to as much as £10.

488. Mr. LAWLESS.—What became of the dispute?—The dispute has never been settled yet: it stands in the same way still.

489. Has the subject been before the Commissioners?—It has, and they are about to take the opinion of Counsel.

490. Then the weekly and monthly rents are not paid up quite as well?—Well they are paid up pretty well; but the monthly rents are accounted for one half-year in advance of the yearly rents; for suppose I settle this account in December, it accounts for the rents of the weekly tenants up to November, 1876. Sometimes there is a little less in the monthly tenants' rent: sometimes they abscond.

491. Is it your duty to see their houses are kept in a proper state of repair?—No, it is Mr. Wray takes that duty.

492. Do you collect the water-rate?—No, I collect nothing.

493. You know of the leases of Kilnaloo?—I do.

494. We have heard of two leases in Kilnaloo, consisting of twenty-three and twenty-eight acres respectively. The lands are about 122 statute acres. I want to know who holds the rest of the acres? Are those "twenty-three" and "twenty-eight" acre lots Irish acres?—They are.

495. Well then we have heard substantially concerning about two-thirds of the whole property. Are those two holdings of James Lyttle and James Lyttle, junior, yearly tenancies?—They are.

496. Are you very well acquainted with the letting value of land in that neighbourhood?—No; I never was on the land in all my life except once when there was a dispute between two tenants.

497. How far do the lands lie from Enniskillen?—About three or three and a half miles. There are three yearly tenancies, and two holdings under one lease, and one holding under a lease.

498. CHAIRMAN.—Can you tell me what those five holdings in Kilnaloo produce annually?—£81 18*s.* 2*d.*

499. What was the Government valuation? Griffith's valuation in 1840 was £89 18*s.* 5*d.*, and now is £93 3*s.* 9*d.*

Mr. SMYTH recalled.

Mr. Smyth.

500. Do you know the land in Kilnaloo?—Yes.

501. Is the land worth more than £1 an acre?—It is generally worth more than £1 an acre.

502. Is Griffith's valuation above or below the real letting value?—Below, I should say—about 25 per cent.

503. Mr. *Jordan.*—Kilnaloo is about the worst land in that neighbourhood.

Mr. LOWE's examination resumed.

Mr. Lowe.

504. CHAIRMAN.—Will you give us now, if you please, a list of Captain Collum's holdings as I asked you. *Witness.*—There is a house in Belmore-street in the town, in the occupation of a man named Shannon who holds under a lease made on the 31st March, 1875, for seventy-five years (this is the renewal rent you heard of), at a rent of £4 a year.

505. Was the lease made to John Collum?—Yes.

ENNISKILLEN. *March 23, 1877.*

Mr. Henry Lowe.

Mr. Collum died in December, 1875. The next is a lease of several pieces of ground in Belmore-street, opposite the Fair-green, held on a lease of seventy-five years, which you had here before you to-day. It was made in 1849, under consideration of the surrender of the old lease of 1839, at a rent of £16. The next are the premises in Belmore-street, at present in the occupation of M'Grath and M'Kenna. In the printed rental prepared some ten years ago, as Mr. M'Kenna described, those are held under a lease not forthcoming. The rent is £6 15*s.* 2*d.*

506. Have you ever applied to Captain Collum?—No.

507. And you don't know what these houses are sub-let for?—No; but they are pretty valuable houses. They would set at £13 or £14 each probably, or more than that. The next are premises in Belmore-street, on which there is at the present time standing an hotel. It was a building lease granted for seventy-five years to Matthew M'Donnell, of the Railway Hotel—a lease granted in 1850, at a rent of £4 9*s.* 6*d.* The next is the premises in Paget-street that you heard described, where the pig-market used to be held formerly. That lease is not forthcoming. It is stated there is a lease of the premises.

508. Who states that?—I believe Mr. Collum stated it. I believe there is a lease. The late Mr. John Collum told me so.

509. Did he ever show it to you?—I don't recollect ever seeing it.

510. Did you ever ask to see it?—No; I am sure if I had I would have seen it.

511. Mr. *Carson.*—Under what circumstances did he state that in connexion with the lease?—The circumstances were on the occasion of some person who was a witness to the execution of that lease by Mr. Ennis making an affidavit before me as Commissioner in Chancery. I happened to make the inquiry, what were the premises, and I was told they were the premises in Paget-street.

512. Mr. LAWLESS.—How much rent does Mr. Collum pay?—£7 a year.

513. What is the position of the property for which Mr. Collum pays the £14 a year?—Mr. Darragh's property and Mr. Collum's are mixed up, or dovetailed into each other.

514. However, there is no doubt it is worth a great deal more than £7 a year?—No doubt about that.

515. Exclusive of Mr. Collum's improvements?—Yes. The next is the strip of land in Derrycarra-lane, held under lease for seventy-five years.

516. What is the date of that lease?—The 2nd June, 1855.

517. What is the rent?—£2.

518. Is that the strip of land where there was a dispute, and where he covenanted to lay out £50 on the building which has not been done?—That is it. The next is the gateway held in Paget-street as yearly tenant—the right to pass through the gateway in Paget-street—which he pays £2 a year for. The next is the lease of premises in the occupation of Charles Irvine, made to him by Frith, on the 28th July, 1852, at a rent of £2.

519. Is Captain Collum residing in Enniskillen?—He resides at about two miles from it.

520. Because if Captain Collum were in the neighbourhood it would be only fair to give him an opportunity of coming here to-morrow morning. I wanted to know whether in any way Mr. John Collum was connected with the lease to Frith, or whether his name in any way appears in it.

521. *Witness.*—Not that I know of. (Lease produced.) It was Mr. Archibald Collum prepared the lease.

522. CHAIRMAN. (Having examined lease).—He signed it as a witness on behalf of the Commissioners, and it is indorsed by him as a solicitor also?—Yes.

523. Mr. LAWLESS.—Do you know how long Mr. John Collum was paying the rent reserved by this?—Since I have been agent. The next is the lease of the premises in Gas-street made to Mr. William Armstrong for thirty-one years from 1860.

524. Does Captain Collum pay the rent for that?—He does.

525. What is the rent reserved?—£8 10*s.*.

526. What do the premises consist of?—Of houses.

527. Have they been built under the lease since the lease was executed, or were they in existence when the lease was executed?—I can't tell you. The premises were leased to William Armstrong. He got into difficulties; and they were auctioned in the Landed Estates Court, and Mr. John Collum purchased.

528. Mr. LAWLESS.—In what year?—About ten years ago, I suppose.

529. Did the late Mr. John Collum up to his death pay the rent for that time?—He did. (Leases handed in.)

Mr. Jeremiah Jordan.

Mr. JEREMIAH JORDAN, Chairman of the Town Commissioners, examined.

530. CHAIRMAN.—When the town clerk was under examination minutes were produced which contained resolutions brought forward with regard to the letting of any lands to members of the Corporation, and with regard to the surrender of leases that were still running on, with the view to granting fresh ones?—Yes.

531. Were you chairman when any of those resolutions were passed?—No; I was not a Commissioner either at that time.

532. When did you first become a Commissioner?—I think about the year 1870, since we got the Borough Act.

533. In this schedule which was furnished to us by your town clerk, there is only one person's name down as being connected with the Corporation in any way to whom a lease was granted since 1840—a Mr. Richard Ball, who is described as the father-in-law of a Town Commissioner. Was that before your time?—Yes.

534. Has this question about letting to anyone connected with a Town Commissioner arisen in your time?—Not directly. It seems at one time to have been taken for granted that any person connected with the Commissioners should get a lease.

535. The question, you say, has arisen incidentally in your time?—Yes.

536. How?—In the case of a lease to William Coulter.

537. About the building ground in Toneystick?—Yes.

538. Was he a Town Commissioner?—No, but his brother was.

539. Was the question raised at the time as to his getting a lease, he being a brother to a Commissioner?—The committee recommended that a piece of ground (it was a piece of angular shape), leased to William Coulter should be, if possible, leased to James Coulter, the Commissioner, because it was adjacent to his other land and the building that he had, inasmuch as no one would take the ground. They therefore recommended that if there was any possible way in which it could be given to him that he should be asked to take it.

540. Was that the land which was advertised for sale and for which no one would make an offer?—Yes. The remaining part of it has been since advertised, and no one but Mr. Stewart has bid for it. There is still a large portion of it which we would be glad to let.

541. Then I suppose William Coulter took it on behalf of his brother?—He took it directly himself. I do not know if there is a conveyance from one to the other.

542. Was it thought he should have an offer of the ground, as no one would come forward to take it?—We thought it would be a good thing to have the ground built on, and as he was there, and had large buildings near it, we thought he would be most likely to take it up.

543. Was William Coulter asked to take it, or did he come forward and make an application?—I cannot

tell you that. It was taken in some form or other by him.

544. At what rent?—2*s.* per foot. We had asked 4*s.* and 2*s.* 6*d.*, and could not get it, and we were desirous that it should be built upon.

545. Coulter's rent is £3 5*s.* 2*d.*?—Yes. I may say that Mr. Stewart has a very large rear as compared with Mr. Coulter. No person would have built on both sides of it except some one who had houses built there on both sides.

546. Relatively it was quite as good a bargain to Coulter at 2*s.* 6*d.* as to Stewart at 2*s.*?—Yes.

547. Have you, since you have been a Commissioner, advertised publicly for letting by auction any property that had fallen out of lease?—No part has fallen in since I have been a Commissioner that I recollect but the ground in Belmore-street. It was put up to public tender and competition, and three tenders were sent in for it.

548. Is that the only old lease that has fallen in since you became a Town Commissioner?—Yes. Great numbers of the old leases were cancelled, and seventy-five year building leases given, so that they were prevented from falling out of lease. The only other ground that we advertised was the remaining portion of the ground connected with Coulter's. Up to the present we have not been able to succeed in getting it built on.

549. How long has that ground been unproductive to the Commissioners?—Since before I became a Commissioner. There was a tenant of a house that had that garden attached to his premises.

550. Do you know what was paid for that house and garden?

Mr. *Lowe*.—£5 a year. We are trying now to set some of it for 2*s.* 6*d.* per foot.

551. CHAIRMAN (to Mr. *Jordan*).—What was the extent of this unproductive piece of ground?—About half an acre.

552. Can you say, speaking for the Commissioners now at all events, whether or not, if any property fell in, they would take steps to advertise it and invite tenders for it before letting it to any person?—I think that at present the disposition of the Commissioners would be not to let property by public competition, but if the tenant of the property resided upon it to give it to him at a fair letting value, and to recognise his tenure in the place.

553. Give him the preference?—Yes, fully the preference.

554. Would the Commissioners get a valuation made by some competent valuator?—I think they would, because the property should be valued relatively. They should be valued relatively without employing any other valuator than our own surveyor. With reference to Kilnaloo, we thought it was let at a rather high rent, and that they were entitled to better accommodation. It would improve the property in the first place, and in the second place the people were under very great disadvantages. I have ridden through it in the winter time, and my horse went up to the knees. The people, to go out, must trespass on other people's property. We would have been going in as landlords to get this lane made into a public road.

555. Were there not several long leases granted previous to 1840?—I know nothing as a matter of personal knowledge, but merely as I have gleaned from documents, and if you wish I'll tell you what I have learned in that way. The books and minutes of the provosts and burgesses are not in our possession, but, rightly or wrongly, it is stated that they are at Florence Court with Lord Enniskillen. Hence we have no direct means of information in reference to the election of provosts, their tenure of office, doings, &c.; but we hold old leases signed by Charles Ovendon as provost, purporting to be made in the years 1831, 1833, 1835, and 1839, and we also hold leases signed by Hamilton Irvine as provost in each year from 1831 to 1840. We also hold two leases in 1838, dated on the same day—24th June, 1838—one signed by Charles Ovendon as provost, and the other by Hamilton Irvine as provost.

556. Mr. LAWLESS.—To whom were these leases made?—I will tell you in a moment. In the litigation with Lord Enniskillen for the recovery of their property, it is said that the Commissioners of the borough gained the Fort-hill, the fair-green, the town hall, &c., but that they lost the tolls and customs by the acceptance of a colourable lease by the then burgesses from Lord Enniskillen for one year—the year 1838—thereby admitting his right to let the tolls. The shambles and other property in the pig market were also lost to the Commissioners and retained by Lord Enniskillen in some curious and unexplained fashion. On the one side of the pig market he built on the Commissioners' property, and on the other side Mr. Collum has built on the Commissioners' property. The shambles covered a very large area, and at the time the old Corporation became defunct the property was vested in the Poor Law Guardians, who failed to pay the rent to Lord Enniskillen for this portion of the property, and he served them with an ejectment, and ultimately decreed them and took possession. From that time all litigation was allowed to expire. That is the way he got possession of it, and there were difficulties in relation to that portion of the property that did not exist in relation to other portions recovered from the Town Commissioners by Lord Enniskillen or his family.

557. Was that between 1840 and 1846?—Yes.

558. CHAIRMAN.—Was any question raised with respect to that property at the time of the law suit?—There were no regular proceedings taken. The property now built upon belonged to the old Corporation, and should have belonged to us, because it was never purchased from us and never leased from us.

559. Do you say that it has since passed out of the hands of the old Corporation into the hands of Lord Enniskillen without either lease or purchase?—Yes. From the year 1836 to the year 1840 the then provost and burgesses of Enniskillen (whether in contravention of the statute of 1836 remains to be determined) leased or jobbed away the greater part of the corporate property to relatives or friends; and I find on examining the leases and documents in our possession that of these leases—from 1836 to 1840—the following are either cancelled, surrendered, or lapsed—namely, about one lease made in the year 1836, three made in the year 1837, eleven made in the year 1838, and four made in the year 1839, and also two leases made in 1848. These have all been either surrendered, cancelled, or lapsed; and of leases made during that time (between 1836 and 1840) there exists in force, as against the Town Commissioners, the following—namely, about twenty-one leases made in the year 1838 for three lives or sixty-one years, the dates and terms in several of them being erased and re-written; twenty-one leases made in the year 1838, dated 29th September, 1838, and all for three lives or sixty-one years; one in 1839 for three lives to Hugh Collum, but cancelled, and a new lease made to John Collum; four in 1839 for three lives or sixty-one years; eleven in 1840, dated on the back 29th September, 1840, but in the body of the lease dated 29th September, 1830.

560. Are those leases made in 1838 and 1839 still running against you?—They are still in existence.

561. Are they chiefly of premises in the town?—They are all in the town, except Houston's or Maguire's in Kilnaloo. Besides those just mentioned we are in possession of the following old leases unexpired, and lying against us, or said to be so, namely, about one lease made in the year 1832, to George Woods, for 1*s.* a year for the life of George Irvine, and for an additional term of thirty-one years after his death at an increased rent of £3 per annum. He died lately. George Irvine was at one time chairman of the Corporation. We have also a lease made in the year 1833, purporting to be signed in that year by Charles

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Mr. Jeremiah Jordan.

Ovendon as provost. We believe that Charles Ovendon was not provost in that year, and that these leases are all made on erasures. We believe that Hamilton Irvine lived up to 1839, and that Charles Ovendon succeeded him as provost, and yet he signed a lease made in the year 1833. They had power to lease the property up to 1836, and in 1839 they antedated the leases.

562. CHAIRMAN.—Were these leases made to persons who were in the Corporation at that time?—They were all burgesses.

563. And they were at nominal rents?—Yes; some of them at 1*s*. Some of them were made over a peppercorn in the year. There was one made over to one of the Coles, at the yearly rent of a peppercorn in the year, that is recovered. Here are two leases which are signed by the two provosts on the one date. (Hands in leases.)

564. These leases are both purporting to be signed on the 29th September, 1838. The one is signed by Charles Ovendon, provost, and the other signed by Hamilton Irvine, provost?—Yes.

565. I see there has been an erasure in one of them?—Yes; the question is whether the burgesses had power to make leases from 1836 to 1840 or not.

566. In this one which is signed by Irvine as provost, the date is filled in as 1838, and that would be subsequent to the restraining statute. This is to William M. Caffery. Was he a member of the Corporation?—No.

567. And this other one is to James Lowrey?—He is a friend of a member of the Corporation, I think.

568. Now there is a query as to who holds these premises. I suppose you know now who holds them?—We do.

569. There is one lease here, which is indorsed on the outside 29th September, 1840, and inside it is dated 29th September, 1830, and then there is something written, which I think is 1834, it has been erased; but the last figure looks like a 4. It is signed by Hamilton Irvine, provost, who signed the one in 1838. This is a lease to Exham Moroney?—He was a burgess at the time, and that lease is still in being.

570. It is at the yearly rent of £5 sterling?—I notice that the lease is still running against us.

571. Mr. LAWLESS.—The demised premises consist of two dwelling-houses, offices, and gardens. What is the value of that now?

Mr. *Lowe*.—There is one house in that lease which is now set at £20 a year. The other was given by Exham Moroney to a house-keeper for her life. I believe she set it at £10 a year, but subsequently sold it.

572. Who got the field?—The field is worth at least £5 a year. £5 was offered for it sometime ago, and it would not be accepted, but it is now let at £5 a year.

573. The lease, I see, is for three lives or sixty-one years, the same as the rest?—Yes.

574. I see that the leases were prepared by Mr. Chadwick. Was he solicitor to the old Corporation?—Yes. William Irvine, who was solicitor and clerk of the Crown, was got to approve of the leases, and he is brother to George Irvine, to whom one of these beneficial leases was made.

575. Do you find a lease to Mr. James Jeffries amongst the others?—Yes; there are several old leases that Mr. Jeffries got cancelled and new ones granted.

576. Was he a member of the old Corporation?—No; but he was a nephew of John Collum's.

577. Mr. LAWLESS (to *witness*).—Do you know whether since the present Commissioners came into office, since the year 1846, any practice prevailed of making leases of the corporate property to gentlemen who were members of the body of Commissioners?—I am not aware of such practice beyond what appears in the records.

578. CHAIRMAN.—I find this notice of motion served on the 13th October, 1856:—

"I will at the next day of meeting propose that no member of this body will take or seek for any lease of any property belonging to the Corporation.

"Signed, JAMES CREDEN."

And I find on going a little further on in the book the following resolution on the 5th December, 1856:—

"Proposed by Mr. James Creden and seconded by Mr. James Graham, that no member of the Town Commissioners will take or seek for, any lease of the property of the Borough of Enniskillen, now in the possession of the Town Commissioners, either by lease or otherwise."

Eleven voted for that resolution, and five against it. I find also, that exactly three years after the passing of that resolution, at the meeting on the 5th December, 1859, at which a large number of the members attended, the following notice of motion was handed in:—

"I will at the next day of meeting of the Town Commissioners, propose that the resolution bearing date the 5th December, 1856, prohibiting any Town Commissioner from taking a lease of Corporation property, be rescinded.

"Signed, GEORGE BLACK."

Witness.—That notice of motion was never carried out.

579. The proposition did not come to a vote?—No.

580. In fact the resolution which was passed prohibiting any member of the Town Commissioners from taking a lease of corporate property is standing unrescinded on the books?—Yes.

581. The only lease actually made to a Commissioner was that in 1848 which was granted to Mr. Lemon?—Yes.

582. Mr. LAWLESS.—On the 6th December, 1858, I find the following resolution:—

"Resolved—Proposed by Mr. William Carson and seconded by Mr. George Black, that from this day forward no existing leases of Corporation property now in the hands of the Town Commissioners be cancelled nor any new leases granted except when the old have expired. This resolution is not intended to affect the proposition of Mr. Tickle in reference to his tenement as now on record in the minute book. Passed unanimously."

583. CHAIRMAN.—There was a notice of motion given by Mr. George Black which was never proceeded with, so that the resolution prohibiting the granting of leases to members of the municipal body stands unrescinded at the present time.

584. Mr. *Lemon*.—I bought that field by public auction from Copeland.

585. Mr. LAWLESS.—When?—When he left this country and went to Australia. I was to get an assignment from Copeland. He made an arrangement with the Town Commissioners that he was to get the old lease cancelled and a new one made for thirty-one years. Mr. Collum suggested that it would be cheaper for me to join with the Commissioners and cheaper for us all. I never asked any favour from the Commissioners. The lease for thirty-one years was promised to Copeland before he sold it. Instead of getting an assignment from Copeland I joined with the Commissioners in giving a lease.

586. For the purpose of saving expense?—Yes.

587. CHAIRMAN.—Then he got a lease, and you bought his interest?—He did not get a lease. He had got the promise of a lease.

588. And you bought his promise of a lease by public auction?—He was to get a lease from the Town Commissioners, and I purchased his interest in it.

589. You purchased his equitable claim on the Corporation for a lease?—Yes.

590. Do you remember how much you paid him for it?—I think £35.

591. I should like to know how what you bought was described at the auction?—Mr. Copeland said that the Commissioners had promised him a lease.

592. Had he any agreement with the Commissioners about getting a lease?—He had not; he simply had a promise from the Commissioners.

593. What did you give him for this valuable chattel?—£32 or £33.

594. For the promise of the lease?—Yes.

595. You being a Town Commissioner at the time?—Yes, I was a Commissioner at the time.

596. *Witness.*—There is another lease in 1833 to Gorges Irvine, purporting to be signed by Charles Ovenden, as provost, for the life of Gorges Irvine, at the yearly rent of £9 4*s.* 7*d.*, and for an additional term of thirty-one years after his death, at a decreased rent of £5 per annum. Only for the hitch that took place we would not have known anything about it. There is evidence on the face of it that it was not executed till 1837.

597. Mr. LAWLESS.—This is a lease dated on the 24th June, 1833; the burgesses of Enniskillen on the one part, and Gorges Irvine on the other part?—It is for the police barrack.

598. It is for the life of Gorges Irvine, from the date of the lease, at the yearly rent of £9 4*s.* 7*d.*, and for thirty-one years after the death of Gorges Irvine, and rent to be reducible to £5 on the death of Gorges Irvine. The thirty-one is written on an erasure, and although the lease bears the date of the year 1833, it appears from the printed memorandum that the paper was issued by the Commissioners of Stamps in the year 1837. The lease is signed by Charles Ovendon, as provost?—That was partly the reason of our coming to the conclusion that Charles Ovendon was not provost till 1837. We had no record, and we could only arrive at it by inference.

599. That is now the existing lease and the tenant's claim to be entitled to pay only £5 from the death of the life?—Yes.

600. What is the rent of the police barrack?—£36. There was another lease in 1834 to Robert Keys, esq., solicitor, for the life of Samuel Beatty, and for sixty-one years after his death at £2 2*s.* per annum. That lease is running against us now. I only wish to show you the way in which the old burgess and Corporation did away with the property that ought to be ours now. There is no lease to Mr. Arthur of three houses, as derived from Mr. Lemon, but it is fair to say that Mr. Arthur is paying 30*s.* a year of ground rent to the Commissioners as consideration for the breaking of an old lease and making a new one.

601. Mr. *Lemon.*—Mr. Arthur pays £1 10*s.* a year because of the promise to make a new lease.

602. Mr. LAWLESS.—I find the following on the books:—

"5th December, 1859.

"I propose to pay the sum of £1 10*s.* for that piece of building-ground in Toneystick, near the railway bridge, for getting a building lease, say, for seventy-five years.

"Signed, WILLIAM ARTHUR."

I also find this resolution—

"Proposed by Dr. Hood, and seconded by Mr. John Parkinson—'That the proposal for a building lease for that plot of ground situated in Toneystick, at the yearly rent of £1 10*s.*, be granted, on Mr. Lemon's handing over his lease of said premises to be cancelled in legal form, and also the lease given to Mr. Bleakley. All expenses of carrying out these arrangements to be borne by Mr. Arthur, and the lease to be executed in one year.'"

Witness.—All those conditions failed to be carried out.

603. Mr. *Carson.*—Except the payment of the £1 10*s.*; that has been fulfilled.

604. CHAIRMAN (to Mr. *Jordan*).—Did you authorize your agent to receive that £1 10*s.*?

Mr. *Lowe.*—It is on the printed rental which I received.

605. CHAIRMAN (to Mr. *Carson*).—How long were the buildings there before this application was made?—They were there a long time, and the owner refused to finish them. Mr. Arthur purchased from Mr. Bleakley his interest (of course being aware of the promise to give a lease), and immediately after purchasing he applied to the Town Commissioners for the new lease. Some of the Commissioners were against it, and the matter was disputed for a long time, but ultimately the majority of them agreed to grant that lease, which, however, was never executed. It was prepared and brought before the Board on one occasion, but as the old lease was not surrendered it was not signed. Since then I have not heard anything about it.

606. Since November, 1873?—Yes.

607. *Witness.*—Mr. Carson went out of office in 1873. There is a resolution of that date.

608. Mr. LAWLESS.—That is the resolution of 3rd November, which we have already seen. Mr. Lemon did not come in and surrender his lease?

609. *Witness.*—He surrendered the lease on condition that he would still have the benefit of the lease.

610. There was no deed of surrender?—No; he merely handed over the lease.

611. Were any instructions given to your agent to receive that 30*s.* a year?—Not that I know of. There is no lease of the property held by John Collum in the pig-market or Paget-street. If there ever was, it has been removed from our papers; but what I am informed is, that leases of the premises were made to Edward Harry Ennis, when he was a Commissioner or Chairman of the Town Commissioners, and that the lease was conveyed by him to John Collum.

612. Was Collum agent then?—No; it was afterwards that he was agent.

613. When do you suppose it was conveyed to Ennis?—We have no trace of the transaction.

614. When do you suppose it was assigned to John Collum?—About the year 1852. The committee waited on Mr. John Collum, and asked him to produce the lease, but so far as I know he did not do so. We know nothing more about the matter. The other lease belonging to Mr. John Collum of a house in Belmore-street is not forthcoming. I do not know anything about these premises. We have to complain that these papers disappeared from time to time; that we are not able to lay our hands on such valuable documents. With reference to the subject of the inconvenience and loss to the Commissioners from the disappearance of documents—I may say that the lease to the gas company was filched (if I may use the word), the lease and papers by which we knew our powers. The gas company sought a Bill from Parliament, by which they put us to very great expense, for it was only at the very last moment, when we were going before the House of Lords, that the lease was produced by Mr. Archibald Collum.

615. Mr *Lowe.*—It was the tenant's part that was produced; the House of Commons having got it from the tenant.

616. *Witness.*—Probably it was wise to produce the tenant's part and not the other. At all events, we have not got the counterpart. With reference to the lump butter-market, I say that it is a very serious inconvenience—a dangerous inconvenience and obstruction. A man was very nearly being run over by a cart there not long ago. The side-paths are occupied with the goods. We have been trying for the last ten years to induce Lord Enniskillen to bring that butter-market down to his central markets in the town where he has quite room enough. There are only a few persons in that part of the town who object to its removal. Only one of the respectable shopkeepers, not engaged in the liquor trade, would object. Of course there may be a few others, but I am not aware of it. There is, however, another matter behind that, Lord Enniskillen has a number of stores at the end of that street which are let to buyers, and very probably he wishes to have them continue rented as they are now. There is also a tenant or two of Lord Enniskillen's who also let stores there. Then as to the cemetery, we have spent, I suppose, nearly one-third or one-fourth of the time of the Sanitary Board in discussing matters connected with the cemetery. Lord Enniskillen offered us land at a very moderate rent.

617. Mr. *Carson.*—There is a very general objection to the quality of that land offered by Lord Enniskillen because it was formerly a place where only paupers

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were buried. The sanitary officers have condemned the present cemetery as unhealthy.

Mr. Jeremiah Jordan.

618. CHAIRMAN (to Mr. *Jordan*).—Do the Commissioners of Enniskillen hold any fund in trust for any charitable institution of any kind?—I have never heard of it.

619. How long have you been a member of the body of Commissioners?—Since 1870.

620. Do you know of any fund either of land or money being vested in the old Corporation or in the present Commissioners?—I think there never was any money vested in the Corporation, but I know there was a fund. I do not know what it was for, or in whom it was vested.

621. Mr. *Trimble*.—Mr. White and Mr. Cook hold it.

622. CHAIRMAN.—Did they hold it as members of the Corporation?—No.

623. Mr. LAWLESS.—The trustees of this fund were not trustees in their character of Commissioners?—No.

624. CHAIRMAN (to *witness*).—Do you, as the chairman of the Town Commissioners, take an interest in the working of the Sanitary Act in this town?—Yes; irrespective of the ordinary routine, the sub-sanitary officer brings me the report of his daily inspection. We have divided the town into districts; and I go over his report-book and initial it. He visits the slaughter-houses once a week, and on the day he does so he brings me his book with the result of his inspection. The Commissioners rival each other in carrying out the Sanitary Act and in making this borough (so far as the funds will allow) as perfect as possible.

Mr. James Coulter, J.P.

Mr. JAMES COULTER, J.P., examined.

625. CHAIRMAN.—Are you a Town Commissioner?—Yes.

626. And a borough magistrate?—Yes.

627. You are a brother of Mr. William Coulter?—Yes. The place which has been referred to has been advertised publicly again and again. On one occasion there was a tender of 1*s.* 4*d.* per foot put in, and I called a man aside and said, "Offer 2*s.* per foot for it." That offer was not accepted, and the place was advertised for another month. At the meeting of the Commissioners at the end of a month, my brother put in a tender at 2*s.* per foot which was accepted. Upon that ground there has been £600 or £700 worth of buildings erected, and the taxes, of course, go to the benefit of the town.

628. Did your brother offer that 2*s.* per foot on your account or on his own?—I was determined that I would take the ground and build upon it if he could not do it. It was principally my money that built the houses.

629. How long have you been a Town Commissioner?—Nineteen or twenty years.

Mr. William Carson.

Mr. WILLIAM CARSON examined.

630. CHAIRMAN.—You, I believe, were at one time chairman of the Town Commissioners?—Yes; I was chairman for three years.

631. With regard to some of those resolutions can you give me any information? Were you a Town Commissioner in 1856?—I was.

632. I should like to know what were the grants at that time, or shortly before that time, to the members of the municipal body which led to the resolution prohibiting the granting of leases to the Commissioners being proposed?—No practice of letting to the Commissioners existed in my time. There was one case in which a Commissioner wanted to get some property, and when he was advised that he could not get it, two of his friends got it for him. I said that this mode of getting property was likely to go on, and I therefore took an active part in getting that resolution passed and putting an end to it.

633. That was what led to the resolution being passed?—Yes; and then, you see, there were a good many resolutions with regard to the cancelling of leases, and as the practice was likely to be continued, we set our faces against it also. At one time it was the practice not to sign documents in public, but they were sent to the houses of the Commissioners, and executed there. There was a resolution forbidding that, for there were leases given that no one knew anything about.

634. Up to what date did that practice continue?—I am not exactly sure; but I proposed the resolution myself.

635. Was much injury done by this practice?—No; but there were things being done which would not bear the light of day. I do not mean to say that there was anything corrupt done, but the tendency was in the direction of making mistakes.

636. There were some things open to suspicion?—Yes.

637. Mr. *Coulter*.—My impression is that in a great many instances it would be a great advantage if the Town Commissioners had power to cancel leases. It would do away with many of the thatched houses. There are a great many of them on our own property, and if these old leases (some of them are very old ones) were cancelled and new ones got and good houses built, it would be a great improvement and a great addition to the funds of the Commissioners. The rental would be increased and so would also the taxes.

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Mr. JORDAN re-examined.

Mr. Jordan.

638. Mr. *Jordan*.—I wish to supplement a statement I made yesterday. You may recollect having asked me what was the disposition of the Commissioners with reference to the letting of tenements by auction or proposal, and I said we would be inclined to have regard to tenant-right in this town. When the tenements in Belmore-street fell into us, and we advertised them to be let by proposal, they were closely competed for by three people. The parties who got them, got them at a high rack rent, and the result was, that in one or two years after, when the parties had taken all they could out of the houses, they gave them up in a much worse condition than they got them. Another gentleman the other day stated that when the thatch was worn off his houses, he would give them up. The Commissioners now find in reletting houses that they have to make a reduction in some instances, in order to get the premises set at all.

639. CHAIRMAN.—You might have covenants that while the landlord kept the exterior, the tenants should keep the interior in repair?—In this part of the country the tenant is supposed to do nearly everything.

640. Therefore, if you have such covenants as I have mentioned, you would obviate all difficulty?—Theoretically that is very true, but practically it is very difficult to enforce covenants with reference to improvements. That is the reason why I say I think it would be better to let the houses at a moderate or fair rent, instead of a rack rent.

641. Mr. *Carson* (Commissioner).—At the same time, I think the disposition of the Commissioners, notwithstanding that state of things, is to let everything by proposal, believing that to be the most healthy course for a public board to adopt.

642. Mr. *Trimble* (Commissioner).—Not at all.

643. *Witness*.—I think from the sore experience we have had since I became a Commissioner, I am borne out in my view. Mr. Carson is quite right; but we have found rack rents to operate injuriously against

our property. We had to let a house the other day for £5 a year less after we paid for improvements. You asked me did the Commissioners and officers afford facilities for carrying out the Sanitary Act, and I said they did. I would wish that observation to be understood as applying to the Commissioners, not only as a sanitary board but as Town Commissioners under the 9th Geo. IV. They are most anxious to carry out the provisions of the Acts under which they are incorporated, and in furtherance of them I may add, that they are hearty and unanimous in their efforts to manage the affairs of the town well. We know no parties on this board. We have our opinions, but as Commissioners at the board we know no politics. There is no such thing as the affairs of the board being conducted by "sides of the house," but we are all unanimous in our desire to manage our affairs amicably and for the good of the town.

644. CHAIRMAN.—Is it true that some members are more anxious to have improvements carried out on their own property than on others?—It is not.

645. There was a newspaper sent us this morning, containing a letter by James Johnston, complaining of a nuisance which flowed through his wall. Do you know anything about it?—Yes; we had a great deal of trouble about that. On the 22nd July, 1875, he received notice to abate the nuisance. We spent a good deal of time investigating the case, and found that it ultimately resulted in a question of title between two landlords. As evidence of the desire of the Commissioners to govern the town to the best of their ability, I may mention that we have laid out since 1870, on the town about as much money as had been laid out on it for the thirty years previous. I think we have expended between £14,000 and £15,000.

646. Including your waterworks?—I mean all. Not only that, but I may state also, that the Commissioners since 1870, have devoted more of their time in looking after the affairs of the town than the Commissioners for the previous twenty years ever did. The minutes will prove that to you. Since you have come down here we have been more convinced than ever of the importance of keeping ample minutes, and having everything recorded in detail. There is only one other observation I would wish to make. I see by yesterday's newspapers that a number of medical gentlemen in Dublin have entered a protest against towns of under 6,000 inhabitants being supplied under the Public Health Act with an urban sanitary board. Now we are under 6,000 inhabitants, and we would deem it a most calamitous circumstance to be deprived of our urban sanitary board. I believe no greater calamity could occur to the town of Enniskillen. If we were dependent on the Board of Guardians for the regulations of our sanitary affairs, the borough of Enniskillen would be in a state of filth, dirt, and neglect.

647. Mr. *Carson*.—I have too much respect for the Board of Guardians to go that far and say they would neglect the duties if they were imposed on them. As a member of the Board of Guardians, I give as much attention as I can to rural sanitary matters, and I am sure the others do the same. However, I think it would be a most calamitous thing if we had to go to the Board of Guardians about the sanitary affairs of the town.

648. CHAIRMAN.—Do you, Mr. Jordan, think that the sanitary affairs of the town would be less attended to by the Guardians than by the urban sanitary board?

Mr. *Jordan*.—My opinion is, that the want of attention would amount almost to neglect; and if we gained nothing else than an urban sanitary board by the expenditure of £2,000, we would think it very cheap.

649. Mr. *James Kenny*.—As a Commissioner and a Guardian I beg to endorse what Mr. Jordan says.

Mr. WILLIAM CARSON re-examined.

650. CHAIRMAN.—Are you vice-chairman of the Board of Guardians?—In the absence of the chairman I am generally chosen to preside, but I am not the regularly appointed vice-chairman.

651. Have you been a long time a Town Commissioner?—Yes.

652. In your opinion, would the town of Enniskillen suffer if the present Town Commissioners ceased to be the urban sanitary authority, and the sanitary affairs of the town were entrusted to the Board of Guardians?—Well, so far as the Board of Guardians, as a sanitary board in this union is concerned, I think they have done their duty as efficiently as it could be possibly done, and through their means there is no question but vast improvements have been effected throughout the entire union. As to what course they would adopt with reference to the urban district I am not prepared to say. I would not go so far as Mr. Jordan, and say that they would neglect the town if the change were made. They have a most efficient staff of officers, and the duties have been performed as well, I think, as in the town.

653. Would you at the same time indorse Mr. Jordan's opinion that the Commissioners as the urban sanitary authority have been very active and very energetic in their desire to carry out the duties entrusted to them by Act of Parliament?—Decidedly. I would prefer that the authority remained in their hands, but that is no reflection on the Board of Guardians.

654. Has Mr. Johnston's letter been before the Board of Commissioners?—Yes; and very carefully considered. As far as I know about that case of Mr. Johnston, I think the sanitary board has exercised all its powers of ingenuity to have the matter arranged, but it seems to be very difficult. We had one of the landlords, Captain Collum, before us, and he promised to do anything that was reasonable in reference to this party wall.

655. Is that the gentleman who is complained of by Mr. Johnston?—No. He is the owner, not the occupier.

656. Is the occupier of Captain Collum's property the member of the Board referred to?—No, Mr. Johnston's complaint is of a tenant of Captain Collum.

657. The Commissioners have been good enough to furnish me at my request with a schedule of the leases that fell in since 1840, and were regranted—and I desired special reference should be made to any lettings to members of their own body or their relations. The only case mentioned is a letting to Mr. Ball on the 3rd July, 1858, he being father-in-law of one of the Commissioners. Were you a Commissioner at that time?—Yes.

658. Did you sign the lease as a Commissioner?—Yes.

659. Was Richard Ball to whom this lease was granted father-in-law of a Commissioner of that date?—He was.

660. Who was the Commissioner?—George Mahood.

661. This was a lease for seventy-five years of the gardens in Toneystick at a rent of £4 17*s*. 10*d*. on condition of Richard Ball expending £120 at least on building. Do you know the premises in question?—I do.

662. Was that ground let at a fair rent to Mr. Ball?—As a ground rent I think so. There was no building at all there. A great deal more than £120 has been expended there. He has built two good substantial houses on the property.

663. Mr. *Trimble*.—He has laid out £600.

664. Was there any competition invited for that ground?—There was no competition, because there was an existing lease at the time which was cancelled.

665. There was an old lease of 6th July, 1822, held by Ball, who came in, surrendered it, and got a new lease?—Yes. There were some years unexpired, but Ball wanted to build on the ground, and then got the new lease.

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Mr. William Carson.

666. I want to know the number of years that were to run?—I couldn't tell you.

667. I assume the old lease was for three lives or sixty-one years?—Yes.

668. And the new lease being granted in 1858, thirty-six years of the old one must have expired?—Yes.

669. That would leave twenty-five years still to run?—Yes.

670. Do you know what Ball paid for the old lease?—I do not. I have got a copy of Mr. Ball's proposal here. I will read it. It is from a minute of the 25th June, 1858—

"GENTLEMEN,—I beg to request you will grant me a lease of that garden and premises which I hold under you, adjoining Mr. Robert Kaye's premises in Toneystick, for building purposes. I will build a dwelling-house of brick, stone, and mortar, and slate it—to the value of £120, within three years from the time you will execute the lease to enable me to expend this sum in improving the premises. I beg to call your attention to the very high rent had for said premises, and the depreciation of property in the neighbourhood by the removal of the fairs which were so long held in the immediate vicinity. I agree to pay the same rent I do now, and pay the necessary expenses of drawing out the lease, which I trust you will grant me."

The rent was not named.

671. The rent was not named, but it was not changed, for was not that proposal adopted?—Yes.

672. It was let to him at the same rent at which he had had it before?—Yes.

673. What would £4 17*s.* 10*d.* per year be per foot?—Something over 2*s.* a foot.

674. Do you believe that was the full and fair value of the land?—I was under the impression at the time it was. I was aware that the value of property there had been depreciated, owing to the fact stated in the proposal—namely, that the fair-green which had been held in that neighbourhood from time immemorial was removed to another part of the town. I think it was a reasonable price.

675. Mr. LAWLESS.—Did Mr. Ball fulfil his proposition?—Yes. Dr. Mahood became owner of the property, and he laid out £600 on it.

676. CHAIRMAN.—Do you think because Mr. Ball was father-in-law of a member of the board, he was treated differently from any one else?—He was treated just the same as any one else.

677. Are you in favour of always putting up town property, as it falls in, to public competition?—I am, or any work to be done.

678. Then you are against the principle of accepting the surrender of leases and granting new ones?—I am strongly against it, and ever have been. Mr. Jordan is quite correct with regard to the amount of work done by the Commissioners since 1870, and the sums of money expended as compared with former years; but he omitted to state, that prior to that date the Commissioners were unfortunately not in the position of being able to spend money, because they had no powers of taxation.

679. Mr. *Trimble.*—They had the power to tax to the extent of 1*s.* in the pound.

Dr. Robert Pakenham Walshe.

Dr. ROBERT PAKENHAM WALSHE examined.

680. CHAIRMAN.—Have you been consulting sanitary officer since the Act of 1874 was put in force?—Yes. I was previously a Commissioner.

681. What is your salary?—£15 a year.

682. Are you often at the meetings of the board?—I habitually attended every week. Latterly the meetings are held only once a fortnight, that being found sufficient, owing to the quantity of business having diminished.

683. Have you found a general disposition on the part of the sanitary board, to carry out your recommendations as consulting sanitary officer?—The greatest anxiety to do so.

684. Do you and Dr. Gamble generally agree in your views as to sanitary matters?—I don't think we have had any collision so far. Frequently when a report comes in with reference to any place, I visit it with a deputation from the sanitary board, to satisfy ourselves of the exact condition of the premises.

685. Whenever there has been any doubt?—Yes.

686. Being requested to do so, you have done so?—Yes.

687. In your opinion, is the Act efficiently carried out in Enniskillen?—I think it is very efficiently carried out here.

688. What accommodation is there in case of an epidemic breaking out, say fever or small-pox?—There is a large fever hospital in connexion with the workhouse.

689. Has that accommodation been found sufficient?—Quite sufficient. The town has become very free from these diseases. For many months last year, there were no fever cases in hospital at all. Fevers and epidemic diseases in this town are not frequent. The diseases are more sporadic than epidemic, I don't think there is any case at present.

690. Have you an ambulance?—There is a good ambulance, which is maintained by the Guardians.

691. It has been stated here, that the Guardians would not be as efficient a body in looking after the sanitary affairs of the town as the Commissioners. Are you of that opinion?—Naturally the Commissioners would take more interest in the matter. A great many of the Guardians are farmers living in the country, who know very little of sanitary matters, except what they learn at the Board of Guardians.

692. Are the Commissioners well represented on the Board of Guardians?—Yes; I am myself an *ex officio* member of the Board in my capacity as a magistrate. These Commissioners display the same energy there as in the town. I am convinced that what Mr. Jordan and Mr. Carson say is right, namely, that the Commissioners themselves have more interest in and are better acquainted with the sanitary affairs of the town than the Guardians could be, and are a far more suitable body to carry out the sanitary laws here.

693. Would you go so far as to say that the sanitary affairs of the town would be neglected by the Guardians?—I don't think they would be neglected; but I think there would be more difficulty and circumlocution in getting them carried out by the Guardians.

694. Mr. LAWLESS.—Do you think the sanitary affairs of the town would be or could be as efficiently carried out by the Board of Guardians as by the Commissioners?—I think not, judging by what the Commissioners have done since they got the management into their own hands, as compared with what was done by the Grand Jury. There is one matter I wish to volunteer my opinion on, namely, the taking up of old leases and the granting of new ones. I don't agree with Mr. Carson that it is always undesirable. I will give you an instance. I purchased an old lease from a tenant holding under Lord Enniskillen. The premises were not sufficient for my accommodation. They were too old besides, and required a great deal of repair. I applied to Lord Enniskillen, and undertook to lay out a certain amount, provided he gave me an extended lease. His lordship did so, and I improved the premises so much that they are now valued at £45 a year instead of £25—the figure at which they were valued when I got them. Now, that brings in so much per annum revenue to the Town Commissioners, in the shape of taxation. There is a large Royal School in the town, and it has always been the desire of the Commissioners to provide suitable suburban residences in the neighbourhood for persons who wish to come here to have their children educated, thereby extending the population of the town. Of course, people will not expend money in building comfortable houses on leases for twenty-five or thirty years.

Dr. Baptist Gamble examined.

Dr. Baptist Gamble.

695. CHAIRMAN.—Are you the dispensary officer?—I am.

696. And *ex-officio* sanitary officer?—Yes.

697. Have you been since 1874?—I have.

698. What have you found the disposition of the Commissioners to be in regard to your recommendations as to sanitary matters?—Most anxious to carry out the provisions of the Act.

699. Have you found yourself well supported by the sub-sanitary officer?—As well as possible.

700. Is he in constant communication with you?—Yes; when anything occurs he is in constant communication with me.

701. Do you regularly attend the meetings of the Board?—Not regularly, except when summoned.

702. Do you call in occasionally?—Yes.

703. Are you satisfied with the way in which they carry out your recommendations?—Decidedly.

704. Are you satisfied with the accommodation for fever cases?—It is more than ample.

705. We heard yesterday there was a great want of privies and ashpits. Is that so still?—Yes; where there are no yards. Some of the places have been greatly improved, and these have been kept a great deal cleaner.

706. Is the drainage good?—Yes; the greatest possible improvement is going on every day. The back streets are a credit to any town—country town or otherwise.

707. Mr. LAWLESS.—There has been a complaint with regard to your own premises?—Yes.

708. Was it brought forward by yourself?—Yes. These are not the premises in which I live, but premises I am building.

709. CHAIRMAN.—I notice there has been an abatement order made?—Yes; I inspected the building and reported the nuisance.

710. Could not you have abated that nuisance on your own premises without the intervention of the Town Commissioners?—Yes, I intended to do so, but having been directed to make an inspection, I thought it was necessary for me to make a report also. The house was being built, but the sewerage was not completed.

711. You remember the case Mr. Johnston complained of in the newspapers, I suppose?—Yes; I have repeatedly inspected his premises.

712. For the sanitary authority?—Yes; and the sanitary authority did all they could. It was a dispute as to who was liable. Captain Collum, Mr. Johnston's head landlord, was always most willing to do all in his power.

713. Is the adjoining owner of whom Mr. Johnston complained a Town Commissioner?—Well, he complained of him. There was a house in a back street from which there was an ooze also, but the nuisance wasn't very bad.

714. Did you report it?—I did, more than once.

715. And were the parties called upon to abate the nuisance?—They were. I am sure I made two reports of it.

716. Was it a question rather between two landlords than between the complainant and the sanitary board?—I think so. The premises are 24, High-street.

717. Notices of abatement appear to have been served in each case?—Yes.

718. Have the Commissioners made an order on both parties?—Yes.

719. Mr. LAWLESS.—Have you ever had occasion to report the same nuisance twice over?—I have; I reported Mr. Johnston's neighbourhood.

720. Have you ever found your reports not attended to or not acted upon?—I have always found there has been an attempt at least to carry out the instructions the people received towards cleaning out the place.

721. In other words, you never found your reports unattended to, neglected, or shelved?—No; ultimately they were always attended to.

722. You found in this instance the Commissioners equally ready to make an order on one of their own body as on anyone else?—Just the same.

723. My question has reference to the action of the sanitary authority on your reports. Have you found that your reports were always acted upon by the sanitary authority?—Oh I thought you meant by the people. My reports were invariably acted upon by the board.

724. Mr. *John Wray* (borough surveyor and executive sanitary officer).—The premises referred to in Mr. Johnston's complaint are bounded by a party wall. The premises adjoining, which belong to a Town Commissioner, are of a higher level than the other, and fluid matter percolates through the party wall. Mr. Verner is the Town Commissioner who owns the upper premises, and he was noticed every time Mr. Johnston, who holds the lower premises under Captain Collum, was noticed. Mr. Verner did everything that was fair and reasonable to abate the nuisance except to rebuild the foundation of the party wall. For some time both landlords agreed to do this, but Mr. Johnston summoned Mr. Verner. Mr. Johnston, at the sessions, however, wrote across to me that he would not proceed with the summons. The matter was recently before the sanitary board, but inasmuch as the nuisance was very slight, and was caused chiefly by the wall not being rebuilt, they thought it would be better to let the two landlords fight the matter out between them.

725. Mr. *Jordan*.—Mr. Arthur, about whose lease so much was said yesterday, is now present, and can explain the circumstances to you.

Mr. William Arthur examined.

Mr. William Arthur.

726. CHAIRMAN.—What did you pay Mr. Blakely for his interest in the premises held by you?—£170.

727. The buildings were then nearly completed, but were not occupied or fit for occupation?—They were not at all finished. A large portion of the buildings was intended for offices.

728. Was there any understanding between you and Mr. Blakely or you and Mr. Lemon at the time, that in consideration of your giving that money, Mr. Lemon was to use his interest with the Commissioners?—No.

729. Did anything at all of the kind pass between you?—Not at all. I came before the board by letter.

730. Did you give that £170 for the bare remainder of the term of thirty-one years which Mr. Blakely then had of the premises from Mr. Lemon?—Yes.

731. And you took your chance of being able to get a longer lease?—Exactly. I expended £1,000.

732. Did any money pass between you and Mr. Lemon?—No.

733. Nor has any since?—No.

734. There was no transfer of any promise from Mr. Blakely?—No.

735. Mr. LAWLESS.—Was the granting of the lease to you for the building of houses opposed by any of the Commissioners?—There was a resolution on the books that the building leases were not to be renewed until the old leases had dropped out.

736. Did you know that that resolution stood rather in the way of your lease?—I wasn't aware of it at the time.

737. Had you not been a Town Commissioner yourself?—I had been for many years before.

738. And were you aware of the existence of that resolution?—I was not. It was rescinded for the very purpose of granting me this lease, because they deemed it advisable and to their own advantage to give it to me.

739. Did you make any interest with your friends on the Council to get this lease?—There were some

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Mr. William Arthur.

who were opposed to it in the first instance, the principal objection being, that the resolution on the books stood in the way.

740. Did you try to make any interest with your friends?—Not at all.

741. You never canvassed?—I cannot remember whether I mentioned the subject in any conversation, but I never made a general canvass. I may have mentioned what I intended to do, but I didn't make any application to the board in reference to their rescinding their resolution.

742. Do you think but for your personal influence with members of the board you would have got this agreement for a building lease?—I don't think it was owing to my interest at all. I think the matter was fully discussed at the open meeting of the board, and the Commissioners deemed it to be to their advantage to have property of this kind built, which would fall in to them in fifty or fifty-five years.

743. CHAIRMAN.—How long is it since you have been a Commissioner?—Twenty-five years.

744. Mr. *Cleland* (Town Clerk).—In my examination yesterday, I omitted to state that any moneys I pay away during the month, from year to year, I pay on the certificate of the borough surveyor and chairman of the Town Commissioners, and these certificates come up at the monthly meeting of the Commissioners for confirmation.

745. Mr. *Lowe*.—Permit me to say a word in reference to a lease to Mr. John Collum of premises in Toneystick, at £4 9*s*. 6*d*. a year, which were let to Matthew MacDonald. I find by the minute book that the premises were put up on the 20th November, 1850, and that the money was paid by Matthew Mac Donald. The tenant was to get the premises for seventy-five years from the 1st November, at £4 9*s*. 6*d*. a year.

746. Mr. *Carson*.—There can be no question at all but that MacDonald was the trustee of Collum. The premises were transferred at once.

747. Mr. *Wray*.—I may mention that there are 4 miles 6 furlongs and 10 perches of roads and streets within the borough, and of these 2 miles 1 furlong and 36 perches have main sewers.

748. CHAIRMAN.—Were these latter made since 1870?—Not the whole.

749. Are they in the most populous parts of the borough?—They are.

750. How much of the sewerage has been made by the Commissioners since the passing of the Act of 1870?—I should say perhaps three-fourths.

LONDONDERRY. *March* 26, 1877.

LONDONDERRY.—MARCH 26, 1877.

(Before Mr. CORBETT (Chairman), and Mr. LAWLESS, Q.C.)

[It having been announced at the commencement of the inquiry that the Town Clerk was unable to attend through illness, it was decided to examine his principal assistant.]

Mr. William Stafford.

Mr. WILLIAM STAFFORD examined.

1. CHAIRMAN.—Are you the principal clerk to the town clerk?—Yes.

2. Have there been any statutes regulating or affecting the Corporation of Londonderry besides the 3rd and 4th Vic., cap. 108?—Yes. The first of those is the Londonderry Improvement Act of 1848; the next is that of 1855, and the next is that of 1864, and they are all known as the "Londonderry Improvement Acts."

3. Were there any powers of assessing rates conferred upon the Corporation by the Act of 1848?—Yes. The Corporation were empowered to levy a general improvement rate extending to 3*s*. in the pound, until they took the streets and roads of the borough into their own hands, upon doing which they were empowered to levy a 4*s*. rate.

4. Have they since always levied a 4*s*. rate?—They have.

5. Have they always levied a rate up to the full amount of 4*s*.?—They have.

6. How do they levy that rate?—They levy it twice in the year by two assessments of 2*s*. rates.

7. Had they borrowing powers under the Act of 1848?—Yes. They were empowered to borrow a sum of £40,000 on the security of the rates, and the entire of that sum was borrowed by them.

8. How were they to apply the moneys borrowed?—They were empowered to pay out of the money borrowed under that Act any remaining liabilities of the old Pipe-water and Police Commissioners, which were abolished by the Act of 1848, and their powers vested in the Corporation.

9. Did the Corporation get any other powers by that Act?—Yes. The Act also gave them power to light, drain, and otherwise improve the borough, and it provided that from the date of the Corporation accepting the charge of the roads and bridges, &c., of the borough, the liability of the borough to county rate was to cease. They were also empowered by a number of clauses to construct waterworks, and to purchase lands for markets and fairs, and for private slaughter-houses, and to levy tolls in respect of the markets, fairs, and slaughter-houses, as well as to let the market stalls, and they were empowered to purchase ground, and to make a public cemetery.

10. Was there any limit of time within which these works were to be done?—Yes; this Act limited a space of five years, within which all these markets, the cemetery, and the waterworks should be constructed.

11. Do you know were they all constructed within that term of five years?—I think they were.

12. At all events, at the present moment they have public markets, cemetery, and waterworks?—Yes.

13. Does this 4*s*. improvement rate include the water rate?—Yes.

14. In making the estimate of the rates for the year, do you estimate the cost of supplying water to the town?—Yes.

15. Therefore there is nothing received from private owners beyond the rate?—No.

16. Do you receive any payments from public institutions for the supply of water?—Yes; from the gaol and other public institutions.

17. Sir *William Miller* (Mayor of Londonderry).—Under the Act the citizens are only entitled to a supply by a half-inch pipe; if they require an additional supply the owners are bound to pay for it.

18. What quantity of water are you bound to supply under the Act?—There is no fixed quantity.

19. Sir *William Miller*.—The cisterns are fitted with ball-cocks which stop the supply; but as long as we have the supply the water is practically unlimited.

20. CHAIRMAN (to *Witness*).—Does the Act of 1848 require a sinking fund to be formed?—Yes, that Act requires the Corporation to provide a sinking fund of not less than one-fortieth of the money every year, and there was a provision by another clause to set apart ten per cent. out of the rates for further improvements.

21. What was the next Act?—That of 1855 which gave the Corporation borrowing powers to the extent of £10,000 more with similar provision for repayment, and then came the Act of 1864, which recites the fact that under those two previous Acts the Corporation had borrowed £50,000, which sum by the sinking

Mr. William Stafford.

fund they brought down by £10,270, leaving £39,730 still due. Then this Act recites that it was expedient to extend the limits of the borough, and they were accordingly extended.

22. Were the wards into which the borough had been divided also extended or remodelled?—Yes. They were extended—not otherwise remodelled.

23. What other material provisions did that Act of 1864 contain?—By another section of the Act the Corporation were liable for the streets and roads within those extended boundaries, and the newly added extensions were exempted from payment of Grand Jury cess except for county at large purposes; and the Act confirmed the powers of the Corporation to levy the rates under the Act of 1848; but not to levy any new rates.

24. Have they ever levied any new rate beyond 4*s.* in the pound?—No.

25. Did the Act of 1864 confer any further powers?—It gave the Corporation certain powers as to houses unfit for human habitation, powers to take land on specified plans, powers with regard to market places and public works for the town, and an additional power to borrow £20,000 more.

26. Was there any Improvement Act subsequent to 1864?—No.

27. Is the Corporation the urban sanitary authority?—Yes, under the sanitary Act of 1874.

28. Have the Corporation any property, or are they dependent entirely upon the rate they levy, the receipts from the markets, and what they receive from the Irish Society?—They have not any other property.

29. What do the Corporation receive from the Irish Society?—They receive £1,283 10*s.* 8*d.* each year, of which £783 10*s.* 8*d.* paid by two half-yearly payments of £391 15*s.* 4*d.* each, is under some old grant or custom, and £500 of the £1,283 10*s.* 8*d.* is a contribution by the Irish Society towards the improvement of the town; this is paid in one payment, so that the Corporation receives £891 15*s.* 4*d.* in one half-year, and £391 15*s.* 4*d.* the other half-year.

30. How long has that grant been in existence?—I do not know how long.

31. Can you tell me the circumstances under which it was granted?—No.

32. I want to know the date of the grant, the circumstances under which it was granted, and whether it is optional or secured to the Corporation by any deed.

33. Mr. LAWLESS.—And whether it was a grant made to the old Corporation.

34. CHAIRMAN.—Have the Corporation any real property except their markets?—No; they have not.

35. Have they any other sources of income besides those I have mentioned?—Yes; they receive some small anchorage dues from the Harbour Commissioners.

36. Do you know how their title to these arises?—I do not, but Mr. Stewart (the secretary to the Harbour Commissioners) knows.

Mr. ABRAHAM H. STEWART (Secretary to the Harbour Commissioners, and a member of the Town Council) examined.

Mr. Abraham H. Stewart.

37. *Witness.*—I can answer that. It has been collected from time immemorial from sailing-ships: two-masted vessels pay half-a-crown each, and single-masted vessels pay one-and-sixpence each. I think it is about fifteen years ago since the Board of Trade applied for information concerning the matter, and asking me under what authority the toll was levied. The only explanation I could give was that it was collected from time immemorial. They asked what value the Corporation gave in return, and the reply I made was that they supplied water to the quays, and also that they lighted a considerable portion of the quays. I myself levy the toll on behalf of the Corporation.

38. Is the correspondence between you and the Board of Trade in print?—Not that I am aware of.

39. Were the Board of Trade satisfied?—Yes; and there never has been a query since.

40. Mr. LAWLESS.—Is the toll you mention levied by the Harbour Commissioners under their powers and then handed over to the Corporation?—Not at all; it is levied by me for the Corporation.

41. CHAIRMAN.—Have the Corporation any control over the Harbour Commissioners?—None whatever; they are disconnected in every possible way.

42. They simply have an old immemorial claim to these particular anchorage dues, and no portion of that money goes to the Harbour Commissioners?—No portion whatever.

43. Are any members of the Corporation *ex-officio* members of the Harbour Commissioners?—A few members of the Corporation are also members of the Harbour Board. They are elected by £20 householders.

44. Mr. LAWLESS.—Have the Corporation any power to nominate any of the Harbour Board?—No; there is a qualification of £50 requisite.

45. CHAIRMAN.—All I want to know is whether the Corporation have any control over the Harbour Commissioners?—None whatever; they are quite a distinct body.

46. Mr. LAWLESS.—Are the Harbour Commissioners allowed to take water free from the public water supply?—No, except from the fountains. They would not be allowed to supply a passenger ship without paying for it, or a steamer for the purpose of filling up her boilers; but it is a great convenience to have it for these purposes.

47. Sir *W. Miller.*—There is a main laid along the quays specially for the purpose.

Mr. STAFFORD'S examination resumed.

Mr. Stafford.

48. CHAIRMAN.—Did the reformed Corporation in 1840, inherit or become liable to any debts contracted by the old Corporation?—I don't know.

49. The *Mayor.*—They inherited a debt of £1,000 for gas.

50. What is the principal source of income after the rate?—The markets.

51. Are those markets let yearly?—Yes.

52. And what were they let for last year?—They were let for £2,170.

53. Will you enumerate them?—The Victoria was let for £1,000.

54. Is that a covered market?—Part of it is covered. The Albert market was let for £75. That is for the sale of flax, and for a horse-market. The Waterside market was let for £175.

55. What is that for?—That is a corn and general market. The Foyle-street market was let for £470; that is for butter and pork. The cattle-market was let for £265.

56. Is that a sort of fair-green?—It is a market for the sale of live cattle.

57. Sir *W. Miller.*—And for pigs and sheep.

58. *Witness.*—The slaughter-house is let for £185; Sir Edward Reid's market let for £185.

59. Sir. *W. Miller.*—This is a kind of market for the purchasers of meat, poultry, fish, green grocery, and all those things; and for old furniture—all sorts of things.

60. That would make £2,355 altogether. I see from the markets last year you received £2,394 8*s.* How was that?

61. Sir *W. Miller.*—There is another market he

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Mr. Stafford.

has not included; it was originally set for a potato market, and is now set to the horse buyers.

62. (To *Witness.*)—Have you included it?—No, I have not; that produces £55.

63. CHAIRMAN.—I suppose the Corporation maintain a staff to look after these markets, because I see on the other side of the account an expenditure of £1,249 9*s.* 1*d.*?

Sir *W. Miller.*—We have a good deal to pay for head-rent, and that is included in the amount you refer to.

64. Mr. LAWLESS.—Is this letting of the markets made by any deed or instrument in writing, or merely by the minute of the Corporation.

Witness.—It is by a regular stamped agreement every year to the highest bidder. (Specimen copy handed in).

65. CHAIRMAN.—Is the agreement made in pursuance of those printed terms?—Yes.

66. Do those lettings of last year represent a fair average of the lettings of the market; or was last year an exceptionally good one, or was it an exceptionally bad one?—About a fair average.

67. We may take it that the markets produce annually about £2,400, or £2,500 to the Corporation, out of which the expenses have to be paid?—Yes.

68. What are the receipts from the Corporation Hall?—Money received for the letting of rooms in the town hall for theatrical purposes, balls, etc.

69. Is there a court-house here?—Yes.

70. Sir. *W. Miller.*—The city petty sessions are held in the town hall.

71. CHAIRMAN.—What are the items included under the head of "miscellaneous receipts"?—It includes petty sessions fines, and the anchorage fees.

72. Are the dog licenses included under this head of miscellaneous items in the auditor's account?—Yes.

73. Are fees from the cemetery for burials there?—Yes.

74. How many acres of ground does the cemetery consist of?—About twenty-seven acres altogether.

75. Is a portion of that not occupied yet for graves?—Yes.

76. Is the grass of that let or sold?—We sell the grass every year.

77. Sir *W. Miller.*—It is sold by auction for the one cutting.

78. I see the cemetery receipts are £204 16*s.* 3*d.*, and the outgoings are a little in excess of that?—Yes. The cemetery is not a source of income, but the expenses and receipts nearly balance each other.

79. For what purposes did the Corporation borrow £11,250 last year and under what powers?—They borrowed £11,250 at £4 per cent. last year, in order to pay off existing loans, on which interest at £5 per cent. was payable, so as to reduce the annual expenditure.

80. Will you give me some statement of how the capital debt stands at present?—The total amount due by the Corporation at present is £42,531.

81. The amount of debt outstanding in 1864 was £39,730; and at that time you borrowed £20,000 in addition to the £39,730 under the Act of 1864 which brought the gross amount up to £59,730, and that sum has been reduced by £17,199?—Yes.

82. Have you ever borrowed any money for sanitary purposes under the Act of 1874?—No.

Sir William Miller.

Sir WILLIAM MILLER (Mayor), examined.

83. You are Mayor of Londonderry?—This is my third year of office, and I have been a member of the Corporation for between thirteen and fourteen years.

84. Were you a member of the Corporation when the cemetery was first formed?—I was not.

85. That cemetery we have been told consists of some twenty-seven acres?—Yes.

86. Is a portion of the cemetery set apart for Roman Catholics?—It is.

87. And is there a portion for any other denomination?—No; all the other denominations bury in common.

88. Is there any portion set apart for Jews?—No.

89. Mr. LAWLESS.—Is the portion set apart for Roman Catholics used by them?—Yes.

90. CHAIRMAN.—Is there a perfectly good understanding between the Roman Catholic party and the Corporation?—A perfectly good understanding.

91. What income do you derive from the cemetery?—I do not think at the present moment we are deriving any profit from it; the income fluctuates considerably. There are a number of families who still have burial ground in the Roman Catholic churchyard, and in another churchyard connected with St. Augustine's, a church belonging to the Protestant Church. The old families have a right in these old graveyards; so that it is principally the newer inhabitants of Derry who purchase ground in the public cemetery.

92. Is a portion set apart for poor persons?—It is.

93. Is there a mortuary chapel there?—There is.

94. Is it for both Protestants and Roman Catholics?—It can be used by all indiscriminately; but I believe it is used by Protestants only.

95. Has any question arisen about the erection of a second?—There never has; it is not generally used at all because the greater number of the funerals go up direct into the grounds, the mortuary chapel being at the entrance of the cemetery.

96. What officers have you?—We have a superintendent, and, I think, from four to six labourers employed; and the outgoings or expenditures in respect of the cemetery were £216 14*s.* 1*d.* for the salary and wages of the persons employed there, and the payment of a small annual head rent, payable to the Irish Society, for the land. Under the Act of 1864 there was an addition made to it, I think, of eleven or twelve acres. In a greater part of that land no burials have taken place hitherto. At the time it was purchased principally for the purpose of making a proper approach to the cemetery. In the old ground by which the cemetery was approached there was a dangerous steep. On the new ground, in 1864, the house for the superintendent was built, and also the mortuary chapel. There is a considerable part of it as yet which it is not necessary to take in for burial purposes, and it is the grass of that portion that is annually sold. We expect a grant in perpetuity, but the Irish Society are of opinion that under the Act of 1864 we are not entitled to it, as the ground is not yet actually used for interments.

97. What is the annual payment you make to the Irish Society?—Up to the death of the late Lord Londonderry the ground was held under lease. The lease expired with his life, and up to that time the head rent amounted to, I think, £10 or £12. The parties from whom we had to get the ground had to purchase it out. They are the head landlords, and the parties from whom we purchased out held under the Irish Society, and they held in their turn under Lord Londonderry. A question arose as to a rise of rent at that time; differences of opinion existed, so that no rent has been paid since Lord Londonderry's death. The question has been in abeyance.

98. Do you mean the present Lord Londonderry's brother?—His half-brother.

99. Mr. *Stewart.*—That only refers to a small portion of about four acres.

100. Mr. *Stafford.*—A little more than five acres.

101. Do you pay any rent for the old part of the cemetery, or do you hold in fee?—I think we have a perpetuity of it, and that it is under a nominal rent.

102. Is the old portion of the ground held from the Irish Society too?—It is.

103. Are there any charities vested in the Corpora-

Sir William Miller.

tion at the present moment which have descended from the old Corporation?—Not that I am aware of.

104. Mr. LAWLESS.—Within your memory has anything been paid in charity to anybody out of the funds of the Corporation?—At the death of some of the old servants of the Corporation there have been small grants made.

105. CHAIRMAN.—Do the Corporation hold any funds, or any kind of income, the proceeds of which they are bound to apply for any charitable purposes?—I never heard of any.

106. Is there any institution here called the School of St. Paul's?—Not that I ever heard of. I never heard of any funds for charities in that way.

107. Is there an establishment here called the Blue Coat School?—No; there is the charitable institution called "Gwynne's School."

108. Mr. LAWLESS.—I find in the report of 1835 that there was a custom of paying some persons two or three guineas a year by members of the Corporation, and that there was also a yearly entry for boys of the "Blue Coat School," whatever that was. According to your statement that has not been paid?—No, I never heard of it.

109. CHAIRMAN.—You have told us, as far as you can, the terms on which the cemetery lands are held. Can you tell us the terms on which the grounds for the markets are held? I think I understood you to say just now that there is a large head rent paid?—There is.

110. Is this land held from the Irish Society?—No, from different parties.

111. Are all the lands on lease and not freehold?—I think they are all held in perpetuity.

112. Are they held on payment of a head rent on lease for ever?—My impression is, that they are all held in perpetuity with the exception of the cattle-market. The cattle market is held from a gentleman in Derry, and is under a terminable lease.

113. Mr. LAWLESS.—Can you tell me whether the markets were let or not in 1870?—There were one or two years that the Corporation kept them in their own hands, the sum offered for them not coming up to the valuation of them; but I could not give you the exact date without referring to the books.

114. CHAIRMAN.—Is there any inspector to see that there is no bad meat?—Yes.

115. Just show me how that "£1,249 9*s.* 1*d.* annual expense of markets" is made up. [*Witness* engaged to hand in statement required at later period of the day.]

116. Can you tell me, with regard to the drainage of the borough, whether there has been much done since the passing of the Act of 1874, or whether the principal sewerage work was done before the passing of that Act?—There has been very little done here since 1874, but we have plans for the lower part of the town where the present drainage is not efficient; and the Local Government Board authorized us, by Provisional Order of the 4th of April, last year to borrow £15,000 for improvement works—including the improvement of the waterworks. We are only waiting now for the plans to be drawn out by our engineers. The Local Government Board have promised it to us at a low rate of interest. Part of that £15,000 is to provide for the repayment of the waterworks debt. We have overdrawn our account at the bank by £3,000, and that money consisted principally of what we have expended in the purchase of the grounds for the waterworks. We were obliged to purchase the ground at once, because the Church Temporalities Office had served us with a notice of ejectment, and if we had not accepted their offer on the spur of the moment we would have been left without water.

117. Has there been a good deal of sewerage done since the passing of the Act of 1864, by the Corporation?—There has, in part of the borough; but previously to that the borough had been very well sewered under the Act of 1848. Under the Act of 1864, we have, where necessary, put down main sewers.

118. Can you tell me what is the area of the borough now?—Well, I am afraid not. It is not all under full rates. There is part not lit with gas, nor provided with water. It is practically in the country, and only comes in for a one-third rate. Every place that is above 100 yards from a lamp is only liable for a one-third rate

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Mr. JOHN ALGOE examined.

Mr. John Algoe.

119. How long have you been borough treasurer?—Five years.

120. Do you give security?—No.

121. Do you receive all the Corporation receipts?—The bank does. I am one of the managers of the Northern Bank, and practically the Northern Bank is the treasurer.

122. But are you appointed in your individual capacity as treasurer?—Yes.

123. Sir *W. Miller.*—But the money is not lodged in your name?—The accounts are in my name, but I have no power to draw out the money.

124. Mr. LAWLESS.—If the account is in your name will not the bank honour your draft?—No; the bank honours the draft only of three members of the Corporation and the town clerk. The money all passes through the books. I annually receive £25 a year salary, and this year I am surcharged with £216 2*s.* 2*d.*

125. Your salary is nominal, and your duties are apparently almost nominal?—Yes; every farthing comes through the bank.

126. Of course you have no per-centage?—No. I have a salary of £25 for keeping the cash-book, pass-book, and ledger.

127. Have you any duty to discharge in reference to seeing after the frequency of the lodgments by the collectors?—No.

128. Sir *W. Miller.*—That is part of the duty of the finance committee.

129. CHAIRMAN.—Do you exercise any supervision over the collectors?—Not the slightest.

130. You know nothing in fact about the accounts beyond the fact of the payment of these sums of money?—Not the slightest. I am merely acquainted with the receipts and the payments.

131. Do you attend the meetings of the finance committee?—Not unless I am asked, and I have never been asked, I think. It is only the other day Mr. Simms has audited the accounts.

132. I shall just see if Mr. Simms' audit tallies with the bank-book. At the commencement of last audit—on the 31st August—there was a balance due to the Corporation from the bank of £405 3*s.* 1*d.* Then the collectors paid in, according to Mr. Simms' audit, £10,850 19*s.* 3*d.* from the borough rate?—I think that is too much.

133. Have you not got an abstract of it?—No; I have not got an abstract of it. I have got it in separate heads. We got £12,347 10*s.* 11*d.* during the year.

134. But not from the rates?—This was from the borough rate.

135. Mr. LAWLESS.—What was the rate struck for the last half year—ending November, 1876?—£5,681 19*s.* 8*d.*

136. How much were they the next half year?—£5,718 2*s.* 10*d.*; that is for the half year ending May next.

137. Sir *W. Miller.*—I think, Mr. Lawless, that is not what you want.

138. To *Witness.*—Try what they were from May to November, 1875, and from November, 1875, to May, 1876.

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Mr. John Algoe.

Witness.—They came to £5,622 18*s.* 5*d.*, up to the 1st of May, from November, 1875.

139. CHAIRMAN.—That was only for half a year—but let us pass on—£1,705 18*s.* 2*d.*, was the amount of the miscellaneous receipts. Of that, £1,283 10*s.* 8*d.* was from the Irish Society I understand?—Yes. The Harbour Commissioners pay anchorage monthly; it varies very much.

140. How much do they pay in the course of the year. Do you keep a separate account of them?—No.

141. Do you, Mr. Stafford?—No.

142. Sir *W. Miller.*—It does not pass through your office at all, Mr. Stafford.

143. Mr. *Stafford.*—The total amount of borough rate was £10,850 19*s.* 3*d.*

144. Who receives these anchorage dues in the first instance?

Witness.—The secretary of the Port and Harbour Commissioners.

145. Does he pay them direct to the bank?—Yes. The amount for last year was £54 7*s.* 10*d.*; that was from the 1st September, 1875, to the 31st of August, 1876. Then there is further, under the head of "miscellaneous" receipts, what comes in from the fines and penalties imposed by the magistrates' petty sessions, which amounted to £253 15*s.* 7*d.*

146. How much was for the dog tax?—£40 15*s.*

147. How much was received from the Local Government Board for part payment of sanitary officers' salaries?—They appear to have got £67 7*s.* 11*d.* for the last year.

Mr. Stafford.

Mr. STAFFORD recalled.

148. What is the item of £26 0*s.* 8*d.* "received on account of streets and roads"?—They were repayments made through the city surveyor by owners of premises for repairs done to their property.

149. For what was the sum of £204 16*s.* 3*d.* received?—For rates of ground in the cemetery and fees for interments.

150. What are the items of £89 8*s.* and £29 14*s.*?—The £89 8*s.* was for letting of rooms in the Corporation Hall, and £29 14*s.* was for the storage of gunpowder in the magazine. It is paid by the owners of gunpowder for whom the Corporation store it. £2,394 8*s.* were the receipts from the market tolls; and £125 3*s.* 4*d.* were the receipts from pipe-water. That was for pipe-water supplied to the city and county infirmary, the gaol and the court-house, and to certain public institutions, including the custom-house, the model school, the lunatic asylum, the North-western Railway Company, the barracks, &c. £11,250 is a loan contracted at four per cent. which I have already mentioned.

151. Mr. LAWLESS.—Is that from the Public Works Commissioners?—No, from private individuals.

152. Who was it got from?—From various individuals.

153. Sir *W. Miller.*—I suppose there would be a hundred persons or better. The loan was got on Corporation bonds.

154. How was £250 of the £11,250 applied?—I cannot explain that to you.

155. Sir *W. Miller.*—I think there was a bond that was left open, some of which had been paid off previously.

156. CHAIRMAN.—Has the £250 been paid in the present year's accounts?—Yes.

157. That made up the £27,081 10*s.* 9*d.*, including balance of £405 3*s.* 1*d.*; and on the expenditure side, on streets and roads there has been laid out £4,303 15*s.* 3*d.* Does that include new works, or merely repairs of roads?—It includes the flagging and repair of the streets.

158. Of the £216 14*s.*, the expenses of the cemetery; can you tell us how much was head-rent, and how much not?—The head-rent was £7 10*s.*, I think; and the remainder of the money was for wages and repairs.

159. Mr. *Thompson*, T.C.—Have you no account for the cemetery there?—No.

160. CHAIRMAN.—What are the wages of the superintendent?—Fifty guineas a year. There are generally four men employed—three at 11*s.*, and one at 14*s.* per week.

161. So that generally the wages come to £2 7*s.* weekly?—Yes.

162. How is the town lighted?—By contract with the gas company.

163. Is it by an annual agreement?—Yes.

164. Is the public lighting paid for at so much per lamp, or at so much per 1,000 cubic feet?—At so much per lamp.

165. How many lamps do you light?—430.

166. At what rate?—£4 per lamp, per year.

167. Are they lit all the year round for that?—Yes.

168. Does that include the maintenance of the lamps and lamp-posts, or is that separately charged for?—This sum includes the lamp-lighting and the repairs of the lamps.

169. I believe it is under discussion at this moment, whether the gasworks should be purchased by the Corporation?—Yes.

170. And I see a public meeting on the subject announced for next Wednesday?

171. Mr. *Thompson.*—The company are about getting a bill brought before Parliament, and the Corporation are anxious to have some clauses inserted, which they think would be for the good of the town.

172. CHAIRMAN (to *Witness*).—For what were the £83 10*s.* 4*d.* expenses connected with the Corporation Hall incurred?—Some of it was for repairs, some for hall-keeper's wages, and some for gas.

173. For what was £11 8*s.* in connexion with the gunpowder magazine?—That was for the wages of a man attending to look after the delivery of the gunpowder.

174. Printing and stationery, I see, are charged at £180 18*s* 2*d.*?—Yes; that is for general expenses in that department.

175. Does it include the advertising?—It does.

176. Mr. *Thompson.*—There is a contract for printing.

177. CHAIRMAN (to *Witness*).—What is your contract?—There is a schedule of different items.

178. Is that work given away by public tender?—Yes.

179. How are the salaries of £1,538 1*s.* 2*d.* made up?—That includes the Mayor's salary, £300; and the Recorder's, including those of his officers, £200.

180. What is the town clerk's salary?—He is paid by the Corporation. He gets £450, including the rent of his office; and he pays his own clerks out of that.

181. The city surveyor's salary is, I see, £220. Does that include his car-hire, and all necessary expenses?—Yes.

182. The city analyst gets £40 a year?—Yes.

183. Then there is an assistant to the surveyor, who gets £65 a year; the sword and mace bearer gets twenty guineas, and the mayor's clerk £40?

Mr. *Thompson.*—He is the petty sessions clerk.

184. CHAIRMAN.—He is not paid by fees?—No.

185. The sergeants-at-mace get one hundred guineas, or five-and-twenty guineas each, and the town crier gets £5. These would make £1,446 a year, and I see you actually paid last year £1,538 1*s.* 2*d.* Do you know what the difference was for?

186. Mr. *Thompson.*—The salary of the superintendent of markets is included in the sum you mention.

187. *Witness.*—His salary is £75, and he has £10 as inspector of lodging-houses.

188. CHAIRMAN.—That £75 should surely come under the head of "markets"?—

189. The amount paid to the Royal Irish Constabulary, including arrears, was £4,736 0*s.* 6*d.* What is the sum annually?—About £1,700 now.

190. Mr. LAWLESS.—Do the constabulary perform the duties of a night-watch?—They do.

191. And are they paid for that?

Mr. *Thompson.*—They are paid extra for it.

192. CHAIRMAN.—Can you tell me what you are required to pay annually for the constabulary, and what number of men you are obliged to pay?—The accounts will show that.

193. How much were you in arrear last year?

Mr. *Thompson.*—About two years and a half.

194. You paid last year about £170 more than you paid the previous year?

Mr. *Thompson.*—We had the same number of men, but we had to pay them higher.

195. Was the £4,736 0*s.* 6*d.* for three and a half years' payment?

Witness.—Yes.

196. Can you account for your having been so long in arrear? Did the Government apply for it?

Mr. *Thompson.*—That is just the cause of it. We frequently asked for a return of the arrears, but they delayed furnishing them to us.

197. Do you receive a precept stating what that amount comes to every year?—Yes.

198. Mr. LAWLESS.—Show me the last document you received from the Government requiring payment? (Document handed in.)

Mr. *Thompson.*—It was waiting for that which caused the two and a half years' arrears.

199. CHAIRMAN.—The interest on outstanding loans last year was £1,829 7*s.* 9*d.* Was all the interest outstanding paid?—Yes.

200. Do you always pay your interest half-yearly as it comes due?—Yes, on the 1st of May and 1st November.

201. And then there was £216 2*s.* 2*d.* which you had to pay Mr. Algoe, the treasurer, for interest on overdrawn accounts, and that was disallowed. Has that been settled?—It is still unsettled.

202. Mr. LAWLESS.—Against whom does the auditor charge the amount?

Mr. *Thompson.*—He charges the treasurer.

203. CHAIRMAN.—At all events there is at present pending an application to the Local Government Board?—Yes.

204. Your total expenditures last year were £30,715 19*s.* 1*d*, which was £3,634 8*s.* 4*d.* in excess of your receipts, leaving that balance against you at the present moment.

Mr. RICHARD WALLER examined.

Mr. Richard Waller

205. CHAIRMAN.—How long have you been rate collector?—I have been a collector of borough rates about three or four years.

206. Do you give security?—Yes.

207. What is your bond?—Two or three thousand pounds, I think.

208. Yourself and two sureties?—Yes, of £2,000 each. I will not be positive, but I think it is £4,000 altogether.

209. Who has the custody of the bond?—The town solicitor, Mr. Gregg. Mr. Gregg is the son of the town clerk.

210. Your collection for the year under consideration amounted to £10,850 19*s.* 3*d.* Can you tell me what the total amount of the levy was?—The total amount of the borough rate struck for the half year ending 1st November last to be collected was £5,718 2*s.* 10*d.*

211. That was a 2*s.* rate?—Yes.

212. And what was the total amount of the present one?—I cannot say. I hand in to the town clerk each half year a declaration showing exactly the way the rate is balanced. The town clerk has the custody of that return, and can produce it.

213. Will that document which you refer to show what arrears were outstanding on each of those rates for last year?—It will.

214. And how much is carried on into the next half-year?—There is nothing carried on into the next rate.

215. Supposing £5,000 is the amount of the rate for the period ending the 1st November last, does the document you hand in show how much is collected, how much stands over, and whether what remains over on the two rates uncollected is recoverable, or how much is irrecoverable?—The amount of the rate for the last half-year ending 1st May, 1876, was £5,681 19*s.* 8*d.*, of which £5,640 11*s.* 1*d.* has been collected, leaving £41 7*s.* 9*d.* uncollected. Of this sum £30 is a disputed rate, and the balance, £11 7*s.* 9*d.*, is irrecoverable.

216. I think that shows the rate is very closely collected—a rate of over £5,000 collected up to within £11.

217. Mr. LAWLESS.—Are you elected annually?—No, I am not.

218. CHAIRMAN.—Do you pay in your receipts every week, or every month?—Never longer than once every week; and sometimes if I get a large sum I pay it off, and I get my commission at once.

219. What is your commission?—7*d.* in the pound. I get no salary.

220. Where is your commission shown in the accounts? Is it deducted from the total?—Mr. Simms, the auditor, is aware of it: each month I deduct the 7*d.* in the pound from my collection. Mr. Simms seemed to approve of it.

221. So that in fact the amount appearing as having been paid into the account as the receipts from the borough rate is the receipts from the borough rate less your poundage?—Yes.

222. £10,850 19*s.* 3*d.* is the total receipt from the borough rate for the year after deducting your poundage?—Yes.

223. In point of fact the receipts from the rate would be about £300 in excess of what is brought into account?—Yes.

Mr. THOMAS CHAMBERS examined.

Mr. Thomas Chambers.

224. CHAIRMAN.—You, I believe, are a solicitor practising in Londonderry?—Yes.

225. We find that the Corporation of the city of Derry receive an annual grant of £1,283 10*s.* 8*d.* from the Irish Society, and we are desirous to know the exact circumstances under which that grant was made. Are you in any way connected with the Irish Society?—No; I am not.

226. We understand that there is £891 15*s.* 4*d.* paid one half year, and £391 15*s.* 4*d.* another half year, £500 of that being a contribution towards the improvement of the city? Is that correct?—I will tell you about it; but, in the first place, I must go so far back as the year 1613—the time of the foundation of the city. Previous to that time an arrangement was made between the city of London and the Crown that 4,000 acres of land, besides bog and mountain, were to be added or "laid" to the city of Londonderry. It appears, however, that that arrangement was not carried out, and that only 1,500 acres were "laid" to it. There was a charter given to the Irish Society which also incorporated the city of Derry. Coleraine was also included in that charter, but got a separate charter as well. Derry never got a separate charter, but was merely included in that to the Irish Society. The city of Derry got into possession of the 1,500 acres, but subsequently some complaints were made against the Irish Society, and the Court of Star

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Mr. Thomas Chambers.

Chamber annulled the charter of the Irish Society, which, of course, also annulled the charter of the city of Londonderry. The then Bishop of Derry made an application to the Crown, and in the year 1635 obtained a grant of 1,500 acres from the Crown, which he afterwards granted to the Corporation of Derry at the rent of £50 per annum; but I must tell you that that grant so far recognized the claim of the Corporation, that it was given to him on the condition of his paying a perpetual annuity of £90 10*s.* to the Corporation, and he was obliged to pay it on getting the grant from the Crown. By a charter of Charles II. in the year 1662, the charter was again established. The leases fell out in or about the year '90 or '93, and the Corporation then applied to the bishop for the renewal, but he refused to give it. The Corporation then said—"These lands should all belong to us and not to the bishop," and there was a very long suit between the bishop and the Corporation, which resulted in an Act of Parliament being passed which gave all the lands to the bishop, but reserving the right to the Corporation to the £90 10*s.*, and the Corporation has ever since received it.

227. There is the £1,200 besides that?—Yes; there was perpetual warfare between the Corporation and the Society about that. The Corporation said it was through their means the Society got the grant. The Corporation offered the Society a rent of £104 a year for them, which was their value at the time. The Society refused, but said they would give them at a rent of £200. Up to the year '48 there was perpetual warfare between them.

228. Mr. LAWLESS.—Was there any arrangement between them in the year 1848?—Yes, and perhaps the best way to explain it would be in the words of the Governor of the Society.

229. Before the Select Committee?—No; before a Commission issued in 1854 to inquire into the state of the Corporation of London. The citizens of Londonderry entered into an arrangement to send over a deputation to give evidence before the Commission as to the Irish Society on account of it being an off-shoot of the Corporation of London.

230. CHAIRMAN.—Does the evidence given before the Commissioners recite this matter?—Yes; it does. I will read you part of the evidence. The Commissioners were—the Right Honorable Henry Labouchere (chairman), Sir James Patteson, and Mr. Cornewall Lewis. The part which I shall read is from the evidence of Mr. John Humphrey, the Governor of the Irish Society. (Reads)—

"With respect to the 1,500 acres, we had that before us for a number of days; and in the year 1848, the Corporation sent a memorial to the Society respecting money, which I said we could not go into till we arrived at a fair understanding with the Corporation; that they were deputed to make any arrangement with us that they thought proper, in order that they should not afterwards say the Corporation disputed the authority of those gentlemen. Therefore, they went back to Ireland, and they returned with the following document sealed by the Corporation:—

"'Council Chamber, Corporation Hall, Londonderry,
"'22nd January, 1848.

"'Alexander Lindsay, Mayor.

"'The Mayor having informed the Council, that while lately in London, he had several interviews with the Honorable the Irish Society, respecting the claims of the Corporation upon that body, and that the Governor of the Society had informed the Mayor that the court of the Honorable the Irish Society had agreed that, provided the Mayor of Derry should come fully authorized by the Corporation of Derry to put an end to all the disputes alleged to exist between the two bodies, the Society would be prepared to enter into a negotiation with him, acting on behalf of the Corporation of Derry: It was resolved by the Council, that the deputation appointed by the Corporation on the 23rd of November last, be requested to proceed to London to confer with the Honorable the Irish Society, on behalf of the Corporation of Londonderry; and in the event of such an understanding being agreed on as shall be satisfactory, the deputation, or such of them as shall find it convenient to go, be, and are hereby authorized and empowered to settle all the disputes between the two bodies, and adjust all the claims of the Corporation upon the Honorable the Irish Society, and finally settle, confirm, and ratify the same. In witness whereof the seal of the Corporation is hereunto affixed; which is witnessed by the town clerk.'

"We had a number of meetings with respect to that subject, and without going into all the arguments *pro* and *con*, we agreed at last to their resolution, which was signed by myself, the Deputy Governor and all the members of the Irish Society present; and also by the four gentlemen who came up authorized with that document. At a meeting of the deputation from the Corporation of Londonderry, appointed under the seal of the said Corporation, dated the 22nd day of January, 1848, to hold a conference with the Honorable the Irish Society, with full powers to act on behalf of the said Corporation in respect of the pending differences between the society and the Corporation. A copy of the following resolutions passed by the court of the society was read in the following terms:—'At a court of the Honorable the Irish Society, held in the Irish Chamber, Guildhall, London, on Monday, the 31st day of January, 1848, the Mayor of Londonderry (Alderman Lindsay), Alderman Pitt Skipton, Alderman Mehan, and Town Councillor M'Arthur, being a deputation from the Corporation of Londonderry, appointed on the 23rd day of November last, attended, and produced an order under the seal of the said Corporation, passed on the 22nd day of January, 1848, authorizing the said deputation to act for, and on their behalf.' The Mayor and deputation having being heard, it was resolved:—'That this court, having taken into consideration the communication made to the society by the Mayor and deputation of the Corporation of Londonderry, is willing, upon the re-establishment of the Recorder's Court at Londonderry, to grant, and to recommend the society, from time to time, annually to grant from its funds the sum of £700 towards the payment of salaries to the officers of the Corporation and the Recorder's Court, namely, £300 to the Mayor, £200 to the Recorder and the officers of his court, and the remaining £200 to be applied, from time to time, subject to the approval of this court; and also will consent to the power of attachment exercised by the Recorder's Court, altered so as to be applicable to parties only who are removing out of the country, if such be the desire of the majority of the inhabitants of Londonderry.' It was also resolved—'That this court will consent to the Londonderry Improvement Bill being passed, provided the rights of the society are properly reserved and protected, and clauses introduced for the due protection of the society; and will assist the Corporation of Londonderry, on the Bill receiving the Royal assent, in carrying out the objects of the Bill, by a grant of £500, to be annually proposed by the society in aid for effecting the improvements contemplated by the Bill. The deputation having duly considered the foregoing resolutions, it was resolved—'That in the exercise of the powers conferred upon us by the said Corporation, we do hereby agree that all differences between the said society and the said Corporation shall be finally ended and determined upon the terms contained in the said resolutions.' Resolved—'That a copy of the foregoing document signed by the members of the deputation, be transmitted to the Irish Society in exchange for an authenticated copy of their resolutions, to be preserved by each as a lasting memorial of the terms on which the said differences have been finally arranged.' That was the arrangement between the Corporation of Londonderry and the Corporation of London, and from that time to the present we have fulfilled our duties as far as that amount of money goes."

231. Mr. *M. B. Lane.*—I have certain complaints to make with reference to Rosemount, and also with reference to property belonging to myself at Nicholson-terrace, where the houses are large and would have brought in a considerable income, but from the way in which I have been treated by the Corporation I have been compelled to take surrenders of the leases. The Corporation, for example, would not widen the thoroughfares, and therefore the city of Derry has been defrauded of the rates which this superior class of houses would bring in. I am prepared to make an affidavit that I am not prepared to bring my complaint properly before you sooner than Thursday next, in consequence of not having received sufficient notice of your intention to hold an inquiry in Derry. I have an engineer engaged in preparing maps, who would not be ready sooner than Thursday. I can tell you that the Corporation—and I can name the particular members of it if you wish—have persistently refused to do what was right with reference to the localities I have named.

232. The CHAIRMAN informed Mr. Lane that they could not protract their inquiry in Londonderry till Thursday, as arrangements had been made to sit in other towns before then.

233. Sir *William Miller* (Mayor), said that Crawford-square had been made by Mr. Crawford, a solicitor in Derry, who had since died, and the place was sold after his death. It was stated that Mr. Crawford had made a plan for connecting Crawford-square with Nicholson-terrace (the place referred to by Mr. Lane), but with that plan the Corporation had nothing whatever to do, because it had never been approved by the Corporation, nor indeed even submitted to them. Mr. Lane had called on the Corporation to make the roadway connecting the two places, but acting on the advice of their solicitor, the Corporation refused to do so.

Mr. WILLIAM STAFFORD re-examined.

234. CHAIRMAN.—At the dissolution of the old Corporation in 1840, I want know did the new Corporation inherit any debt from them?—They inherited a debt upon the old bridge, which was paid off at the rate of £550 a year.

235. Was there any other debt?—There was a debt of £1,000 due to the gas company.

236. Was that secured by mortgage?—I could not say. The sum of £1,000 is still owing to the gas company, and was owing previous to 1840. That debt has never been paid off under the Act of 1848, and is still due.

237. Was there any other debt do you know, at the time of the passing of the Act of 1848, that was taken over by the Corporation?—No; there was no other debt.

238. Was there not a debt to the Blue Coat School?—I believe there was some such thing.

239. Mr. LAWLESS.—Do the Corporation pay anything to it?—No.

240. CHAIRMAN.—Did the Corporation inherit any property from the old Corporation?—We got some markets.

241. Some portion of your markets belonged to them?—Yes.

242. Mr. LAWLESS.—Did the town hall belong to the old Corporation?—Yes.

243. Then you inherited that?—Yes.

244. CHAIRMAN.—Now as regards the markets. Can you give me the particulars? The expenditure on the markets for the year ending August, 1876, I see, was £1,249 19*s.* 1*d.* How is that made up? What head rent do the Corporation pay for the markets?—£715 18*s.* a year; and then there are taxes, amounting to about £170 altogether.

245. What salaries are paid?—The superintendent gets £85 a year; and the clerk of the markets gets £100 a year.

246. What other expenses are there?—About £16 a year for handbills; and repairs and other expenses about £100 for the year which is about the average.

247. These do not make up the total. Have you the particulars of that total?—No.

248. Mr. *M'Elwee.*—I am anxious to learn how it was that the mayor's office was changed from the court-house to the town hall.

249. CHAIRMAN (to *witness*).—Can you tell?

250. The *Mayor.*—Of course the matter took place before my time, but I understand the way it occurred was this. Under the old Corporation the city and the county were in the same jurisdiction—there was no separate staff of magistrates for the city and the county. After the new Corporation came into existence there was separate jurisdictions made—with city magistrates; and the county people as I understand insisted that the mayor's office should be removed from the county court-house. That, the town clerk informed me was the reason why the mayor's office was removed to the town hall.

251. Alderman *Darcus.*—There was an arrangement made between the Grand Jury and the reformed Corporation by which the Grand Jury gave a sum of money to fit up a part of this hall for a Petty Sessions Court, and for the accommodation of the city magistrates in consideration of their foregoing any claim to the court-house which the Grand Jury required for holding the assizes.

252. CHAIRMAN (to Mr. *Stafford*).—How are the markets held do you know?—One portion of the Victoria-street market is held in perpetuity and part under lease.

253. What is the rent of the portion held under lease?—£285; a very large rent. Foyle-street market is held in perpetuity subject to a rent of £140 under a lease for ever.

254. The *Mayor.*—It is in the best business part of the city.

255. Mr. *Stafford.*—The Waterside market is also held in perpetuity.

256. CHAIRMAN.—Is there any rent payable for that market?

The *Mayor.*—It was built under the Act of 1864, and I think there is no rent payable for it.

Mr. *Stafford.*—The next is the Albert market held in perpetuity at a rent of £55.

257. What about the cattle market; how is it held?—It is held under lease.

258. What term of lease?

The *Mayor.*—That lease is very nearly out now.

259. Was it for ninety-nine years?

Mr. *Stafford.*—There is not very much of it to run. It is subject to the rent of £47 18*s.* per year.

260. What is the Society-street market or Horse Bazaar?—It belonged to the old Corporation, and is held in perpetuity subject to a rent of £83 a year. The Corporation let it, as the best mode of dealing with it; but they do not get the rent they pay for it; there is a loss of £25 a year.

261. Is that horse bazaar the only one of these markets that you got from the old Corporation?—No; the ground upon which Sir Edward Reid's market is now built was also got from them.

262. Are there any other markets by which you lose money?—No; we do not lose money by any of the others. Since we have let that market we lose less by it than we did when it was a potato market.

263. The slaughter-house is of recent construction; Do you not pay £20 a year for it?—Yes.

264. Have you got a lease in perpetuity for it?—I think it is held in perpetuity, or for 999 years.

265. What in round numbers is the average annual profit derived from the markets after deducting expenses?—About £1,150 in round figures.

266. Can you give me the valuation of the whole borough now?—Yes; it is £69,032 10*s.*

267. Is that the last valuation?—Yes; the valuation in March last.

268. Is that an increase on what it was ten years ago?—The valuation in 1848 was £40,000.

269. It is a very large increase since 1848?—Yes.

270. The *Mayor.*—But the borough was extended since 1848.

271. CHAIRMAN (to *Witness*).—I want to know if the valuation has increased since the extension of the borough; can you give me the valuation since 1864? It has not increased much since the year 1871; my friend Mr. Lawless finds that in 1871 the valuation was £66,884, and now it is £69,031 19*s.*?—Yes.

272. Can you give me the wards now—the separate valuation of each of the wards?—The valuation of the East ward is £25,140.

273. Can you give me the number of burgesses as well?—The number of burgesses in that ward is 293. The valuation of the North ward is £27,648, and the number of burgesses 267. The valuation of South ward is £16,243 19*s.*, and the number of burgesses 137.

274. The South ward is very much smaller than either of the others?—Yes; it is.

275. Does each of the wards return the same number of members to the Town Council?—Yes; just the same.

276. Was there the same disproportion between these wards at the time you were setting out under the Act of 1840, or was it caused since the extension of 1864?

The *Mayor.*—I do not think it has arisen since the extension of the borough. The South ward is situated where it is not at all likely to increase much. The other wards are in the neighbourhood of the river, and the trade and extension of the town is going in that direction.

277. They remain as they were, but with certain additions?—Yes.

278. What I want to know is whether the great difference in the wards arose subsequent to the additions, or by the additions?—I do not know.

279. To *Witness.*—What is the class of people living

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in the South ward. Are they poor people?—Not exactly.

280. But the houses and places most highly rated are in North and East wards?—Yes; with the exception of this street which is in the South ward.

281. Do you mean the main street of the city—Bishop-street?—Yes; it is in the South ward. The different wards all meet in the Diamond where the town hall is situated.

282. The principal street is in the South ward?—Yes.

283. What is the area—the entire area—within the municipal jurisdiction?—2,032 acres. I can give you the acreage of the different wards. The East ward is 811A.; the North ward 469A. 3R. 9P.; and the South ward 751A. 3R. 13P.

284. The North ward is the most closely built up, and the other two run more into the suburbs?—Yes.

285. The North ward has the smallest acreage, but the largest rateable value?—Yes.

286. Are the people satisfied with the present distribution of the wards?

The *Mayor*.—I think so; I am not aware of any application having been made for a redistribution. The East ward, of which I am one of the representatives is on both sides of the river.

287. To *Witness*.—Was any notice given by the town clerk of our coming here to hold this inquiry in this town, previous to the advertisement in the *Sentinel* of Saturday last?—No notice was given previous to that, but it was put in the newspapers.

288. When were the newspapers in which it appeared published?—On Saturday last.

289. Were no notices or handbills put up acquainting the public with the matter?—No.

290. Why did you not notice it earlier than Saturday?—I think it must have been owing to Mr. Gregg's illness.

291. Was Mr. Lane right in saying that there was no public notice whatever given until last Saturday?—He was.

292. And no notice was given except that in the newspapers?—None.

Mr. William James Robinson.

Mr. WILLIAM JAMES ROBINSON examined.

293. CHAIRMAN.—Are you the engineer of the Corporation?—Yes.

294. How long have you been engineer for the Corporation?—Three years last January.

295. Have you charge of all the repairing of the streets and the construction of sewers, and supervision of the waterworks?—I have.

296. Mr. LAWLESS.—Are you a professional engineer?—Yes.

297. CHAIRMAN.—Can you give the details of the item of £4,303 15*s*. 3*d*. under the head of "streets and roads" on the expenditure side of the account?—I have not been able to complete the calculations, but so far as I have gone, I can give you the result. The sweeping and cleansing——

298. Is that done under your supervision?—Yes.

299. As well as the construction of the roads?—Yes; everything of that class is done under my supervision. The sweeping and cleansing cost £850; surface repairs cost £510; and the materials supplied by the Corporation for repairing the roads £1,383 4*s*. 10*d*.

300. Does that include the flagging?—No; the balance would be expended on what we call permanent improvements to the city. The total, exclusive of these, would be £2,743 4*s*. 10*d*.

301. That would leave about £1,560 to be accounted for—the total amount being £4,303 15*s*. 3*d*.?—That balance I should say, would be for different works in connexion with the city, such as flagging. I have not had time to make it out yet.

302. Has there been a considerable amount of flagging done?—Yes; a very large amount.

303. About how much of that remaining £1,500 odd would be expended on flagging?—I think about £500 and perhaps as much more for kerbing and the various other works carried out in the city, such as repairing the city walls.

304. That would take up about £1,000?—Yes.

305. Was there anything expended on sewers?—Yes; I have a staff of men employed constantly on the sewerage.

306. Was any of the balance expended on the sewerage?—Yes.

307. Did you make any new sewers during the last year?—Yes; several.

308. What length? Because you could not make many new sewers for £500?—They were several small sewers and pieces of sewers.

309. But I do not mean connecting sewers; I mean main sewers?—The only new sewer we made during the year was in Belmore-street.

310. About what length of new sewerage did you construct there?—It cost about £140.

311. Taking the streets of the city altogether, are the great bulk of them sewered—provided with main sewers?—The great bulk are provided with main sewers, but a scheme of drainage has been contemplated.

312. And I believe application has been made for a loan of £15,000 to carry it out?—Yes.

313. That loan is also partly for the waterworks, is it not?—Yes.

314. Are the sewers already existing well constructed sewers, or are any of them old and imperfect?—I find the sewers in the lower parts of the town to be of insufficient capacity, but the sewers of the city in general are pretty good. They are stoneware pipes but some of the main sewers are the ordinary brick sewers.

315. Those of course are not very good?—My experience of the stoneware sewer is that it is better, so far as its capacity is concerned.

316. Are the houses generally speaking connected by drains with the main sewers where main sewers exist?—I may say that almost in every case they are.

317. In cases where they are not connected, are notices served by the Corporation to compel the parties to make such connexions?—When any new houses are being built the people submit drawings and are bound to show that these connecting sewers will be made.

318. I suppose the plans of the houses are submitted to you?—They are.

319. But with regard to old houses that have been built for some time and are not connected with the main drains, are steps taken by the Corporation to enforce the making of connecting drains?—Under the sanitary Act they are.

320. You, I believe, are the executive sanitary officer?—I am.

321. Are you aware whether such notices are served on these parties?—Yes.

322. Do they pass through your hands?—Yes.

323. Do you find a readiness on the part of the inhabitants to carry out the requirements of the sanitary authority?—I do; on all hands.

324. On the part of the inhabitants?—Yes; perhaps in ninety per cent. of the cases in which we are called upon to interfere, we find a readiness on the part of the people to comply with our requirements. We have had very few prosecutions. We have had a great deal of business brought before the sanitary committee, and in the great bulk of the cases the work was carried out.

325. Do you mean upon the first notice being received?—On receiving what we call the executive sanitary officer's notice. A notice is given in the first instance by the sub-sanitary officer when he discovers a nuisance, and if he afterwards sees that it has not been abated he reports to the sanitary officer; at least

ninety per cent. of the nuisances are abated without any further proceedings.

326. Do you find the sanitary committee of the Corporation anxious to carry out the recommendations of the sanitary officer?—I do.

327. How often does the sanitary committee meet?—On every alternate Tuesday.

328. Mr. LAWLESS.—How many members does the sanitary committee consist of?—Three forms a quorum.

329. CHAIRMAN.—Are the back streets and smaller streets of the city as well flagged as the main streets appear to be?—We are doing something at present to a large number of the back streets and lanes. Each half year I submit an estimate for flagging, kerbing, &c., the amount of which the Corporation expend on those works so far as the funds in hand permit.

330. Have you power to increase the staff of scavengers if you consider it necessary?—The Corporation leave that in my hands; the men are entirely under my control.

331. In case of bad weather or in case a horse fair is held, or that which would cause additional work for the scavengers takes place, can you employ a number of additional hands?—Yes.

332. You are not limited as to the number of men you are to employ?—No; each fortnight I submit the accounts of the scavenging, with the men's names, &c., which is very closely looked into by the committee for the purpose of seeing if I have expended anything wrongly.

333. Does the committee give you a cheque?—Yes; the pay clerk pays the men and gets a receipt for the amount of their wages.

334. You are not the pay clerk?—No.

335. There are some building clauses in the Act of 1864; what building clauses have you in force here? Are all the plans of houses submitted to you?—Yes.

336. Is it your duty to see that the owners comply with your requirements and to enable you to see that they are properly carried out?—Yes.

337. Whose duty is it to lay out new streets or roads?—The owners of property who intend to build, in the first instance, are supposed to carry out this work and to leave the road in proper order.

338. Are they bound to do it to your satisfaction?—Yes; if they do not do so the Corporation will take them over into their own charge.

339. Mr. LAWLESS.—Under what Act are you bound to certify that they are properly constructed? Is it under the Act of 1864?—Yes.

340. CHAIRMAN.—Have there been many new roads and streets opened since the passing of that Act of 1864?—There have not been many in my time.

341. You are only three years engineer, I am aware, but I thought you might know the fact?—There has not been many.

342. Have there been many since you have been surveyor?—There are some in progress at present. There have been some taken charge of. Three new streets, and some others are in progress.

343. Has the lighting of the town been extended or improved since you became surveyor?—There have been a number of additional lamps put up in the town where it was considered necessary to do so.

344. I am speaking of the town since the extension. Unless houses are within 100 yards of a lamp the Corporation can only levy one-third of the rate. I want to know if more lamps were put up, and more houses by that means brought under the full rates?—I can only charge my recollection with one.

345. The *Mayor*.—There were a number of lamps put up after the passing of the Act of 1864; probably one-third additional lamps put up.

346. Was Rosemount part of the district added to the city by the Act of 1864?—*Witness*.—Yes.

347. Is Nicholson-terrace another part of what was added to the old boundary by that Act?—It is; I am not so positive of that part.

348. Can you tell me how many streets which were previously liable only to pay one-third of the rates, now pay the full rates?—I cannot tell you.

349. You cannot give me any idea of the additional area brought in to pay the full rates by the extension of the lighting?—I think there were very few streets except Rosemount brought in.

350. What I want to get at is this. I infer that there is a feeling that some people are paying the full rate where they are only liable to pay one-third of it. Can you tell me how much of the area that was added to the city in 1864 was not made liable to pay the full rate by reason of not getting an extension of the lighting?—The only street which I can speak of at present as getting it is Rosemount.

351. Is Rosemount now lighted by the Corporation?—It is partially lighted. There are three lamps in Rosemount.

352. How many houses do those lamps bring within the lighted radius?—I do not know.

353. Is Rosemount insufficiently lighted?—It is.

354. Are these three lamps situated at three openings in Rosemount?—Yes.

355. Is there any lamp at the other end of Rosemount at all?—No.

356. How many lamps ought there to be in your judgment in order to light that part of the town sufficiently?—I think there should be ten lamps. I have lately gone into the question of the sewerage of Rosemount, and this estimate is one that I prepared, and which I am to bring before the Corporation on the next day. (Hands in the estimate of an expenditure of £583 15*s.* for the main sewerage of Rosemount; £76 10*s.* on Ashborne-street, partly for sewerage and partly for kerbing; £82 10*s.* on Donegall-street; £27 2*s.* 6*d.* on Cottage-row; £28 10*s.* on North-street; £27 13*s.* 6*d.* on Rosemount-terrace, making a total estimation of £826 1*s.* in sewerage, and kerbing, and repairs in Rosemount).

357. Do you propose to put up additional lamps?—Yes, ten, namely:—two in Osborne-street, two in Donegall-street, two in Cottage-row, two in North-street, and two in Rosemount-terrace.

358. Do those three lamps in Rosemount which you referred to bring within the radius of full taxation all the houses in North-street, Rosemount-terrace, and Cottage-row?—They do not; they are more than 100 yards from them—some of them are.

359. Are Donegall-street and Osborne-street within 100 yards of the lamps?—Neither of them are.

360. Do the houses in Osborne-street and Donegall-street pay only one-third of the rates?—That is all.

361. And is it the case that only a portion of the houses in the other places—North-street, Cottage-row, and Rosemount-terrace—pay the full rates?—Yes; it is contemplated to assess the property with this expenditure for the purpose of compelling these streets to be brought in.

362. If the Corporation lay out this £826 1*s.* in sewerage and on the formation of the streets, what portion of it will be borne by the Corporation, and what by the owners?—I should say it will all be borne by the owners, with the exception of the cost of the lamps, which, of course, will be paid by the Corporation.

363. Is it at the request of the owners of houses in these streets that the Corporation are going to expend this money, or is it at their own suggestion?—I prepared the estimate by the direction of the Corporation. The owners were complaining that the streets were not properly kept in order, and were continually coming before the Corporation about it.

364. Did owners in the street of Rosemount complain of the deficient lighting?—They complained of the state the streets are in, and of their being imperfectly lighted.

365. And did the Corporation, in consequence of these complaints, direct you to make an estimate and ascertain what would be the probable costs of putting these streets into a proper state of repair, and lighting them properly?—Yes.

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Mr. William James Robinson.

366. And is this the estimate you prepared under that direction?—Yes.

367. To the best of your judgment, as a skilled engineer, do you believe that if the Corporation grant the sum put down in this estimate, you will be able to put these streets in a satisfactory condition as regards sewerage and general repair?—Yes.

368. And do you believe that ten additional lamps will light them sufficiently?—I do; there is no difficulty with regard to the drainage of Cottage-row, part of Donegall-street, North-street, and Rosemount-terrace. The great difficulty is with regard to Osborne-street and Cross-street, and the lower part of Donegall-street.

369. What is the nature of the difficulty?—The fall runs in an opposite direction from Donegall-street.

370. The highest point is apparently between Donegall-street and Cottage-row?—Yes.

371. And I suppose you have no outlet there?—No; that is where the difficulty is.

372. Where could you get your outfall?—My scheme is to cut down to the depth of twenty feet.

373. Is the existence of the difficulty in getting an outlet the reason why this work has not been done before?—That is the reason.

374. Where is your outfall from those streets where there is no difficulty in making the system of main drainage?—There is a sewer in existence—a ten-inch stone sewer which runs into the scheme of main sewerage. I would make an angle at the Rosemount reservoir and run it into the Buskin Burn.

375. Is that an open watercourse?—It is a large natural watercourse, arched over sometime since.

376. Is it, at the point where you would drain into it, a covered watercourse?—Yes.

377. And all the way down?—Yes.

378. Is there a natural flow of water in it?—Yes.

379. Are there any houses along it?—No.

380. Does it run through the open fields?—Yes; except that Wynne's Institute drains into it.

381. What is Wynne's Institute?—It is a charitable institution.

382. Mr. *Lane*.—The surveyor states that on to-morrow he is going to bring before the Corporation a certain system of drainage, and says that it will require an expenditure of £800 to drain Rosemount; now I say that it could be properly drained for £50.

383. CHAIRMAN (to *Witness*).—Mr. Lane states, that in his opinion this place could have been drained at the same time that you drained certain other streets, at the additional outlay of £50?—I cannot agree with that; because the difference between the summit and the corner of the road at Osborne-street is fifteen feet. I propose to sink it four feet, and allowing this for the fall, I consider it ought to be sunk from twenty-two to twenty-three feet from the summit.

384. Would it cost more now to do this work than at the time you made the original sewer?—I think it would cost more now.

385. Was Osborne-street built then?—Yes.

386. Was it in a condition to require drainage?—I believe it was.

387. When was that existing drainage made?—It was made in 1866.

388. Before the Act of 1864 was passed were all the houses now in Rosemount built?—I believe they were.

389. The *Mayor*.—They were not.

390. CHAIRMAN (to *Witness*).—Could you at the time when the sewers were made for North-street, Cottage-row, and Rosemount-terrace, have drained Osborne-street and Donegall-street at a less cost than now?—Yes; because the price of labour and materials was less than now.

391. You say you consider your estimate a moderate one for this work?—To the best of my belief it is.

392. There are two plans proposed—one is for draining into the Buskin Burn—at present it is carried down there?—Yes; by permission of the people concerned.

393. Have you any reason to doubt that the same permission would be given for draining Donegall-street and Osborne-street?—I have no reason to doubt it.

394. If you were to adopt the other plan of drainage, could you do it at a less expense than by going into the Buskin Burn?—There would be very little difference in the cost of the plans. The reason why I adopted this course was, because I was informed that the trustees of Wynne's Institute reserved to themselves the right at any time to interfere with the course of the sewage, and in consequence of that I gave the preference to the other plan.

395. The plans are not passed, and they are still open to consideration. Your estimate is based upon carrying the sewage into the Buskin Burn?—Yes.

396. Would it be at all reduced if you did not adopt the Buskin Burn scheme?—There would be very little difference. The only difference would be caused by having to go round one part of the road.

397. Can you give me an estimate of what it could have been done for at the time of making those other sewers?—I should say, perhaps for twenty-five per cent. less than the amount of that estimate.

398. Have you charge of the waterworks?—Yes.

399. Is water laid on all those houses in Rosemount?—There is a main pipe, and these houses are supplied with water, but the main pipe is on the Creggan-road, and I believe it was put down by the owners of property. There has been a main put down by me, from one point to another, last year.

400. Mr. LAWLESS.—Are there any service mains up these streets?—There is no accommodation but what was made by the owners of property.

401. CHAIRMAN.—Why have they not laid service mains?—They were not put on the full rate till last year.

402. Were none of these houses in Rosemount brought under the full rate till last year?—I believe not.

403. When were the three lamps put up?—Those three lamps are put up a long time.

404. When were they put up?—They are up about nine years.

405. Have they paid the full rate in Rosemount for nine years?—No; only one-third of the rate.

406. When did they first pay the full rate?—Last year. There was a memorial from a number of the inhabitants of Rosemount asking for the water to be laid on the Creggan-road. That memorial was referred to me, and I was asked to report. I went and inquired why they had not received the water, and I remarked that they were only paying one-third of the rate—that is, the men who sent the memorial, and who were living where there were lamps, were only paying one-third of the rate. I reported the reason they had not the water—because they only paid a third, and the matter lay over for some time, the Corporation not taking any action. A second memorial came in, and the attention of the Corporation being drawn to the fact that there were lamps in the locality, an order was made putting them under the full rate.

407. The lamps were there for nine years, but no one was charged more than one-third of the rate?—Yes.

Mr. Robert Hume.

Mr. ROBERT HUME examined.

408. CHAIRMAN.—Do you live in Rosemount?—Yes.

409. In which of the streets there?—In Donegall-street.

410. Do you pay only one-third of the rate?—Yes.

411. Are you outside the district lighted by these lamps?—Yes.

412. Then you do not know how much the other people pay?—No, I do not.

Mr. ROBINSON's examination resumed.

413. *Witness.*—I got the receipts of the man I spoke to at the time I went to report, and saw that he only paid one-third the rate.

414. Were the lamps there before you became city surveyor?—Yes, for a long time before it.

415. You say that the water is not laid on to all these houses?—There is a water main laid on the Creggan-road.

416. But there is none down these streets?—There are branch mains. The water is supplied by the Corporation.

417. Is all done for these houses that is done for the other houses in the town?—No; there ought to be a main in the street.

418. Is there any other part of the town not supplied with water?—No, I believe not.

419. Have you had complaints from any other part of the town?—No; there are no other parts of the city without water. There are streets in progress where there have been orders given to lay mains.

420. Are those the streets you referred to some time ago?—Yes; no finished street at present wants for water.

421. Is Nicholson-terrace supplied?—It is.

422. Is it properly drained?—It is.

423. At the cost of the owners?—Yes; Nicholson-terrace is not finished yet.

424. Is it lighted?—It is.

425. Is Stuart-street finished yet?—That matter came before the board several times last year. The Corporation offered the owner the right to drain into the Buskin Burn, but it is now drained into a cesspool.

426. Was he not bound to submit plans of the drainage before the houses were built?—He was.

427. Were you satisfied with the plans?—I was not. He did not submit plans to me. The upper part of the street was built before my appointment, but as soon as he began to build I reported to the Corporation, and proceedings were taken against him. He came into the magistrate's court, and said that when he submitted plans of the part first built he also submitted plans of the latter part.

428. Did you try to prevent him from draining into this cesspool?—Yes; but the case was dismissed by the magistrates.

429. How long ago?—About two years ago. The town clerk was produced as a witness at the time, and said that he did submit plans, but such plans could not be found in the town clerk's office.

430. Is water laid on to these houses?—Water is laid on, but not by the Corporation.

431. Are these houses within 100 yards of the public lights?—No; and the people only pay one-third of the rate.

432. To *witness.*—Is Nicholson-terrace lighted?—Yes.

433. And do the people there pay the full rate?—I really could not say.

434. Do you know anything about supplying water to the shipping? Is there any waste of the corporate water in supplying the shipping?—I believe the shipping is supplied from the public water supply, and it is paid specially for.

435. The *Mayor.*—If the supply of water runs short we always decline to give a supply to the shipping.

436. CHAIRMAN (to *witness*).—Do the shipmasters pay for whatever water is supplied to them?—Yes.

437. Has the water supply for the town run short? and have there been any complaints about it since you have been surveyor?—Yes; we had a very good supply last year, but the year before that the supply ran short. There has been an improvement made in the reservoir, and I do not think there will be any complaint this year.

438. Was it said at that time that you were supplying the ships at the expense of the inhabitants—that the water went to the ships instead of the inhabitants?—I heard of a number of complaints going before the Corporation on this subject.

439. And were you then told not to give a further supply to the shipping?—The water superintendent sees after these matters, and can tell you more about it than I can.

440. Are the sewers flushed by the waterworks water?—From the commencement of the winter till perhaps this season of the year they are.

441. Last summer you say there was no scarcity of water?—Yes.

442. What is the quality of the water? Has it been analyzed?—It is analyzed once a month.

443. By whom?—Professor Leebody.

444. What has been the result of his analysis?—He only complained of the quality once, but even then he said it was much above the quality of ordinary water.

445. I suppose the town clerk has his analysis?—Yes; the Professor's report is submitted every month to the Corporation.

446. Mr. LAWLESS.—You say that persons about to build houses must now submit the plans to you?—Yes.

447. In order that you may see that the requirements of the Act of Parliament are complied with?—Yes.

448. When you get such plans do you examine them?—I do.

449. Do you mark your approval or disapproval of the plans when bringing them before the committee?—I mark my approval or disapproval of the plans and submit them to the police and markets committee.

450. Do the police and markets committee adjudicate on these plans?—They do.

451. Are there provisions in the special Act of Parliament requiring that the plans and specifications shall be to the satisfaction of the Corporation?—Yes, there are.

452. Have you ever found that your approval or disapproval of the plans is dissented from by the police or markets committee?—I have not.

453. Do you recollect any case of it?—I do remember one case of it; it was about frontage, and the police and markets committee differed from me; they thought it was something about title, and the building was allowed to go on.

454. We were talking a good deal about Rosemount. Leave it out of consideration just now, and tell me are all the other small streets and lanes in the city, where the poor people live, well and sufficiently drained by main drains?—They are all either sufficiently drained at present or taken into consideration in the contemplated scheme of drainage.

455. Do you say, that the contemplated scheme of drainage embraces every place in the city where the drainage is defective?—Yes.

456. CHAIRMAN.—There was a report here handed to me dated the 5th October, 1875, by Dr. Brown, the consulting sanitary officer, upon which I see you made another report?—Yes, I did so by direction of the committee.

457. Was that report of Dr. Brown's submitted to the sanitary committee?—Yes, and it was directed to be printed. I was directed to examine it and make a report.

458. Is this your report dated 5th October, 1876?—Yes.

459. You reported exactly a year after Dr. Brown?—Yes.

460. Was this report printed by the order of the committee?—Yes. I directed the sub-sanitary officer to make a house-to-house inspection, and then made my report.

461. The report says that there are 2,188 privies, and 878 water-closets attached to houses, and that 997 houses have no accommodation of either water-closets or privies?—Yes.

LONDONDERRY. *March* 26, 1877. Mr. Robinson.

462. I presume that was the state of affairs then?—It was.

463. Was not the pail system recommended by the sanitary officer?—Yes.

464. Is that system in operation here?—No.

465. Can you tell me whether when he found what the expense of adopting that system would be he still advised the adoption of it by the Corporation?—No; he did not. We went fully into the particulars regarding it.

466. At what did you estimate the first cost of the pail system?—At £5,982, and taking into consideration the profit arising from the sale of the manure there would be a loss to the Corporation of upwards of £1,500.

467. Did Dr. Brown or you advise the adoption of that system?—No.

468. What has been done with regard to the construction of privies where none existed; have many, or any, been constructed since?—There have been some, but very few. There are a great many yards where there are no privies.

469. What do they do with the *excreta*?—They remove it.

470. But where do they remove it to? Is it into the streets?—No; there are people who go about and buy it, and then sell it to the farmers.

471. Is there any system of removal by the Corporation carried on?—There is not.

472. Are the houses pretty well provided with ashpits?—They generally have ashpits.

473. Are those ashpits kept cleaned?—They are kept pretty clean; the inspections of the sub-sanitary officers have done a good deal of good in that respect.

474. Mr. LAWLESS.—Has any work of a really substantial description been done in consequence of that report?—No.

475. I see in the reports some reference made to the practice of keeping pigs in the houses?—We do not permit that to be done.

476. But Dr. Brown reports it as a practice that prevails very extensively in the town. Are pigs kept in the dwelling-houses of the poorer class of people?—There are very few cases of it, indeed, and whenever a case of it is observed the sub-sanitary officer at once takes action.

477. The report says, "with regard to animals, and more particularly swine, special rules have been approved of by the sanitary committee, and are carried out by the sanitary officer." Now, first of all are the people permitted to keep animals in their yards?—Certainly.

478. Swine?—Yes.

479. Are rules carried out by the orders of the sanitary committee for the removal of manure from pigstyes within the week?—Not within the week. There is provision made that where there is an accumulation of two tons of manure it must be removed at once.

480. How often are the parties required or compelled to remove the accumulations of manure from their pigstyes?—There is no particular time stated; the sub-sanitary officers are the judges of whether the manure heap is a nuisance or not.

481. They and the sanitary officer?—Yes.

482. Where do the people remove the manure to? You do not provide them with a yard for that purpose?—We do not.

483. You do not purchase the manure from them?—No; there are some persons who are dealers in it, and they buy it from the people, and afterwards sell it to the farmers.

484. There is a manure yard I presume belonging to the Corporation into which the street sweepings are carted?—There is.

485. I do not see any item of receipt from the sale of manure in the account. In most places we generally find a sum of money under that head?—I may say that it is very little of it we sell. We sold it one year, and only got £10 for it. We put it up to public auction one year, and there was no one bid anything for it. They do not consider the street sweepings good manure, or of any value.

486. Your streets are all macadamized I suppose?—They are, with the exception of a very few, there are some of the streets not paved yet.

487. How often is it sold?—I have a large quantity of it now, and I was just going to ask to-morrow what I am to do with it; last year I got rid of it to parties who bought it, and gave £5 10*s.* for it.

488. Where is the manure depot; is it in the city?—It is inside the city boundary.

489. Are there any houses near it?—It is near the Corporation yard.

490. Is it so near any houses as to be a nuisance to them?—Foyle College is near it.

491. The *Mayor*.—The manure depot is in a most unfavourable place.

492. CHAIRMAN (to *Witness*).—Has any report as to the position of it been made by the sanitary officer that you are aware of?—No.

493. In your judgment is it so situated as to be objectionable?—Well, I do not see where else we could have it. I have thought the matter over from time to time but I cannot see my way to any improvement.

494. Is your only difficulty that of getting another place suitable for it?—Yes.

495. Have no attempts been made by the Corporation at any time to get a better site for it?—They have directed me repeatedly to try, but I do not know that anything could be done.

496. Could not a place be rented for that purpose outside the borough boundary?—This one is rented. It is outside the town and there are no houses within perhaps 200 yards or more of it. It is certainly better situated than the one in the suburbs.

497. Mr. LAWLESS (to *Witness*).—Does the sewage of the city run into the Foyle?—Yes.

498. Are any parts of the city at all subject to floods?—Yes; and very important parts of the city too. Very important parts have been flooded this year. The Strand road and several other places were flooded by the very high tides that we have had this year.

499. Does the flooding affect the sewerage?—We would require to keep a staff of men for the purpose of cleansing the sewers.

500. Is not William-street a low-lying part of the city?—The lower part of William-street is low. William-street is always flooded when there is a high flood.

501. I suppose the high tides fill up the sewers and the matter in the sewers is forced back?—I gave a very full report about that matter, but I do not see in what way it can be remedied except by raising the streets.

502. Is it not the case that in some of the streets in Rosemount there are no sewers at all, and that in wet weather the sewage from one house flows into another?—It is really in a very bad state: there is no doubt of it.

503. You say it is in a very bad state?—That is as regards Osborne-street especially. At the corner of Osborne-street, and down from Donegall-street, it is most certainly in a very filthy state.

504. Whose property are those streets?—I think they belong to Mr. Osborne.

505. Which are the particular streets the condition of which you say is so very defective?—Osborne-street, part of Donegall-street, and Cross-street.

506. Are those all below the summit where existing drains are?—Yes.

507. And you propose to sewer these places by the plan for which you gave as your estimate?—Yes; either that or to do away with the houses entirely.

508. Why are those houses allowed to be built and occupied before there was proper sewage provided?—I believe that Osborne-street was built before the passing of the Act. Of course I am only speaking from recollection.

509. Do you mean before the Corporation had any power to compel the parties to provide proper sewerage?—Yes.

510. Is that also the case with regard to Cross-street and Donegall-street?—Yes; I believe so.

511. They were also built previous to the time of the passing of the Act?—Yes; they were.

512. And is the reason that the Corporation have not made these sewers before this, because they believed it to be the duty of the owners?—Yes; under the 37th section of the Towns Improvement Act.

513. Have they ever called upon the people to do it before they asked you to prepare your estimate?—I believe they have done so now.

514. Do you know if they have done so previously?—I believe they have.

515. CHAIRMAN (to the *Mayor*).—I want to know whether or not, before you directed the engineer to prepare an estimate of the cost of draining these streets, you ever called upon the owners to drain them?—My impression is that the owners were called on. There is one thing I ought to remark—Rose mount being outside the lighted and watered area the people there were only paying one-third of the rate. They, by being brought in, were great gainers, because the county cess would be 4*s.* or 5*s.* instead of only 1*s.* 4*d.* in the pound.

516. Is it the case that if these houses had been built since the Act of 1864, you could have compelled them, but inasmuch as they were built previous to the passing of that Act, you had no power to do so?—It is certainly within my own knowledge, that within the last five or six years we have offered to the people of Rosemount to make it into a separate district.

517. Mr. LAWLESS.—Upon the terms, of course, that you would impose a special drainage rate?—Certainly. I may also say with regard to this estimate of the city surveyor's (the £800), that Rosemount will now be formed into a special drainage district, and be taxed to pay that amount.

Mr. JAMES EDWARD O'DOHERTY (Solicitor) examined.

Mr. James Edward O'Doherty.

518. *Witness* stated that he appeared before the Commissioners on behalf of a number of clients, who desired to discuss the question, or to raise some questions regarding the levying of the rates, the amount levied, and the manner in which the money was expended. Owing to the very brief notice given by the town clerk to the ratepayers of the intention of the Commissioners to hold an inquiry in Derry, they were not now prepared to come forward and give evidence of such a character as they desired to give on the subjects referred to. This was a matter of considerable importance, as he believed the feeling of distrust in Londonderry to be quite general, and many persons said they considered the inquiry would be a farce if they did not get a proper opportunity of coming forward, which opportunity consisted of giving them time to prepare to give evidence. He believed that the matters objected to (the raising and the expenditure of money within the borough) were such as come within the scope of the present inquiry. His clients also wished to make reference to the flooding of streets and houses in the city, which took place from time to time for the last ten or fifteen years.

519. The *Mayor* said that Mr. O'Doherty might go further back and say, ever since the lower part of Londonderry was built.

520. The CHAIRMAN asked Mr. Doherty if their sitting on the following day (Tuesday) would not answer all purposes.

521. Mr. *O'Doherty* said that would not be the slightest use, so far as his clients were concerned.

522. The CHAIRMAN said there should be a tangible cause of complaint to justify their adjourning the inquiry. To engage in a vague roving investigation would be merely a waste of the public time and money. If Mr. Doherty could satisfy them that there were reasonable grounds for an adjournment either he (the Chairman) or one of his colleagues would come back and resume the inquiry at some future time.

523. *Town Councillor Signor Tomanzie* said he knew there were persons who were living in Rosemount who were charged the full rate though they only had a right to pay one-third. They paid rates for improvement and there has been no money expended on the improvement of the streets in which they lived.

Sir W. MILLER (Mayor) re-examined.

Sir W. Miller, Mayor.

524. CHAIRMAN.—In the absence of the Town Clerk will you be good enough to tell us whether or not the Corporation consider, at the present moment, that they have adopted Rosemount?—The view they take of the matter is this—that until the surveyor has certified that the streets are in a proper condition they cannot do so. They are bound by that, and the moment the law is complied with they will take them into their hands.

525. Were the three lamps at the corners of three streets in Rosemount put up by the Corporation?—I have no doubt they were.

526. And are they lit by the Corporation?—Yes.

527. Have the Corporation levied the full rate on all the houses in Rosemount, which are within the distance of 100 yards of those lamps?—Yes; when they can get the rates.

528. Has the payment of them been resisted?—Yes.

529. And has the question been decided before the magistrates?—Yes.

530. What was the decision?—The town surveyor gave evidence to the effect, that measuring in a straight line (as the crow flies), the houses were within 100 yards of the lamps; but it was argued on behalf of the inhabitants that, in taking the distance, it was necessary to measure round a corner, and on that the solicitor for the Corporation said he would not press his case any further as he believed the majority of the magistrates were against him. If they are supplied with water and light they are bound to pay the full rate. It was on the application of a number of persons in that locality, which was repeated the second time, that the water mains were laid down and the additional lamps put up.

531. Unless you adopted them I do not see how you could levy a 4*s.* rate?—We have not done so.

532. I thought you had?—Only within the last year. The advice of the town clerk was to this effect—that if the streets were made and supplied with water and light, that we were bound to levy the full rate, but that we could not expend any money on the streets until the surveyor certified that the streets were in order.

533. At the present moment you seem to be in this position; these streets are confessedly not sewered?—They are sewered.

534. Part of them are not. Cottage-row, North-street, and Rosemount-terrace are sewered; were they sewered by the owners or by the Corporation?—I believe by the owners—that is my impression.

535. The streets themselves are not sewered, but there is a main sewer runs from that point (the end of Cottage-row). I want to know was that done by the Corporation or by the owners?—My impression is that it was done by the owners.

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March 26, 1877.

Sir W. Miller, Mayor.

536. You now, as I understand, direct your surveyor to prepare plans for sewering those streets?—Yes.

537. And for kerbing them and levelling them, and improving the streets generally?—Yes.

538. If you do that of course you adopt the district?—Certainly; the moment that is done we will consider it adopted. The town clerk informed us that if, after a notice was served on them, the owners of property did not do this work we could do it ourselves—convert it into a separate drainage district, and levy a sewerage rate on it; and we have frequently made an offer to the owners on Rosemount to do that, but they would not consent.

539. There is Stewart-street and Nicholson-terrace on the map. Mr. Lane complains that the Corporation did not make a certain road—will you show me on the map where that road is?—The road is at the end of Nicholson-terrace. There is no denying the fact that Mr. Crawford, who was the owner of that property, intended that road should be made; but it was on his property, and it was a private arrangement. After his death it was sold in the Landed Estates Court, and bought by Mr. M'Adoo. We of course did not make the road, because it was a matter entirely for the owner.

540. I want to know whether there is any obligation on the Corporation to make that road?—Not in my opinion.

541. Have the Corporation been called upon to make this road?—Yes; by Mr. Lane, and also by Mr. Stevenson.

542. To open a road between Crawford-square and Hall-lane?—Yes. We were advised that we had no legal power to compel Mr. M'Adoo to make the road.

543. Had you no power to make the road yourselves?—If we had bought the ground we could.

544. Was there no compulsory power to compel you to do so?—No; there was not.

545. There was another complaint made about Hall-lane not being widened?—The school ground came over to the wall there, and it was distinctly refused to allow us to take any of that ground to widen that place. It is said there was some agreement with reference to this matter; but that agreement was twenty-five years ago, and as Dr. Grogan is now dead the Council cannot be held accountable.

546. Mr. *O'Doherty* then stated that he quite accepted the view of the Chairman, that it would be neither necessary nor desirable to re-open the inquiry on a future day, unless some tangible and reasonable grounds could be adduced for such renewed inquiry. He promised to take steps to satisfy himself whether any such grounds existed, and to communicate the result to the Commissioners, as he did not at that moment feel justified in asking for any positive adjournment.

547. The CHAIRMAN thanked Mr. O'Doherty, and said they should leave Londonderry the next day upon that understanding—that if any valid grounds could be laid before them for re-opening the inquiry they would be ready to do so, and either he or one of his colleagues would return for that purpose, but otherwise the inquiry would be held to have now terminated.

[Subsequently, in Easter week, the Chairman received a letter from Mr. O'Doherty to the effect, that, from inquiries he had made since the Commissioners left, he did not feel he could lay any facts of sufficient importance before them to justify him in asking for a renewal of the inquiry.]

COLERAINE.—WEDNESDAY, MARCH 28, 1877.

COLERAINE.
March 28, 1877.

(Before Mr. CORBETT and Mr. LAWLESS, Q.C.)

Mr. Joseph Cuthbert.

Mr. JOSEPH CUTHBERT examined.

1. *Witness.*—I beg to state, gentlemen, that the Commissioners of the town feel themselves in a somewhat awkward position, owing to the recent death of Mr. M'Killip, the town clerk, but we have endeavoured to make up any possible deficiency as well as we could by the preparation of the necessary documents for the progress of this inquiry.

2. CHAIRMAN.—Were the Commissioners appointed under the Towns Improvement Act of 1854?—Yes.

3. When was the Act adopted?—In 1861.

4. Are you the present chairman of the Town Commissioners?—Yes.

5. Have you been chairman more than once?—This is the third time.

6. How many Commissioners have you?—Fifteen at present.

7. Is that the number appointed?—The number appointed under the Act is eighteen. There were two disqualified for non-attendance and not signing the declaration, and there is a vacancy at present.

8. Previous to the Towns Improvement Act of 1854 being adopted here, were you governed by the 9th of Geo. IV., cap. 82?—Yes.

9. Was that Act adopted previous to the passing of the Municipal Corporations Act of 1840?—Long before the passing of that Act. The town was governed by Commissioners appointed under the Act of Geo. IV. from 1828.

10. Then there were Commissioners here under the 9th of Geo. IV., at the time the Municipal Corporations Act of 1840 was passed?—Yes.

11. At the time of the passing of the Act of 1840, can you tell me what property was vested in the old Corporation?—Yes.

12. Did that property consist of lands of the gross annual value of £632 8*s.* 10*d.*?—Yes.

13. And markets, the tolls of which produced the net sum of about £300 per annum?—Yes.

14. At that time was there a debt outstanding of £3,893 13*s.* 4*d.*?—Yes; that debt was handed over to us, chargeable on the lands.

15. Was that a mortgage on the real property?—On all the property.

16. A mortgage on the tolls and estates?—Yes.

17. Mr. LAWLESS.—Now, that was a debt of the old Corporation?—Yes.

18. CHAIRMAN.—Has that debt been paid or does it still exist?—It still exists.

19. At what rate of interest?—Four per cent.

20. Is it all at four per cent.?—That mortgage is at four per cent., but I think there is a small mortgage a trifle more.

21. I see by the statement with which you have furnished me, that in 1844 the Commissioners under the 9th Geo. IV., borrowed £3,400 additional with the consent of the Lords of the Treasury, for the erection of gasworks?—That is the case.

22. Is that loan also chargeable on the borough property?—Yes.

23. Mr. LAWLESS.—And is it still outstanding?—It is still outstanding.

24. CHAIRMAN.—Is that loan at the same rate of interest—four per cent.?—It is principally at the same rate of interest, but there is a small portion at four and a half per cent.

25. All the old debt was at four per cent.?—Yes.

26. Is the debt on the gasworks still outstanding?—Yes.

27. Was there no sinking fund required?—No; the Treasury required no sinking fund.

28. In point of fact, no sinking fund has been formed?—No; but there is five per cent. annually deducted in the books.

29. The five per cent is set apart as a rate for depreciation of the works?—Yes; depreciation in the value of the works as they now stand.

30. I see the gasworks are set down as being at present of the net value of £3,195 13*s.* 9*d.*?—Yes. We charge any permanent renewals to capital account and write off five per cent. for depreciation.

31. Is £3,195 13*s.* 9*d.* what the works are rated at or is it only the value set upon them in your own books?—That is our own valuation.

32. How many public lamps do you light?—114.

33. What do you charge the ratepayers for each lamp?—£2 10*s.* per lamp. I have been informed by the clerk that the gasworks are valued at £118 per annum.

34. That is not the rateable value. Isn't that only the rate levied on them?—No; that is the Government valuation, but we conceive that they are far more valuable than that.

35. Mr. LAWLESS.—Are they taxed with a valuation of £118 a year?—Yes.

36. CHAIRMAN.—Are the lamps lit all the year round?—No, from 1st September to 12th May, except moonlight nights.

37. Are they lit all night from sunset to sunrise?—They generally commence to extinguish them about six o'clock in the morning.

38. Substantially they are lit all night?—Yes. The charge of £2 10*s.* per lamp is a matter of arrangement. It covers the expense of lighting them, and keeping them in repair. They are substantially lit all night, except six nights, at moonlight.

39. What price do you charge general consumers for the gas?—5*s.* 10*d.* per 1,000 cublic feet—that is about the lowest price in any town in Ireland of the same population.

40. You said that in 1861 you adopted the Act of 1854. In 1863 did you at the request of the ratepayers go to Parliament, and procure a Bill for the purchase of the River Bann from the Portrush Harbour Company, and for making improvements in the river?—Yes.

41. Did that Act give you power to borrow £50,000?—Yes.

42. Of which £10,000 was to be chargeable on all or any part of the estates belonging to the Commissioners?—Yes.

43. Was that £10,000 so borrowed, and charged on the estates?—Yes, the whole £10,000 was borrowed.

44. There was a sinking fund required by the Act?—Yes, a sinking fund of one-fortieth per annum.

45. Has £1,534 been paid off by that sinking fund?—Yes.

46. That has reduced the debt to £8,466?—That is how it stands at present.

47. In addition to the £10,000 which you borrowed on the property did you borrow more money on the security of the River Bann itself?—Yes, we borrowed £8,735 on the River Bann alone, on the security of a sixpenny rate levied on the property within the municipal boundary, and dues on the river.

48. Under what Act is that 6*d.* rate levied?—Under the River Bann Navigation Act.

49. Is that the maximum amount you are empowered to levy?—That is the maximum amount.

50. Have you always levied that rate?—We have levied it for several years.

51. Can you say whether it has been levied ever since the passing of the Act?—I am not prepared to say, I rather think not.

52. I see from your statement that under the advice of Sir John Coode, your engineer, you expended £14,000 on the dredging of the river?—Yes, irrespective of the sum paid for the purchase of the river, and the law expenses.

53. What was the amount paid for the purchase of the river to the Portrush Harbour Commissioners?—I think it was £3,000. We have got £1,000 per annum promised for twenty-five years from the Irish Society for the erection of piers at the mouth of the river, besides £3,000 from the Irish Society, also for the work already done.

54. The £1,000 a year for twenty-five years is for the erection of piers at the entrance of the river?—Yes.

55. Are these works in progress?—No, we are trying to negotiate a loan with the Treasury for £60,000 more.

56. But you have not exercised anything like all your borrowing powers—you have borrowed only £18,735, while you could have borrowed £50,000?—We couldn't borrow more, because we couldn't give security for more.

57. You borrowed as much as you could?—Yes.

58. Mr. LAWLESS.—Did you pay off the £3,000—the purchase-money of the River Bann?—Yes, that was paid off out of the borrowed money.

59. CHAIRMAN.—Have you got public waterworks in Coleraine?—Not at present; we have got a provisional order confirmed by Act of Parliament.

60. But you have not purchased or set up waterworks?—No, but we have at present an application for a loan before the Board of Works, which has not been yet approved of.

61. I see you have under the Public Health Act provided a cemetery?—Yes, towards which the Irish Society gave us £1,000. The Irish Society gave also a grant of £500 per annum for five years towards the erection of the waterworks.

62. What was the £1,000 for?—To purchase the site of the cemetery.

63. Did that cover the whole cost of the site?—It is not quite settled yet. We took it by provisional order, and the award has not been settled.

64. Is the cemetery in working order?—There have been three interments in it already, but the title is not yet confirmed.

65. Do you mean that in fact it has not been actually conveyed to you up to the present?—Yes. It was on lease to a gentleman, but he allowed us to take possession.

66. Has any other liability been contracted with respect to this cemetery?—Yes, there is a contract for enclosing it at £540 or £550. It has been enclosed, and the contract money has been partly paid.

67. How has it been paid—has it been out of income, or is there a new debt?—We have opened a fresh account with our bankers for the cemetery, and that is overdrawn so far.

68. But there is no loan?—No; we have got the consent of the Board of Works to a loan for £2,000 to pay off this debt, build a mortuary chapel, and make other improvements.

69. Which loan has not yet been contracted?—No; but we expect to get it from the Board of Works.

70. It has not been advanced yet?—We have not got the money yet; but as the cemetery was urgently wanted we thought it better to go on with the enclosure after we got possession.

71. What about the waterworks loan?—We don't wish to enter into any contract with respect to the waterworks until we get the approval of the Board of Works for the loan we have asked for—£7,500.

72. Have you markets?—Yes; we have very good markets.

73. Did you inherit these from the old Corporation?—Yes. I believe it was in respect of the erection of these markets that the old Corporation debt was incurred. We are at present extending them, on a free site also given by the Irish Society. The extension will cost £1,300.

74. Do you levy tolls?—Certainly.

75. Are they a considerable source of income?—Yes; the markets are at present let to Mr. Neal Derragh for three years.

76. You let them annually?—Yes, by auction. They are at present let at £500 per year gross.

77. I see you value the lands you inherited from the old Corporation at £20,881 18*s.* 5*d.*?—Yes.

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78. And the markets and plant are valued at £4,990 14*s.* 4*d.*?—Yes.

79. How did you arrive at that?—Well, there have been additions made to them from time to time.

80. Do you mean that they have cost that amount, or that they are at present of that value?—I think they are quite that value at present.

81. That is the estimated value?—Yes.

82. You estimate the town-hall at £5,322 12*s.* 3*d.*?—Yes; that is the cost price.

83. Would it sell for that?—It is a loss to us instead of a gain.

84. Was that built by the old Corporation?—It was newly built by the Commissioners. There was an old town-hall to which the Irish Society also contributed. I think they contributed £2,500 for the new town-hall.

85. You appear to have got a good deal altogether from the Irish Society?—Yes; and that was the first grant the Commissioners got from the Irish Society.

86. The gasworks you set down at £3,195 13*s.* 9*d.*?—Yes.

87. And you then estimate the total amount of your property, exclusive of the cemetery, at £34,390 17*s.* 9*d.*?—Yes.

88. What do you put down the cemetery at?—It is quite in an unfinished state, and I could hardly assume its value.

89. The old Corporation debt on the property, is it £3,893 13*s.* 8*d.*?—Yes.

90. And £8,466 is the balance due on the river mortgages payable out of the borough fund?—Yes.

91. And your mortgage on the river Bann fund is £8,735 borrowed?—Yes.

92. What is the mortgage on the gasworks?—£3,400.

93. That makes a total of £24,494 13*s.* 8*d.*?—Yes. Those are the entire of our liabilities—all of which, except the £8,735, are chargeable on the borough fund. The £8,735 is chargeable on the River Bann fund; and our Act, I think, requires that, in case the river becomes productive, we should repay the borough fund £10,000.

94. Is that a subsidiary charge?—Yes.

95. Can you tell me what rental do your lands now produce, and what was the rental they produced when you received them?—The gross rental is £787 14*s.* 1*d.*

96. And at the time you inherited them they produced £632 8*s.* 10*d.*?—I expect that must be the net rental.

97. Have any leases fallen in since the Town Commissioners became the owners of the land?—Yes; I believe all the leases have since fallen in, and the lands have been relet, with the exception of one large and two small holdings.

98. But with these exceptions have all the leases fallen in since the passing of the Act of 1840?—Yes. The only leases that are outstanding are, a lease to John O'Neill of forty-five and a quarter acres, at a rent of £47 2*s.* 10*d.*; a lease to the Northern Banking Company of property for which they pay a rent of £10 0*s.* 6*d.*; and a lease to Robert Parkhill at £2 a year. I think he holds as tenant at will at £2 a year. Then there is property put down at £59 3*s.* 4*d.* which has not been let by the Commissioners. I think the property for which £10 0*s.* 6*d.* a year is paid is held under a lease in perpetuity. John O'Neill's holding was let by the old Corporation.

99. I see that almost all the leases are of a very recent date?—Yes; nearly all in 1871, or from 1871 to 1874. There is one lease of the 3rd March, 1873, of 22A. 3R. 26P., at a rent of £25 a year, to Robert M'Conachy and David Esdale, but it has changed hands since that.

100. That is very little more than £1 per acre. Can you tell me for what term has that lease been granted?—Thirty-one years. All these leases dated in 1873 and 1874, are for terms of thirty-one years from the 9th September, 1871.

101. Do you know the value of property pretty well about here?—I think I know it pretty well. I wish to state the basis on which these lands were let. To the Government valuation we added one-eighth, together with half the county cess, and charged the total as the rent.

102. Is that the basis on which all were let?—All, except in one instance, where the tenant had a very large amount of property.

103. Then were the holdings put up to public competition?—No; all the tenants have valuable interests in the holdings.

104. Have all the leases been renewed to the existing tenants?—There have been changes in the tenancies. The outgoing tenant was always allowed to sell his interest in the holding.

105. Mr. LAWLESS.—I suppose there is a recognition of tenant-right in these cases?—Yes; in all our lettings there is a recognition of tenant-right—of the tenant's right to sell.

106. CHAIRMAN.—How long have you been a Commissioner?—Thirteen years.

107. Were you the chairman at the time these leases were granted?—No.

108. Can you say whether or not a fair value has been obtained in every instance?—The Commissioners think they have been reasonably let, but they don't think they are underlet.

109. Whether do you think they are let above the value or below it?—Perhaps a little more might be extorted for them.

110. Do you think if you put them up to public auction you would get more for them?—We could not put them up to public competition without consulting the old tenants' interest. They were nearly all the leases for thirty-one years that fell in in 1871. They had been granted by the Commissioners in 1840, about the time of the passing of the Act of 1840.

111. Mr. LAWLESS.—Were there any leases granted in the interval between 1835 and 1840?—The Commissioners had no power over the property until 1840.

112. Were there any leases granted by the old Corporation?—I really cannot say.

113. Whereabouts are these lands situated?—They are all within an area of two or three miles of the town—the liberties.

114. CHAIRMAN.—What is the area over which the Commissioners have jurisdiction?—The parliamentary boundary is 963 acres, and the municipal boundary 205 acres.

115. Does your property all lie within the area of the parliamentary boundary?—Oh, no; much outside that.

116. What was the population of the municipal borough in 1871?—6,082.

117. And at the same time, what was the population of the parliamentary borough?—6,522.

118. What do you say is the value of the property within the municipal boundary?—£11,790 7*s.* it is rated at. We have at present a memorial before the Local Government Board to extend the municipal boundary.

119. Is it to extend it to the limits of the parliamentary boundary?—It does not exactly coincide with it. The town is going in another direction.

120. You are not taking the parliamentary boundary as the basis?—Not at all.

121. Has the Local Government Board replied to your memorial?—Just formally. They have not consented to it.

122. Is it still before them?—Yes.

123. What extension do you propose? How many more acres would it take in?—It would take in an extent equal at least to the parliamentary boundary, or perhaps more.

124. Your present boundary being 205 acres, and your parliamentary boundary 963 acres, would the proposed extension bring your municipal area up to 1,000 acres?—Yes.

125. What is the number of persons entitled to vote at the election of Commissioners?—474—that was the number entitled to vote at the last election.

126. What is the acreage of the property under the

control of the Town Commissioners?—673A. 2R. 15P. That is taken from the Doomsday Book.

127. Mr. LAWLESS.—Do you mean by the Doomsday Book, the list of landed proprietors in Ireland prepared for Parliament?—Yes, the one published last year.

128. CHAIRMAN.—There are 602 acres identified by reletting them?—Yes—these are all surveyed and mapped. The forty-five acres of O'Neill's holding we got from an old minute—we haven't the old lease, or any counterpart of it. I am rather inclined to think it is in the hands of our solicitor who had some papers that he never returned.

129. Do you from the minute know the term of that lease?—I think there is only one life in existence now. It was a lease for years and lives, and the lives are all dead, but one who is now in Australia.

130. When did the years expire?—Long ago.

131. Mr. O'Neill seems to pay you more rent than the others around him?—Yes, his is a more valuable farm.

132. I see he has got 45A. 1R., are they statute acres?—I think that is not statute, but old Irish plantation measure.

133. Are all the others let in statute acres?—Yes.

134. Generally speaking your lands are let at not much over £1 an acre?—Yes—there is one exception in which fifty-nine and a half acres are let to Henry Young, for which he pays a good deal more than £1 an acre—and there is a small letting of seven and a quarter acres to Samuel Coleman, for which he pays £12 a year. That is a valuable piece of land.

135. In any of the lettings which have taken place since 1871, have the lands been let to members of the Corporation or Commissioners?—In no instance.

136. Or to any of their near relatives?—I don't know of a single case.

137. You don't think that in any case the relationship of the Commissioners had anything to do with the granting of leases?—I don't think it had. Of course the Commissioners may have friends and acquaintances, and influence may be brought to bear on them, but I think the whole of the lands were fairly let.

138. Have you always adhered to the rule that the existing tenant had the priority in any claim when the reletting was made?—I think we had no option as to it.

139. Do you mean that under the terms under which the leases of 1840 were granted, that was the stipulation?—The Commissioners have always recognised the right of the tenant to sell his interest in these holdings.

140. That is the tenant-right I understand?—Yes. There is a matter which the Commissioners would like to bring under your notice with regard to the county rates.

141. What is the average of the county cess levied on the town?—About £1,400 a year. Of course it varies, but that is about the average.

142. What portion of that is expended within the borough?—Not £500 a year for the last four years.

143. The amount annually expended I see you have put down at £496?—That is the average.

144. Mr. LAWLESS.—How is that expended?—In maintaining the streets in repair—and in one or two instances contributions were made for footpaths. There has been a good deal of conflict between the Town Commissioners and the county about maintaining the footpaths. The Commissioners under the Act of Geo. IV. very foolishly, and I think illegally spent £1,500 in flagging the town—which the Act gave them power to do. They had a balance at their disposal, and they thought they would improve the town by flagging it. Ever since the county insists that the Commissioners should maintain these flaggings in repair, which we think is a very great grievance. Now all or nearly all the flaggings require renewal, and the Town Commissioners have neither the inclination nor the funds to renew them. The county seems inclined to resist any effort on the part of the Commissioners to get them to contribute towards that object. Recently a resolution in favour of contributing was passed at the road sessions, but the Grand Jury threw out the presentment for repairs which were urgently wanted in some cases.

145. Does the Grand Jury wish to do no more than to maintain the streets in repair?—Yes, and to pave the footways with ordinary paving, but they won't contribute anything towards the renewal of the flagging, except in one or two cases—such as the grant we got for the footway from the railway station to the town, which was tiled.

146. Is there a contract for sweeping and cleansing the streets?—Yes, the Town Commissioners pay £70 for having that done.

147. What ground rent do you pay for your markets?—£22 16*s.* 2*d.* is the head rent.

148. For the markets you hold in perpetuity?—Yes; these are the original markets, but the ground of the new site is by a grant from the Irish Society, at 1*s.* a year.

149. On what terms do you hold the site of the gasworks?—In perpetuity from the heirs of Lyle at £32 10*s.* a year, and a small addition from the Irish Society for which we pay £2 6*s.* a year.

150. Is that also in perpetuity?—No.

151. Mr. LAWLESS.—Do you pay any head rent?—No; it is held by prescriptive right.

152. CHAIRMAN.—What about the cemetery?—That is a freehold taken by compulsory purchase under the Public Health Act.

153. When you say the Irish Society granted you the site for additional markets, do you mean they granted it to you at a nominal rent?—Yes.

154. Besides the £22 16*s.* 2*d.* rent have you to pay taxes for the markets?—Yes; nearly £100 a year taxes.

155. I have got before me a copy of the last audited accounts of the Commissioners presented by Mr. Simms, the auditor, on the 19th August last, showing the accounts up to the year ending 17th May, 1876. In May, 1875, you were in debt to your treasurer £384 16*s.* 6*d.*?—Yes.

156. And on the 17th of May, 1876, there was a balance of £10 16*s.* 7*d.* in favour of the Commissioners?—Yes.

157. Your receipts for the year for tolls and markets were £458 5*s.* 8*d.*?—Yes.

158. That is nearly £500 a year less head rent?—Yes; for that sum of £458 does not include one month's rent that had not been paid by the lessee. The rent is £41 13*s.* 4*d.* per month.

159. Had you received only eleven months' rent during the year?—Yes; but it was paid shortly after the accounts had been closed.

160. You received for the rents of land, I perceive £936 11*s.* You must then have received a good deal more than one year's rent?—Yes; there were some arrears came in during last year.

161. From your town improvement rate you received £631 1*s.*?—Yes; but that account must be adjusted afterwards. The Bann rate and the rate for general purposes are levied together. The Bann rate is 6*d.* in the pound, and the town rate 1*s.*

162. What is the maximum improvement rate?—1*s.* in the pound.

163. Have you always levied the 1*s.* rate?—We have, for several years. On the Bann account there is £94 18*s.* 4*d.* due to the Commissioners, so that it would reduce the £631 by that amount. Both rates represent about £875.

164. Are these the only rates you levy?—Yes; 1*s.* general improvement rate, and 6d. Bann rate.

165. You don't levy a sanitary rate?—We have not done so yet, but we must do so.

166. You seem to have let the town hall for entertainments or matters of that kind, and to have received for the use of the rooms, £53 15*s.*?—Yes.

167. What were the expenses?—The wages of caretaker, coals, &c., were £121 17*s.*

168. You received from the dog-tax and petty sessions fines £30 11*s.* 4*d.*?—Yes.

169. What proportion of that was dog-tax and what

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proportion fines?—They were in the proportion of £12 and £18. The Commissioners received £5 from the Local Government Board towards the payment of the sanitary officer's salary.

170. I see £1 14*s.* put down as having been received for the use of the fair hill and sundries?—Yes; the fair hill is let for circuses.

171. The fair hill is not the fair ground—is it?—It is part of the gasworks property.

172. Is it used as a fair green?—It is, but we make no charge.

173. Is that fair ground let with the tolls and markets?—No. We charge nothing for cattle. We get nothing from the fair hill as a source of income.

174. I see £124 8*s.* 5*d.* transferred from the cemetery account. Can you explain that to me?—Yes; it was the outlay incurred for the cemetery work—which was transferred to the new account when it was opened. The borough fund, properly speaking, had been charged with the £124 8*s.* 5*d.*, and it is refunded by the cemetery.

175. Is there an audited account of the cemetery?—No. It was just opened at that time.

176. Who is your treasurer?—The Provincial Bank.

177. You have no individual treasurer?—No.

178. Was, in fact, the £124 8*s.* 5*d.* transferred from the cemetery account to the credit of the general improvement account?—Yes.

179. In the same way I see £200 4*s.* 4*d.* was transferred to the general account from the new account of the waterworks?—Yes; that is money paid for engineering after obtaining the provisional order.

180. Will that be ultimately charged to the waterworks?—Yes.

181. In the meantime it is an advance by the treasurer to the improvement account to that amount?—Yes; both these advances by the treasurer will be ultimately repaid by loan.

182. Do these sums bring up the total receipts to the credit of the general account to £2,441 10*s.* 9*d.*?—Yes.

183. Without adding the £324 12*s.* 9*d.* advanced by the treasurer that would make your receipts for the year, by the last audited account, £2,116 18*s.*?—Yes.

184. There is no money as yet to the credit of the cemetery account?—Not yet.

185. Are both the advances by the treasurer on the faith of the loans?—They are.

186. Mr. LAWLESS.—I thought you said the £124 8*s.* 5*d.* was advanced on foot of the improvement account?—There was no separation of the accounts, and the ordinary improvement account was charged with the outlay on the cemetery up to that date.

187. CHAIRMAN.—The first item on the expenditure side of the account is £384 16*s.* 6*d.* due to the treasurer on the last year's account?—Yes.

188. And then the charges on land, I see, amounted to £130 18*s.* 1*d.*?—Yes; but that sum embraces the tithe-rentcharge, half the poor rates, and half the county cess.

189. Does that sum embrace any charge for an agent or salaries?—No; but the clerk is paid a nominal sum—£10—for receiving the rents.

190. Is that included in the £130 18*s.* 1*d.*?—I could not say; I think it is.

191. Have you no agent besides the clerk?—No.

192. Nor any man to overlook the lands and see that the fences are well kept?—No; the persons living on the property have a sufficient interest in the lands, in their own right, to look after that.

193. Have you a bailiff?—Yes; we pay a bailiff £4 a year.

194. Mr. LAWLESS.—Does the clerk receive no percentage?—No.

195. CHAIRMAN.—The expenses with regard to your markets were, I see, £172 14*s.* 4*d.*?—That includes the head rent we have already spoken of.

196. And what are the other expenses?—There is nearly £100 a year for rates, and there were some improvements made on the markets.

197. Chiefly repairs, I suppose?—Yes, some permanent repairs, which the lessee was not obliged to do. The walls had to be pointed.

198. Is there any person employed by you to see that the markets are properly managed—anyone to overlook the lessee?—We have a market committee.

199. Have you no inspector of meat?—We have no inspector of meat. Mr. Darragh is, by the lease, bound to employ all persons necessary for these purposes. We have nothing to pay except the head rent, taxes, and any permanent repairs. Mr. Darragh, the lessee, has to look after the rest.

200. All you have to look after is the exterior?—Yes.

201. How were the markets let?—By auction, for three years, to Mr. Darragh. He had the option of taking them for three years. They are let by public competition.

202. When the markets were put up to public competition did you let them to the highest bidder?—Yes, we let them to the highest bidder.

203. The town hall seems to have cost you £121 17*s.* Does that include wages of the caretaker, coals, gas, and rates?—Yes, all the expenses connected with the hall.

204. What do you pay your caretaker?—We give him £30 a year and a suit of clothes.

205. Do the Commissioners maintain a fire brigade?—Yes, at the cost of £98 15*s.* 6*d.* There are three men appointed for that purpose.

206. Have you a fire-engine?—Yes.

207. Are the three men regularly told off for fire-brigade duty?—Yes, every night. They act in the double capacity of a night-watch and firemen. We could not legally call them night watchmen. We could not employ the constabulary, for we found the expenses of the constabulary were so much that the town could not afford it.

208. What do you pay these three men each?—12*s.* a week and their clothes and hats.

209. Are they supposed to be on duty all night?—Yes.

210. Have you a town inspector here?—We have a town officer who acts in a double capacity.

211. Do these men act under his orders?—Yes. He sees them told off for duty every night, and he is supposed to keep his eye on them during the night.

212. I perceive that the cost of cleansing the streets only came to £57 10*s.* for the year?—Yes; there is a new arrangement for having the cleansing done at £70 a year. The cleansing was let by contract.

213. Who gets the manure?—The contractor gets the manure in addition. The former arrangement was £45 a year, and the new one is £70.

214. CHAIRMAN.—Now we come to the salaries. They amount to £207 4*s.* 11*d.* Can you give me the principal items?—The clerk's salary is £75 a year and £10 for receiving the rents.

215. Then that £10 was not included in the land charges?—It would seem not, but it may. He gets £40 a year for keeping the gas accounts and collecting the money due.

216. That brings his salary up to £125 in respect to his duties as clerk, receiver of rents, and gas superintendent?—Yes. Then he gets £15 a year more as executive sanitary officer, but out of that he pays his assistant.

217. Is there a town inspector?—Yes; he is nuisance inspector also, and has charge of the fire-brigade men.

218. What is his salary?—He has £40 a year from the town, and £5 as sub-sanitary officer.

219. That would bring the salaries up to £185. Have you a consulting sanitary officer?—Yes.

220. What do you pay him?—£15 a year.

221. Have you a town surveyor?—We have no town surveyor, but I should state that I think it would be of very great advantage to the town if we had a

surveyor. We cannot carry out the provisions of the Towns Improvement Act properly without a surveyor to attend to the drainage, especially with regard to new houses. Many houses have been built in the town without proper sewerage or proper accommodation, simply because we had no engineer or surveyor to prevent it.

222. Has the appointment of a surveyor ever been mooted amongst the Commissioners?—It has been mooted but there is a feeling against the multiplication of officers. The town officer is the nuisance inspector.

223. That is the sub-sanitary officer?—His duty is to report to the Commissioners where he has been visiting.

224. Does he communicate with the dispensary doctors?—He does. He systematically visits the houses of the poor, and his duty is to report to the medical officer and the Commissioners.

225. He is what we call in England a nuisance inspector—you call him the sub-sanitary officer?—Yes.

226. I think you said he gets a separate salary in respect of that office?—He gets £40 a year as town officer, and £5 as sub-sanitary officer.

227. Is the rate collector paid a poundage?—No; he was paid a lump sum of £15. It was put up to tender.

228. Is that done every year?—Well, it was not put up for tender last year. It was thought the collector was not sufficiently paid and they increased the amount to £20.

229. I see the rate collector's fees are put down in the last audited accounts at £17 1*s.* 7*d.* Can you explain that?—There is an old custom of collecting weekly from the stalls and standings in the streets—stalls which are not in the market and there is a small charge on them for their use on market days.

230. And is that what brings up the amount to £17 1*s.* 7*d.*?—Yes, that is the entire cost.

231. When you say you put up the collection of rates to tender, do you see that the collector appointed gives security?—Yes; two solvent securities.

232. To what amount?—A sufficient amount, £300.

233. When you put the collection up to tender do you give it to the person who makes the lowest tender without being satisfied as to his solvency?—We have to be satisfied as to that, and we are quite satisfied with the present security.

234. I see that you take credit for having paid £108 10*s.* 4*d.* for the water supply?—Yes; for the year.

235. How is that? Do you supply the town yourselves?—No; but we have our plans all perfected and an engineer appointed.

236. Where are you to get your supply from?—About two miles and a half from the town.

237. Then this £108 10*s.* 4*d.* was not for water supplied to the town by the Commissioners?—No; that is expenditure on account of the projected waterworks for the new supply to the town. There may have been included in that a few pounds for repairs to fountains.

238. In the meantime until you get the waterworks in operation, how is the town supplied with water?—Very imperfectly from fountains around the town.

239. Are these fountains maintained by the Commissioners?—Several of them are.

240. How many are there?—I suppose there are four or five.

241. Has the water of these wells been analyzed?—Yes.

242. By Dr. Cameron?—I think Dr. Hodges examined the principal supply, and at that time he reported it free from impurities although we had doubts of it since on account of the additional buildings erected near it.

243. Is that all the source the inhabitants have for a supply of water for drinking purposes?—Yes; except those who have private wells in the neighbourhood.

244. From whence do you get the water for cleansing the streets?—We have no water for flushing the sewers.

245. Have you any carts for watering the town?—We have one, but not a very efficient one.

246. From where do you get the water for the cart?—From the River Bann.

247. I see the interest on mortgages amounted to £570 16*s.* 7*d.*?—That is more than one year's interest.

248. What does it represent?—The gasworks are charged with their own interest, and the River Bann is charged with its own interest—that is only on £12,000.

249. On £12,359 13*s.* 9*d.*?—Yes; that is on the borough fund. The gasworks is part of the borough property too, but as a matter of convenience the interest is charged separately.

250. The lighting of the public lamps came to £285. Is that at £2 10*s.* a lamp?—Yes.

251. The cemetery appears to have cost £101 8*s.* 6*d.* What were these expenses?—For plans and preparatory arrangements in getting the provisional order.

252. Mr. LAWLESS.—Is it a public cemetery?—It is a public cemetery for the borough.

253. Is it to be divided according to religious denominations?—It has been already divided, although the plan has not been yet approved of by the Lord Lieutenant.

254. CHAIRMAN.—Has the Roman Catholic bishop made any objection?—We have not heard of any objection yet.

255. I see £107 5*s.* was the expenditure on street crossings and footpaths?—Yes.

256. Is that for work done by the Commissioners irrespective of what has been done by the Grand Jury?—That is nearly all for our portion of the buckle-tiled footpath. The county paid its portion, and we paid our portion of it.

257. What is this small amount down for sewers—£19 4*s.* 4*d.*?—That was merely for the opening and closing of sewers.

258. And you paid £47 for sanitary work?—Yes.

259. Does that include the salaries of the sanitary officers?—Yes.

260. How many of them are there?—There is the executive sanitary officer £15; the consulting sanitary officer £15; and the sub-sanitary officer £5.

261. How much is the dispensary officer paid?—He is paid by the guardians. We imagined we had a right to supplement the sanitary officer's salary by one-third, and we did supplement it; but the Local Government Board intimated to us that we should not have done so.

262. But you don't contribute now?—It appears we are not allowed to do it now.

263. How are you off for sewers in the town—you don't appear to have expended any money in regard to sewerage, except for opening sewers?—I am afraid the sewers in many parts of the town are defective, but the leading sewers are tolerably good.

264. Are the sewers of old construction?—The leading sewers were made thirty or thirty-five years ago.

265. Are there main sewers through the principal streets?—Yes.

266. Mr. LAWLESS.—Were they made by the Grand Jury?—Principally by the Grand Jury; but I think it is doubtful whether they were executed in the very best manner. I was told to-day by a person who saw them laid that they were not constructed in the very best manner; though certainly they have never choked, and have done their work pretty well.

267. CHAIRMAN.—Are they ever opened?—Frequently. The £19 4*s.* 4*d.* was expended in that manner. I don't think any portion of that was expended on the lower part of the town, but where the sewers are very imperfect in the back streets.

268. Have the Grand Jury expended anything in respect of sewers within the last few years?—Not since the Public Health Act passed. We asked them, but they refused.

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Mr. Joseph Cuthbert.

269. Are you contemplating any loan from the Commissioners of Public Works for sewerage?—Nothing at present. We think it better to get the water first.

270. But you have nothing of that nature in contemplation at present?—No.

271. Have the houses generally connecting drains with the sewers?—I think most of the leading streets have; but in the back streets I am sure they have not. In several streets there are no sewers.

272. Do the Grand Jury repair these back streets you speak of?—All the streets of the town.

273. Back lanes and all?—Yes.

274. Does your scavenger by contract pay as much attention to the back streets as to the others?—He ought to do so.

275. Is he required by his contract to do so?—He is required to keep all the town scavenged.

276. Is there any person to certify to the way he has done his work before you pay him?—The town officer must every month give a certificate that the work has been properly done.

277. Do you yourself think the work has been done satisfactorily?—I think it has been fairly done for the last year. Of course we have had complaints.

278. Is the contract for three years?—No.

279. Is it only an annual contract?—That is all.

280. Has the sanitary work of the town been done to your satisfaction since the passing of the Public Health Act?—I don't see any improvement. Of course the passing of the Act empowered us to get water—or rather put ourselves in the position of getting water and a cemetery—but in the ordinary working of the town, I don't know that there is any great change.

281. How for instance are the houses in the back streets and back lanes off for privies and ashpits?—They are very badly off in that respect.

282. Have no steps been taken by the Town Commissioners in reference to the provisions of the Public Health Act?—In two or three cases there have been prosecutions to compel the erection of proper accommodation—but as a rule the poor people are very badly off in respect of accommodation.

283. Have you called on the parties generally to make accommodation?—We are under the impression we could hardly do that without having a surveyor to report officially to us.

284. But you get a report from the sanitary officer?—As a rule half of the houses of the labouring classes have no privies or accommodation.

285. Can you state whether the body over whom you preside are desirous of carrying out the recommendations of the sanitary officer as far as they can?—I think they are; it is the interest of everyone to do so.

286. There is no obstruction offered by the Commissioners?—None at all.

287. Mr. LAWLESS.—Do the Commissioners keep any book showing what is done under the Sanitary Act?—There is a regular minute book for the proceedings of the Board, and the sub-sanitary officer has a minute book of his own, irrespective of his ordinary forms where he enters what he has done.

288. CHAIRMAN.—We will now go to the gas account, audited for the same period as the general account. I see you commenced with a balance in hand of £742 18*s.* 10*d.*?—Yes, we require to have a balance in hand to purchase our coals at one period of the year.

289. These gasworks have been in operation since 1844?—Yes.

290. Did you receive from the gas consumers in the town during the year, £1,845 6*s.* 10*d.*?—Yes.

291. And £21 7*s.* 6*d.* for lighting the town hall with gas?—That is for the newsroom. It is a public newsroom under the management of a committee who have to pay for the gas.

292. That charge is not included in the expenses of the town hall?—It is I think.

293. Is this newsroom belonging to the Commissioners?—Not at all. I think the arrangement is that the committee pay for the gas, coals, and use of the room.

294. By the sale of coke you realized a sum of £153 17*s.*?—Yes.

295. And from the sale of coal tar and sundries, did you receive £39 18*s.* 9*d.*?—Yes. There is also received from Messrs. Ritchie and Sons for coal tar, £3 6*s.* 8*d.*

296. Would that be the fair average of these sales?—It was very small during that year. We thought it would be more this year.

297. Then I see the sale of coal tar actually realized £43 5*s.* 5*d.*?—Yes; instead of £39 18*s.* 9*d.*

298. And that brings up your receipts during the year on the gas account to £3,091 15*s.* 7*d.*?—Yes.

299. The price you charged for gas was 5*s.* 10*d.* per thousand cubic feet?—Yes.

300. By the other side of the account I see you purchased coal during the year to the amount of £1,055 6*s.* 10*d.*?—Yes.

301. And you paid for repairs for work £126 5*s.* 11*d.*?—Yes.

302. The wages amounted to £386 17*s.* 8*d.*?—Yes.

303. What is your staff?—We have a manager and a number of men under him. I cannot exactly say the number.

304. Mr. LAWLESS.—How is the manager of the gasworks paid?—He is paid a salary of £100 a year.

305. Who collects the gas rents?—The town clerk.

Mr. John Robinson.

Mr. JOHN ROBINSON (manager of the gasworks) examined.

306. CHAIRMAN.—How many men are there in your employment at the gasworks?—Six in the winter time. In summer—sometimes four and sometimes two.

307. What is your salary?—£100 a year.

308. I see the wages come to nearly four times your salary?—There is heavy expenditure in the manufacture of gas.

Mr. Joseph Cuthbert.

Mr. CUTHBERT'S examination resumed.

309. CHAIRMAN.—You paid £139 10*s.* interest on the gas debt?—Yes, that is on the £3,400.

310. At what rate of interest is that?—Four per cent., except one small mortgage of £700 which is at four and a half per cent. There is £32 5*s.* 4*d.* head rent to the heirs of Lyle and to the Irish Society. Lime cost £23 18*s.* 4*d.*

311. The county cess was £15 12*s.* 4*d.*?—Yes; that is about 2*s.* 6*d.* in the pound.

312. The poor rate and town rate were each £8 17*s.*?—Yes.

313. And the income-tax £4 3*s.* 4*d.*?—Yes.

314. Retorts, freights, and other sundries came to £282 6*s.* 9*d.*?—Yes.

315. And amongst these sundries I see the clerk's salary?—Yes, that is £40.

316. That is not included in the wages?—No.

317. I see £155 11*s.* 10*d.* put down as "plant." Is that for depreciation?—No; that is for new plant.

318. I don't see anything put down here as depreciation?—It is in another account that the auditor takes no notice of. We just count the works as being worth five per cent. less. There is no cash transaction about it. It is understood that we value the property five per cent. less every year for depreciation.

319. It is not five per cent. set apart out of the profits?—No; it is only done in that way.

320. Well after all these items you have a balance of £852 3*s.* 3*d.*

321. Have you been working the gas on a profit since you became a Commissioner?—There have been on three occasions, I think, sums taken from the gas account and placed to the credit of other accounts, but

for the last three or four years at least there has been no money whatever taken from the gasworks account. There has been no profit, except the increase in the value of the works. All the money has been expended on the works.

322. What amount was taken from the gas account since 1844?—I think £1,900 have been taken from the gasworks and carried over to the general account since 1844.

323. All you can say is that your debt remains as it was £3,400, and you have credit for a balance of £852 3*s.* 3*d.* at the end of the account?—Yes, a working balance.

324. Your account No. 3 is for the river Bann?—Yes.

325. Mr. LAWLESS.—Are there any quays here that require to be lighted?—No.

326. CHAIRMAN.—In the Bann account you started with a small balance against you and left off with a balance of £94 odd in your favour?—Yes.

327. The balance against the Commissioners on the 31st December, 1874, was I see £39 16*s.* 4*d.*, and the balance in your favour at the end of December, 1875, £94 18*s.* 4*d.*?—Yes; there is still a considerable sum of nearly one year's arrear.

328. I observe that this account is not for the same period as the other accounts. This is from the 1st January to the 31st December?—Yes; that is required by our Act. That is the last audited account.

329. You made a 6*d.* rate last year I see?—Yes.

330. And that produced according to this account £250?—It ought to be something more. It should be £25 or £30 more than that, but that will be set right next audit.

331. The amount of general assessments, £631 1*s.* for which you give credit in the general account is that in excess?—Yes.

332. £30 or thereabouts for which you ought to have got credit in the Bann account?—Between £30 and £40 perhaps.

333. For the purposes of the last audit the Bann account was only credited with £250?—Yes.

334. Of course it ought to have been only half of what the other was, being at 6*d.* in the pound?—Yes.

335. Then you received for balance of a cargo of coal sold at shed £18. I suppose that was coal you did not require?

Acting Town Clerk.—It was not required for the steam tug on the river which was sold.

336. CHAIRMAN (to *witness*).—What is the principal source of revenue in this account?—Dues which for the year ending 31st December, 1875, amount to £244 7*s.*

337. Have the Commissioners got a good title to these dues?—They have a good prescriptive title.

338. Have you got a printed table or list of rates or dues to hand us in?—No, they are placarded on a board in the town hall. What we charge is much less than what we are entitled to charge by the Act.

339. Do not the Commissioners charge the amount they are entitled to charge?—No.

340. Mr. LAWLESS.—Do you charge on tonnage?—I think not, but I don't know.

341. CHAIRMAN.—The dues levied on ships I see amounted to £75 8*s.*?—Yes.

342. And on cargo to £148 7*s.* 2*d.*?—Yes.

343. For ballast you got £11 17*s.* 6*d.*, and for pilotage £8 14*s.* 4*d.*, making up the total £244 7*s.*?—Yes.

344. We want to know what do the dues consist of?—We will get you a copy of the schedule of rates as they are levied. I understand we charge 6*d.* a ton on the registered tonnage, and the charges in respect of other matters vary.

345. What about pilotage?—We have very little pilotage. We did not require a pilot when using the steam tug.

346. I understand you to say that you never levied the full rates you are entitled to charge under your Act, but that in fact the rates are rather lower?—In the great majority of cases the charges are much lower.

347. Your revenue account for the year was £512 7*s.*?—Yes.

348. Now with regard to the expenditure, there was to start with a balance against you of £39 16*s.* 4*d.* Then I see you paid your harbour-master wages, and for buoying the river, &c., £36 1*s.* 10*d.*?—Yes.

349. What do you pay your harbour-master?—£1 a month.

350. But you appear to have paid him £3 a month?—Yes, but that was for buoying the river.

351. Is not £12 a year his nominal salary?—Yes.

352. And is he paid extra for buoying the river?—He is not paid it.

353. Is it paid through him?—It is not.

354. Then how do you come to put it under the head of harbour-master's wages?—Just for convenience. It is paid by a regular account presented to the Board of Commissioners.

355. That sum of £36 1*s.* 10*d.* then includes the expenses of buoying the river besides the harbour-master's wages?—Yes, and some other sundries which we could hardly enumerate in the account. [Commissioners' account book produced showing the items].

356. You pay £87 18*s.* I see wages to a pilot?—That is not for wages, it is for towing. We pay the owner of the steam tug so much a year and that embraces pilotage. He was bound to supply the pilot.

357. Tell me, then, what is that £87 18*s.* for?—You put down £87 18*s.* as having been paid for pilotage, and on the other side there appears to have been only £8 14*s.* 4*d.* received for pilotage?—That sum of £87 odd is for towing. The harbour-master has a book where all small items are entered. If we employed a pilot we would have to pay him 25*s.* a week, but we were relieved from paying that sum by entering into an arrangement with the owner of the tug boat—an arrangement which was much cheaper.

358. Did you pay your pilot 25*s.* a week before you made the arrangement with the owner of the steam-tug?—Yes.

359. I see it includes two payments to the Bank of Ireland for auditing the accounts—eight guineas in May last, and again £3 12*s.* 4*d.* in October. Under the River Bann Act are they not audited by the public auditor?

Acting Town Clerk.—Yes; but the accounts did not close at the same time, and that is how the second charge is made.

360. CHAIRMAN.—Besides the Government auditor are the accounts audited by another?

Witness.—No; but the payments to the Local Government Board are made through the Bank of Ireland. The £12 0*s.* 4*d.* for the auditing the accounts of the river Bann is included in the £87 18*s.* We thought the charge too much, and remonstrated with the Local Government Board.

361. Does that cover the auditing of all the accounts?—That is only a portion of a much larger sum.

362. The interest paid on the mortgages is only £253 12*s.* 6*d.* How is that?—Yes, that is little more than a half-year's interest.

363. Is that at four per cent.?—It is five.

364. Upon the Bann fund is the interest five per cent.?—Yes.

365. Why don't you pay the whole year's interest within the year?—Unfortunately we are not able.

366. Your balance would not have enabled you to pay a whole year's interest?—No.

367. Is it an exceptional thing your not doing so, for if not your interest would be soon very much in arrear?—We are in about one year's arrear at present. Of course until these works are completed we can never find them productive.

368. Are you in arrear with your interest on any of the other mortgages?—None. Some of the others are well secured.

369. The 6*d.* Bann rate does not quite cover your expenses?—It does not.

370. That being the case, how is it you don't levy the full amount of dues you are entitled to under your Act?—Well, if we did it would prohibit vessels coming

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Mr. Joseph Cuthbert.

here altogether; the vessels would go to Portrush and discharge there.

371. In point of fact, the river Bann is not a profitable source of income at present?—Not at present, but we hope it may be.

372. When did you first begin to fall into arrear with your interest on the Bann mortgages?—For some time the dues were never equal to paying the interest.

373. But you could add a great deal more to your charges?—Last year we had a town rate, and the revenue was nearly £540, which was almost sufficient to pay one year's interest.

374. But last year what you did pay was little more than a half-year's interest?—Yes; but we extinguished the balance due to our treasurer, and we have a balance in our favour of £94.

375. There was about £385 applicable?—Yes; that is about three-quarters of a year's interest.

376. And being in debt to your treasurer, and wishing to have a balance in hand, you only paid half a year's interest?—Yes.

377. If you are not in future able to pay more than that you will soon be obliged to contract another loan, and you have power to do so?—Yes; but I am afraid no one will lend us money, our security is so bad.

378. Do you not hope by the aid of this £1,000 a year which the Irish Society has promised you for twenty-five years, for the purpose of making new works at the mouth of the Bann, to improve the navigation of the river, and thereby increase your income?—Yes, we expect that if we make the navigation works at the mouth of the river permanent, we will have a revenue of £2,000 or £3,000 a year. There is no doubt of it.

379. Mr. LAWLESS.—What will be the nature of the works?—The works that remain to be done are merely the erection of piers and quay accommodation. We have the plans and everything ready.

380. Have you made any application for another loan?—We have made application to the Treasury, and we expect to get it.

381. Your new Act will give you larger rating powers?—Yes, the inhabitants of the town proposed to the Government as a guarantee a rate of 2*s.* 6*d.* in the pound, the £1,000 a year, and the dues on goods and vessels. We have had a reply from the Treasury stating that the area for taxation was too limited, and the area suggested by them is much wider than the one we gave. We are giving 2½*d.* rate on the half-barony and liberties of Coleraine, and one shilling rating on the town. That would enable us to give the guarantee quite irrespective of any dues on the river—with the £1,000 a year from the Irish Society.

382. CHAIRMAN.—But the Treasury would then probably require you to pay off the loan within the twenty-five years?—The Chief Sceretary proposed that we should have the loan, but maintained it should be in two divisions—one portion to be extinguished by the time the Irish Society grant ended, and the other in fifty years.

383. If you get a loan from the Commissioners of Public Works it will be on the terms that it will be extinguished by annual payments—so much principal and so much interest?—The Treasury proposed that the loan should be extinguished in thirty-five and a half years at three and a half per cent., but we hope to get the term extended to fifty years, and to have the area modified. We propose to get a smaller area, but still embracing a considerable portion of the county Antrim.

384. What is the valuation of the half-barony of Coleraine?—£50,000 a year.

385. Mr. *Taylor*, M.P. for the Borough.—It is called a half-barony, but it embraces a district of about eight or nine miles in a direct line all round this side of the water—and the town and liberties to the extent of three or four miles on the other side of the river.

386. Mr. *Cuthbert.*—The valuation of the liberties is £20,000. We would have a 2½*d.* rate on the outside property valued at £70,000, and a shilling on the town rating. The Board of Works suggested our going to the county Antrim, but we found that would complicate matters.

387. CHAIRMAN.—Mr. Cuthbert, I think we have nearly finished with you, and we are much obliged for the information you have given us. I would first ask whether there are any gentlemen present who are desirous of making any objection to the accounts—to the way in which the accounts are kept by the Commissioners, or to any action on the part of the Commissioners either with respect to the lettings of their property, or the levying of rates or tolls—or any other matters within their jurisdiction; if so we shall be happy to hear them. We may, I suppose, assume it was pretty well known we were coming here to-day to hold this inquiry.

388. The announcement was made in the local papers, and placarded.

389. Mr. *John Mains.*—I wish to refer to one matter respecting the qualification of Commissioners, and to ask whether the expenditure of a sum of money in obtaining counsel's opinion as to the disqualification of two members of the Board was a proper application of portion of the borough funds.

390. CHAIRMAN.—We have heard that two of the Commissioners were disqualified for non-attendance.

391. *Witness.*—They were disqualified for not making the necessary declaration in time. They did not attend the Board for some time after their election, and the matter was overlooked.

392. Mr. *Mains.*—What I allude to is this, that the Board was not in a position to know whether the parties elected as Commissioners were properly qualified or not, and they took counsel's opinion on the subject. I at the time considered it was not a proper expenditure of the rates of the town.

393. CHAIRMAN.—What is your objection?—My objection is this, that the penalty is £50 for any person who is not properly qualified to act as Commissioner, and who upon being elected so acts. Any person knowing that that penalty was hanging over him would be very slow in assuming the responsibility, and I consider the Commissioners were wrong in getting counsel's opinion at the expense of the rates. The Act says that every person who shall sit as a Commissioner, their acts shall be legal and binding. Therefore the acts of these Commissioners being legal there was no loss to the town, and the expenditure ought not have been incurred.

394. You think the Commissioners ought not have paid this sum of £2?—Yes. After the election there was some talk that these two Commissioners were not properly qualified, and there was a committee formed to inquire into their qualifications. If I remember rightly this committee could not agree, and it was then proposed that counsel's opinion should be taken. There was a difference of opinion about the matter in the town at the time, a good many people considering that it was an improper and unnecessary expenditure of the public money.

395. Mr. LAWLESS.—Did the Commissioners incur any great expense with regard to it?—I could not say.

396. What year was it in?—In 1875.

397. There were two Commissioners elected who did not make the necessary declaration as to qualification?—Yes; but if they were disqualified they could have been arraigned before the Court of Queen's Bench by any ratepayer who objected.

398. Did they postpone doing so for six months?—I could not say.

399. CHAIRMAN.—According to the statement here they acted for a year and did not make the statutory declaration within that time.

400. Mr. *Taylor*, M.P.—They did not attend the first meeting that was appointed, but they attended the second, and the clerk proceeded to put before them the declaration. When they discovered they were acting illegally they withdrew. But there were other questions raised afterwards as to their qualification, or rather the proper qualification for a Commissioner. Some of the Commissioners were in as rated occupiers

of dwelling-houses, and others were in as lessors, and I think it was on this point the Commissioners felt it their duty to take counsel's opinion.

401. *Witness.*—I think counsel's opinion was taken as to whether an immediate lessor was qualified to act as Commissioner upon being elected.

402. CHAIRMAN.—Do you know the amount of the expenditure? I don't see any law costs in this balance sheet?

403. I think it has not been settled yet.

404. I understand Mr. Mains to object to counsel's opinion having been taken as unnecessary?—Yes.

405. Mr. LAWLESS.—I think they took the safer step about it, and if they took another course it would entail greater expense.

406. CHAIRMAN.—The opinion had no reference as to whether you were able to impose the penalty?

Mr. *Taylor.*—It is not the Commissioners, but any ratepayer, may sue for the recovery of the penalty.

407. CHAIRMAN.—Have any steps been taken to enforce it?

Mr. *Taylor.*—Not by anyone.

Mr. Cuthbert.

408. *Witness.*—There is no doubt the two Commissioners were liable, but no steps were taken.

409. Mr. *Taylor.*—Every chairman of the Commissioners or some other person under this Act has to act as assessor when there is a contested election. He has to decide whether the persons nominated are qualified to be candidates. In that point of view it would seem only fair that he should have some popular construction of the Act to guide him, because he is the only party who can either strike off a candidate or retain one. I think that is a point which must be dealt with in any new Act, for it is at present in a very unsatisfactory way.

410. CHAIRMAN.—Well, Mr. Mains, if you consider it was an illegal payment, you can lay the matter before the Government auditor when he next comes here. Have you any other fault to find with the action of the Commissioners?

Mr. *Mains.*—No.

Mr. JOHN HARVEY, Surveyor, examined.

Mr. John Harvey.

411. *Witness.*—As to the cemetery, I wish to state that I am the engineer who surveyed the land.

412. CHAIRMAN.—Were you employed by the Commissioners to survey the land?—Yes; and by a minute of the 3rd December, 1875, they appointed me engineer. I never got any notification authoritatively since to cease to be their engineer.

413. Did they put another man over your head without notice?—No; but I never was paid yet.

414. Have you ever made any claim against them?—I asked for the money repeatedly, but I did not get it. They hadn't funds when I made the application.

415. At what rate did they employ you to survey the land?—There was no specified rate.

416. Mr. *Cuthbert.*—Mr. Harvey was employed by the Commissioners to, in the first instance, make a rough survey of the land intended to be taken by provisional order for the cemetery. To enforce that order the Act requires that an engineer should be nominally mentioned in the Act, so as to put the compulsory clauses into operation. Mr. Harvey was merely named as engineer, and he drew a map of the land. Mr. Carson was named as solicitor. We understood it was merely a nominal thing to appoint Mr. Harvey as engineer, as we were going to lay out the cemetery. We conceived it was not the work of an engineer at all, but the work of an architect, to decide on the position of the mortuary chapel and lay out the walks, &c. We don't think his appointment referred to these matters at all. The work he was employed to do he did, and that portion he was allowed to finish. If he had furnished his account he would have been paid, but he never furnished the account. He sent in, in the first instance, a claim for £25, and we said, "Furnish us with your account and we will settle with you," and then he said he was entitled to 5 per cent. on the outlay. We repudiated such a claim.

417. Were there any terms entered into by the Commissioners with him at the time you employed him?—

Mr. *Cuthbert.*—No.

418. Mr. LAWLESS.—There is a minute of a meeting on the 3rd December, 1875, as follows—

"The Board of Commissioners were summoned to meet this day at the hour of twelve o'clock, for the purpose of appointing Mr. John M'Killip secretary to said Commissioners in their capacity of Burial Board for the borough of Coleraine, and Mr. John Harvey their engineer for the purpose of putting the 'Coleraine Burial Ground Order, 1875,' into operation; and also to authorize the said John M'Killip and John Harvey, in such capacity—and Thomas G. Carson their solicitor, to sign and perfect the schedules and estimates, and all notices and documents that may be required for carrying out said Burial Ground Order, and the compulsory purchase of lands required."

419. *Witness.*—After these papers were signed, I was employed by the Commissioners for three days taking levels in company with Mr. Coyle, on the 6th, 15th, and 20th December. All the papers were signed previous to that. I did that work last September, and they have never paid me anything for it.

420. CHAIRMAN.—I am afraid you entered into a blind bargain. Mr. Cuthbert says the Commissioners are willing to pay you if you render an account?—I thought I had honourable men to deal with. I did furnish the account.

421. Mr. *Cuthbert.*—You never furnished it. You said you should get five per cent. on the outlay.

422. *Witness.*—Now, with reference to the area of the municipal boundary—Mr. Cuthbert stated it to be 205 acres. It is in the townlands of Coleraine proper, Waterside, and Churchlands. I would like to know how many acres are in each.

423. Mr. *Cuthbert.*—I could not state that. The area of the municipal boundary is taken from *Thom's Almanac.*

424. CHAIRMAN.—Are you, Mr. Harvey, satisfied that you are liable for the borough rate?—I am, for I live in the centre of the town.

425. The Commissioners are at present applying for an extension of boundary, and I presume the Local Government Board have the documents before them showing the boundary as it is. You don't object to being rated?—Oh no; but as a matter of curiosity I would like to have the information.

426. Are the townlands marked on the map?—We don't recognise them. We see nothing to be gained by it.

427. Have you any other complaint?—I heard you ask whether the streets were kept clean within the borough boundary. Well, they are not.

428. Do you say they are not properly cleaned in the town?—Not to the full extent of the borough boundary.

429. What is the name of the contractor to whom the scavenging of the town is let?—Mr. M'Candless.

430. Do you know him?—I do.

431. Do you say he never looks after certain parts of the town?—Never, nor his predecessor did not.

432. Are you aware the town officer is bound to certify that he does the work properly?—Yes. I think so far as he does his work he does it properly.

433. Mr. *Cuthbert.*—Is this a portion of the town not included in the contract for scavenging?—I think it is included in the contract.

434. CHAIRMAN.—If you think there is any part of the town not attended to, you have only to draw the attention of the town officer to the matter.

435. *Witness.*—The municipal boundary comes up past the courthouse—and yet a portion of the street

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Mr. John Harvey.

outside there is left to be cleansed by the county surface men.

436. Mr. *Cuthbert.*—The county surface men may come a little at some points into the borough and relieve the scavenger from a portion of his duties. But I think that is such a very small thing that it is hardly worthy of notice.

437. CHAIRMAN.—But what this gentleman complains of is part of the borough which your contractor undertakes to scavenge. Are there any houses at this point?—No.

438. Has this gentleman ever called the attention of your town officer to the fact that this place has not been looked after by the contractor.

Mr. *Douglas* (town officer).—Never.

439. Mr. *Cuthbert.*—Does M'Candless scavenge up the Strand-road?—That is the rural part. During the time the present scavenger has the contract, he has attended to it very properly.

440. CHAIRMAN.—Do you, Mr. Douglas, see that that part of the town is cleansed as well as the others before you give a certificate?—Yes. I am going over the borough every day and any part that I consider is not clean I have it cleansed.

441. Is there any penalty if he does not properly perform his contract?

Mr. *Cuthbert.*—His pay is stopped.

442. How do you pay him?—Monthly.

443. *Witness.*—May I ask how far up does the municipal boundary cross the Strand-road?

Mr. *Douglas.*—I don't know.

Mr. *Taylor.*—I may mention with reference to the road on which I live, that one portion of it is outside the municipal boundary, and it is always swept by the contractors for the county till it comes up to the town, and they keep it thoroughly cleansed too. In the whole county where there are surface men they are bound to sweep the roads.

444. CHAIRMAN.—Although you have £1,400 annually levied for county cess, is not the amount expended within the borough only £496. You don't get the town swept by the county?

Mr. *Taylor.*—No, the county men don't sweep the roads sufficiently for town purposes, and the Commissioners do it.

445. CHAIRMAN.—There seems to be some little doubt as to where the municipal boundary extends at this point?

Witness.—In my mind I know where it crosses.

446. CHAIRMAN.—Do you say the town scavengers neglect their duty at that point?—They do.

447. And do the contractors under the Grand Jury keep this place swept?—They do according to the rest of the county-road.

448. Is the result that the place is kept properly swept?—Not altogether properly swept, for in the hollow ground there are two inches of mud.

449. Is the place kept as well as the rest of the streets in the town?—As well as some of the streets. Some of the roads in the back streets are as bad as they could be, but the best streets are well kept.

Dr. Richard Lytton M'Intyre.

Dr. RICHARD LYTTON M'INTYRE examined.

450. CHAIRMAN.—Are you the dispensary doctor?—Yes.

451. And are you the sanitary officer?—Yes.

452. Does the sub-sanitary officer work with you?—Yes.

453. Is he in constant communication with you as to the state of the town?—Very frequently.

454. Do you yourself visit and report upon the sanitary condition of the town?—When I get information from the sub-sanitary officer—very seldom in any other case.

455. As sanitary officer do you make written reports periodically to the Commissioners?—No, unless I get information from the sub-sanitary officer I never make an inspection, but when I get information from the sub-sanitary officer I make an inspection immediately and report.

456. Your visits are amongst the poor, principally as a doctor and medical officer?—Yes.

457. And have you an opportunity of seeing yourself where nuisances exist?—Yes.

458. Have you ever acted yourself where nuisances fell under your own eye?—I have in two or three instances where I have seen nuisances interfering with the health of patients.

459. Does the sub-sanitary officer report every day?—I have had 124 reports since October, 1874.

460. Have these reports all been acted upon after you visited the places yourself?—Yes.

461. And did you send in these reports to the executive sanitary officer—who was, I believe, Mr. M'Killip?—Yes. That is the last I hear about them.

462. You don't go before the Commissioners yourself?—No.

463. Do you, as a matter of fact, see that the reports are acted upon?—I have no opportunity.

464. Don't you visit the places again?—I do not.

465. Do you not, in the course of your duties as medical officer, see whether they have been acted upon?—If I happen to be calling at a particular house I do.

466. Do you consider your duty, as a sanitary officer, at an end when you receive a report from the sub-sanitary officer and visit the place?—I pay a visit to the place and make a report upon it, and I hear no more of the matter unless I am summoned as a witness to give evidence about it at the petty sessions.

467. Mr. LAWLESS.—Have you ever had places which were reported to you once by the sub-sanitary officer, and relative to which you sent in a report to the Commissioners, reported to you over again, the same state of things being complained of by the sub-sanitary officer?—I have an instance of four times.

468. Doesn't it follow that the Commissioners have not acted on your report?—That is not the way I look at it.

469. CHAIRMAN.—Did you visit that place, so often reported, each time it was reported to you?—Each time I received a report I paid a visit. It was a yard common to four houses between Shuttle-hill and Laurel-hill.

470. What was the nature of the nuisance?—The place was full of manure heaps and stagnant water.

471. Mr. LAWLESS.—When did you make the first report about Shuttle-hill?—In 1874 or 1875.

472. CHAIRMAN.—And when did you make the last report?—About a year ago.

473. Do you keep a book of the blocks of your reports?—Yes; but it is not here.

474. Have you ever been to the place within the past twelve month to see what the state of the premises is at present?—Yes; I was there the week before last.

475. Was the place still in the same state?—Oh, it was greatly improved, but there was still a nuisance there. I got information again from the sub-sanitary officer, and I visited the place.

476. Was the nuisance which you then found existing the same nuisance which had been complained of before, or was it a nuisance of a different character?—It belonged to one house in particular, which was very filthy. There was a heap outside the door, and it was in respect of that heap I was called on to visit the place.

477. Was it an accumulation of manure?—Yes.

478. Was it from pigs?—I don't think there were any pigs. It was the general manure of the house.

479. Are there pigs in the houses generally?—In the yards of a great many of them.

480. Are there any cases in which the pigs are kept in the dwelling-houses?—I see that now and again.

481. Mr. LAWLESS.—Are these houses reported as nuisances?—I tell the people that the pigs must be removed, and they do remove them. I find the pigs have been removed when I go back to the places again.

482. Are there still any pigs kept in the dwelling-houses?—I don't think there are pigs kept in the dwelling-houses generally.

483. In reference to these houses complained of three or four times—is there any privy attached to them?—Two privies have been erected for the four houses in the yard common to them all, but there was no privy or accommodation of any sort and the place was in the most filthy state possible.

484. Since then, you say, there have been two privies erected?—Yes; there was a good deal done.

485. CHAIRMAN.—Is that the case in which proceedings were taken for not doing the work?—Yes. Doyle was fined at petty sessions £3.

486. Do you know whether he was called on to remedy the nuisance after your first, second, or third report?—I don't know, I never inquired.

487. Haven't you got a book in which a copy of the report made by the sanitary officer is entered, together with the action taken by the sub-sanitary officer and the report made by the Commissioners?

Mr. *Doherty*.—I have.

488. CHAIRMAN.—Do you, Dr. M'Intyre, know the consulting sanitary officer?—Yes.

489. Do you and he have any conversations about the state of the town?—I would consult with him once or twice, when I would be at a loss, or wanted information, but I don't think I have done so more than twice.

490. Have you no communication with the Commissioners?—No.

491. You receive nothing from the Commissioners?—I am the rural sanitary officer as well, and I am paid by the Board of Guardians as the sanitary authority £30 a year. The Local Government Board have arranged that the salary shall not exceed one-fourth of the dispensary salary. My dispensary salary is £130. The Board of Guardians give me £30, and to bring it up to the £32 10*s*. the Commissioners pay me £2 10*s*.

492. Mr. *Cuthbert*.—It was only the other day, when we were making a return of the salary, the Local Government Board objected to the payment by the Commissioners.

493. CHAIRMAN.—In a letter of the 22nd March, the Local Government Board say you are not to get the £2 10*s*. any more?—Well, I am sorry to hear that.

494. Do you act very much in the same way as sanitary officer for the Guardians, as you do for the Town Commissioners?—On the same principle.

495. You only report when the sub-sanitary officer brings a matter under your notice?—Yes; except in one or two cases, where I saw nuisances were affecting the health of the patients I was attending.

496. Which do you find most active in remedying nuisances—the Guardians or the Commissioners?—I could not say, I don't follow up the case after I make my report. I only know when I am summoned as a witness at petty sessions.

497. Were the dwelling-houses in which you saw the pigs in the town of Coleraine or in the country?—In both.

498. Were the pigs which were reported to you as being in houses in Coleraine brought under your notice by the sub-sanitary officer or was it by your own observation you saw them?—By my own observation. I think the sub-sanitary officer only reported where the piggeries were close to the town.

499. Were these the cases of keeping pigs in the dwelling-houses?—I did not report on them. I saw them, and I prevented the pigs being kept in the houses.

500. You did not report the matter to the Commissioners. You have only spoken to the individuals?—Yes.

501. Have you never made a report to the Commissioners on the subject?—I don't think I have reported the cases to the Commissioners.

502. Mr. LAWLESS.—I infer from that you have never had a report from the sub-sanitary officer of pigs being kept in dwelling-houses?—I have not, but I have had a report of asses and goats being kept in houses.

503. Have these cases been reported to the Commissioners?—These have been reported.

504. And have the people ceased to keep them in the houses?—Yes. Whenever I paid a visit to the places afterwards the asses or goats were not there.

505. CHAIRMAN.—Have the asses or goats been kept there since?—I don't know. All I know is that I have never seen them.

506. Mr. *John Kennedy*.—I beg to say I don't believe there is any custom of keeping pigs in the houses all the year round. At times when the pigs have little ones they may bring them in for a time.

507. Mr. LAWLESS.—The little ones?—Yes, and the sow too.

508. CHAIRMAN.—Are you a Commissioner, sir?—I am.

509. Mr. LAWLESS (to Dr. *M'Intyre*).—Have you any knowledge of the accommodation for privies and closets in the town?—Most of the houses to which I generally call as sanitary officer are without privies or any sanitary accommodation.

510. Are there a large number of houses in the town in that condition?—There are in the poorer parts of the town.

511. To your knowledge, since the Sanitary Act came into operation, has anything been done to improve that state of things?—No.

512. CHAIRMAN.—You told us just now of two instances—are these the only instances?—These are the only two instances.

513. Mr. LAWLESS.—Have no public urinals or privies been put up in the town?—No. There are a number of houses that have no back accommodation, and for a row of twenty houses there might be one privy put up.

514. Don't you think that is a state of things which requires to be remedied?—I do; I think it is a great drawback.

515. Mr. *Kennedy*.—The matter of urinals has been postponed until we get a supply of water into the town.

516. CHAIRMAN.—Have those places, Dr. M'Intyre, which you describe as being so deficient with regard to privies, back yards of sufficient size to have privies erected in them?—A great many of them have not; they have only very small yards.

517. Is the town in a healthy state generally?—At present it is healthy enough. There is the ordinary illness for this season of the year.

518. Have there been epidemics or fever in the town?—Oh, yes.

519. Or of small-pox within the last half dozen years?—Within the twenty years I have been here there have been only four years really healthy. Every year there has been a more or less amount of epidemic disease—either fever, scarlatina, or measles—and there has been one outbreak of small-pox.

520. Is the condition of the town such as to be favourable to the spread of diseases of that character rather than the reverse?—I would connect the two together—filth and epidemic.

521. What is the accommodation provided by the Guardians or Commissioners for fever cases? Have the Commissioners any separate accommodation of their own?—No; there is only one fever hospital, and that is the one at the union.

522. Is that sufficient not only for the pauper patients but for the town population as well?—I believe so; but Dr. Carson will tell you about that.

523. Are you the medical dispensary officer?—Yes, I am the dispensary officer, but not medical officer of the workhouse.

524. With respect to the accommodation, do you

COLERAINE. *March* 28, 1877.

Dr. Richard Lytton M'Intyre.

know whether it is generally filled, or whether there is a good deal of vacant accommodation?—There is generally plenty of accommodation.

525. For the town as well as for the rural district?—I believe so.

526. Have you a van or ambulance for conveying patients to the workhouse?—Yes.

527. Is it not kept by the Guardians?—Yes.

528. And not by the Commissioners?—No.

529. Have you had any difficulty in getting this ambulance when you had patients to go to the hospital?—No; I apply to the relieving officer, and he immediately sends it.

530. Do you think there is any deficiency in that respect?—None.

Dr. James C. L Carson.

Dr. JAMES C. L. CARSON examined.

531. CHAIRMAN.—Are you the consulting medical officer?—I am.

532. And a medical practitioner in the town?—Yes.

533. Are you a Commissioner?—No.

534. What, in your opinion, is the general sanitary condition of the town of Coleraine?—I think it is very bad.

535. Have any steps been taken to remedy it since the passing of the Act of 1874?—Very few.

536. Have you tried to stir up the Commissioners?—I have; but the Commissioners seem to think that they ought to have another officer before they can have the power of closing up the houses which are defective in their accommodation.

537. Do you think that many houses are in such a state as that they ought to be closed up?—Well, I would say, either close them up or compel the parties to provide proper accommodation.

538. The last witness told us there were no means of providing accommodation?—I believe that is a fact; but these houses should be closed up.

539. Have you ever known of any instance in which the Commissioners went before the magistrates to apply for powers to close the houses on the certificate of their sanitary officer?—No; I have not. It has not occurred in my experience on the bench.

540. Has the want of an ample supply of water been much felt?—It is a very great drawback, and has been very much required. However, I think the steps are nearly completed for getting a capital supply of water.

541. What officers do the Commissioners think they ought to have before they take steps to have houses closed up on account of the want of accommodation?—A town surveyor.

542. CHAIRMAN.—I think the magistrates could act on the certificate of the medical officer, and that it is not necessary to have a surveyor for that purpose—the matter rests with the magistrates. It would be of course much better if the thing were remedied in the first instance, before the houses were built. If the houses are in such a state as to be unfit for human habitation, I think you have the power to close them up.

543. Mr. *Cuthbert.*—I don't think there are many houses in Coleraine we could close after all.

544. Dr. *Carson.*—I think there should be no houses inhabited without seeing that they had proper accommodation; and there should be public sewers in every street having communication with some sort of water-closet or urinal connected with each house, to carry away the filth. These sewers are very much wanted in every part of the town. The sewerage of the town is in a very defective and bad condition, and sewerage is altogether wanted in some streets.

545. I suppose you make your statement as to the bad sanitary condition of the town from your experience as a medical man, and being the consulting sanitary officer?—I make my statement from the fact that a great many houses have no sewers at all, and have no means of carrying off the filth from their yards. Besides, a large number of houses have no privy accommodation whatever; and I make my statement from the fact also that there is a considerable amount of fever epidemic existent in the town for a considerable time.

546. Do you agree with Dr. M'Intyre, that the accommodation at the workhouse for fever cases and infectious cases generally, is sufficient for non-pauper cases as well as for pauper cases?—Yes. I know the fact for this reason, that I am the medical officer of the workhouse and the fever hospital. There is an admirable fever hospital there. I would not ask any better, and there is ample accommodation.

547. What is the nature of the ambulance?—It is a covered spring van provided with two windows and two beds—one for fever and infectious diseases, and the other for ordinary infirmary patients. They are sent wherever they are required. The van is at the disposal of every person in the town.

548. Have you ever had occasion to advise the Commissioners to take steps to improve the sanitary condition of the town, and have you found them unwilling to act on your advice?—I cannot say they are unwilling to carry out my advice, but their dilatoriness is another matter. I think there would be more activity if there was a more limited responsibility.

549. Is it your duty to make reports, except when you are called on to do so?—No.

550. Have you, from taking an interest in the town, visited the Commissioners occasionally without being called on by them?—Yes; I drew the notice of the Board to a part of the town where fever was existing, and to the water of a well that had a privy almost immediately above it, so that the stuff must as a matter of necessity be exuding down into it. Dr. M'Intyre and I reported that the well should be closed up, and another opened, but it has not been closed up yet.

551. Mr. *Cuthbert.*—We had it closed up, but the parties in the neighbourhood opened it again.

552. *Witness.*—It should be broken up—root and branch. It is in the hollow of a stream, and there is visibly the appearance of this stuff running down from the manure heap into it.

553. Then all the stuff exuding from the manure must run into the well?—As a matter of necessity when it comes on to rain.

554. And is that water used for drinking still?—It is constantly used. I have seen it with my own eyes.

555. I understand the Commissioners filled the well up?—Yes, it was filled up, but the people threw it open again.

556. Mr. LAWLESS.—Has not a new well been opened there?—Yes, there was a new well opened a few perches directly above the other. The moment Dr. M'Intyre and I reported about the other the Commissioners very properly opened the new one.

557. Do the parties in the neighbourhood use the new well?—Some of them use it, and others not, because the other is a few perches nearer to their houses.

558. What is the number of patients in the fever hospital at one time?—Ten or twelve from Killowen.

559. Is that the district where fever prevails?—Yes. it has been going on in a kind of creeping state for some months, and is still going on. I got two patients last week out of it.

560. CHAIRMAN.—I understood from Dr. M'Intyre that there is no fever in the town now.

Dr. *M'Intyre.*—I merely spoke as dispensary medical officer—and said that in that capacity I had not been called on.

561. *Witness.*—I don't think Killowen can be remedied until there is a proper water supply and proper sewerage. I don't blame the Commissioners for not remedying it, for nothing can be done till these matters are procured.

562. CHAIRMAN.—What is there to prevent the Commissioners providing proper sewerage—except want of funds. If they applied to the Local Government Board for a grant for drainage there would be no difficulty in getting it?

563. *Witness.*—I look upon the matter as being of the greatest importance, and it ought to be seen to.

564. Mr. *Cuthbert.*—We would find a great difficulty in getting a loan for that purpose.

565. CHAIRMAN.—I think not, after such evidence as we have heard to-day.

566. Mr. *Cuthbert.*—It is nearly seven months since we made an application for the waterworks loan, and we have had no reply yet.

567. CHAIRMAN.—Do you, Dr. Carson, think the scavenging of the town is done well?—I think it is very well done. It is better done now than I have found it to have been done within the last thirty-eight years.

568. Have you any fault to find with the present contractor?—I think he is doing his work remarkably well, and has been very attentive to his duties.

569. Are there any steps taken by the Commissioners here for the periodical removal of excessive quantities of manure from the backs of houses where there are no privies or ashpits?—I think at the last meeting of the Board I attended there was an order made that the sub-sanitary officer should see that the manure was removed from the back yards.

570. That was I suppose only to compel the parties to do it?—That is all.

571. But there is no periodical system of removal?—No other way.

572. Do you think the sub-sanitary officer efficiently discharges his duty? Dr. M'Intyre told us he had had altogether only 124 reports, but during February last he appears to have sent in a good many reports so that he seems to have been stimulated recently?—During an outbreak of fever in a particular part of the town the consulting sanitary officer reported the matter to the Commissioners who then urged the sub-sanitary officer to greater diligence.

573. Within the last few months?—Yes.

574. Was it in consequence of the outbreak of fever in the town that that was found necessary?—I think so. He will explain to you that a great many more cases are noticed that don't come under the observation of the doctor. The sub-sanitary officer serves a notice to remove a nuisance—and then he goes back again to inspect the place. If he finds the notice has not been complied with he gets the sanitary officer to report.

575. Mr. *Harvey.*—I can now state the number of perches within the borough boundary which are not properly looked after by the scavenger. They make a total of 368 perches and are comprised as follows—Barmside-road, eighty-eight perches; Captain-street, eighty-eight perches; Dunbar-road, eighty-four perches; Portrush-road, twenty perches; Bushmills-road, sixteen perches; Dervock-road, sixteen perches; Ballymoney-road, twenty-four perches; and Ballymoney Old-road, thirty-two perches. I have never seen anything done to these places by the scavenger for the borough.

576. CHAIRMAN.—Are there any houses at these places?—Yes, in some of these places there are rows of houses. All the main streets of the town are well looked after.

577. It is the outskirts of the town you say that are neglected?—Yes, up to the boundary.

578. Mr. LAWLESS.—Are you, Mr. Douglas, in the habit, when nuisances come under your observation, of serving notices of abatement yourself?—*Mr. Douglas.*—In some cases I do.

579. And if you find your notices are not attended to you report the matter to the officer?—Yes.

580. CHAIRMAN.—In many cases do you find that in the first instance after your notice, the nuisances are abated?—Oh yes, very many.

581. In the majority of instances are the nuisances abated in the first instance?—They are.

582. We heard in one case where there were no less than four complaints of one nuisance brought under the notice of Dr. M'Intyre, and through him under the notice of the Commissioners. Did the Commissioners upon the receipt of the first of these reports, or the second of these reports, notice the parties to remove the nuisance, and did the parties neglect to do so, or did the Commissioners take no steps in the matter?—I don't know whether the executive sanitary officer brought it under their notice or not.

583. I presume that every case brought before the executive sanitary officer is laid before the Commissioners?—When it is, the Commissioners always direct notices to be served.

584. Whenever your complaint is brought by the sanitary officer before the Commissioners do they always give directions to have the nuisances abated?—Yes.

585. *Witness.*—I think I can tell you about that case referred to by Dr. M'Intyre. The man against whom the complaint was made was by order of the Commissioners brought before the magistrates. On the hearing of the case the bench gave him a certain time to have proper accommodation provided, and if that accommodation were not provided within time he was to be fined so much per day while he neglected to do so. Dr. M'Intyre visited the place again, and the subject was once more brought before the bench of magistrates, when the man was fined £4 or £5. He was brought up two or three times.

586. So the delay in the abatement of the nuisance was not the fault of the Commissioners?—Certainly not.

587. Mr. *Cuthbert.*—The owner of the property lived in the county, and they could hardly find him out.

The inquiry then terminated.

FETHARD.—APRIL 3, 1877.

(Before Mr. EXHAM, Q.C.)

Mr. MICHAEL MURPHY examined.

1. Are you the town clerk?—Yes.

2. Under what Act of Parliament are your municipal affairs managed?—The 9th Geo. IV., c. 82.

3. Was the Towns Improvement Act ever in force here?—No.

4. How many Town Commissioners have you?—Thirteen.

5. Have you usually struck any and what rates?—We have not struck any rates.

6. What is your income derived from?—Rents from landed and house property; also the amount received from tolls and markets, fines for drunkenness, and the dog tax.

7. What is the value of the rateable property within the municipal limits?—£1,910.

8. What are the numbers of rated occupiers between £5 and £20, and above £20?—Forty-five above £20, and 135 between £5 and £20.

9. How much was your income last year from rents and tolls?—Our income if paid to the full would have been £157 3*s.* 3*d.* We received £150 13*s.* 8*d.*, besides allowances for poor rates and income tax. That included a sum of £9 for the grazing of the green, and £26 for the tolls.

10. How much did you receive from fines and the dog tax during last year?—£9 5*s.* for fines, and £15 4*s.* 7*d.* for dog tax.

11. What officers have you, and at what salaries?—I get £12 a year. We have an agent at £12 a year; a town sergeant at £20 a year and clothes; and pay a

FETHARD. *April 3*, 1877.

Mr. Michael Murphy.

woman £1 a year for washing the town hall, and £1 a year to the man who minds the fair-green.

12. How is the town lighted?—We light it with oil lamps, by contract. It cost £24 9*s*. 11*d*. last year.

13. By whom is the scavenging of the town done?—By men employed by the Commissioners through their town sergeant, at a cost last year of £25 19*s*. 2*d*.

14. How much did you expend last year in repairing the courthouse and town hall?—£9 8*s*.

15. What did you pay the sum of £20 3*s*. charged in your last account for?—Tithe-rentcharge, county-cess, income tax, and poor rates.

16. You had, as appears by the last audited account for the year ending the 17th June, 1876, a balance of £60 19*s*. 1*d*. in your treasurer's hands?—Yes.

17. Who is the treasurer?—The Munster Bank.

18. Have you that balance still?—No. It has been greatly reduced by payments made since.

19. How many fairs are held here?—Ten on the 3rd Tuesday in each of ten months; one on the 20th April; and one on 21st November. Tolls are charged at the two last, being what we called the old fairs, but not at the others. The fairs are held over the town.

20. Is the town well supplied with water of a good quality?—There is ample water from the river and four pumps. The water has been declared good by Dr. Cameron, and no complaints have been made about it.

21. What is the sanitary condition of the town?—The sanitary arrangements are very badly carried out compared with those adopted by the Town Commissioners. The sub-sanitary officer lives five miles from town, and has charge of a large district including two towns, and he cannot properly attend to his duties. There is no thorough search made for the existence of nuisances, and even when reported, there is a great delay in having them abated. The Commissioners applied to the Local Government Board for a resident sanitary officer, but have not as yet got one. They also complained of the removal of stench-traps from the sewers which were replaced by open gratings, in consequence of which the town is sometimes filled with stench.

22. Do the Grand Jury keep the roads in proper repair?—Yes.

23. What is the usual amount of the Grand Jury cess?—We have paid about £2 6*s*. a year for the last three years on the Commissioners' property.

24. What is the amount of the corporate property of this town? Have you the old Corporation rentals?—Yes. (Book produced.)

25. From this book I see that the entire Commons of Fethard now consist of 233A. 3R. 8P. statute measure; and of that there are 131A. 1R. 7P. statute measure let to Thomas Hackett. Is that so?—Yes.

26. In the old Corporation book, under the date 28th September, 1747, there is the following entry:—

"Thomas Hackett, esq., having bid 3*s*. an acre for the said Commons, and no other person having bid more for the same, he was thereupon declared the fairest bidder. It is therefore ordered, that the present sovereign, John Cleare, esq., do execute to him a lease thereof for 999 years, to commence from the 29th day of September next.

"Signed, JOHN CLEARE, Sovereign."

Was any lease executed to carry out this resolution?—There is no record in the book of a lease having been executed, and there is no trace of the lease itself amongst the Corporation papers; nor have any members of the present body of Town Commissioners ever been able to see the tenant's counterpart of the lease, if such was ever executed.

27. Do you know the value of land, and if so, what do you say it is fairly worth, supposing it was let to-day?—I should say it would be very cheap at 15*s*. per statute acre.

28. What Does Mr. Hackett get for it?—25*s*., and 30*s*., and 40*s*. for some of it; that is for the Irish acre.

29. What do you think the 233 acres are worth?—Some portions are worth more than others. I think the whole would now be worth £233 a year.

30. How much is Hackett's portion?—131 statute acres.

31. What rent does he pay?—£12 6*s*. 5*d*.

32. How much is Griffith's valuation of that portion?—£55 16*s*.

33. How is the remaining 102 acres let?—The oldest lease is that held by Edward Walsh, who was then a Commissioner.

34. Is it all let by old leases?—I think so; nearly all of it. The 102A. 2R. 1P. is held by various parties on leases.

35. Give me the particulars of those leases?—Lease to Edward Walsh, dated 20th December, 1846, of 22A. 2R. 24P. (Irish), at the rent of £8 7*s*. 2*d*.; gale days, May and November, valuation £14. The sanction of the Lords of the Treasury was obtained for the granting of this lease. The next is a lease of 31st July, 1846, to William Maher, of 17A. 0R. 9P. (Irish), at a rent of £9 11*s*. 11*d*.; valuation £12.

36. What is the next lease?—A lot of the Commons is said to be held under a lease purporting to bear date the 31st of July, 1846, from the then Town Commissioners to Robert Maher, who was a son of William Maher, then a Town Commissioner, of portion of the Commons, containing on the whole 8A. 2R. 10P. (Irish), for seventy-five years from the 1st of May, 1846, at the yearly rent of £6 8*s*. 2*d*., payable half yearly. What purports to be a copy of the lease is amongst the papers of the Commissioners and I produce it, which recites that the lease was made with the sanction of the Lords of the Treasury. It is, however, stated and believed by several persons some of whom are now present, that such consent was never given, and that no lease was in fact ever executed.

37. What is the next lease?—Lease to William Maher (the father of Robert Maher last mentioned), dated the 6th August, 1867, purporting to be made by the then Town Commissioners of Fethard to William Maher, of 8A. 2R. (Irish), of the same Commons for thirty-one years, from the 1st May, 1867, at the yearly rent of £3 3*s*. 9*d*.

38. Was William Maher a Town Commissioner at the time this lease was granted, and was it granted under any and what resolution?—Yes; and his brother, Robert Maher, was also then a Town Commissioner; and the lease was executed "in pursuance of a resolution passed at a special meeting of the Town Commissioners, on Monday, the 5th day of August, 1867, which was held for the purpose of considering the granting of a lease to William Maher."

Mr. Frederick Sayers.

Mr. FREDERICK SAYERS.

39. Are you a Town Commissioner?—Yes.

40. What is your profession?—I am an auctioneer and land valuator.

41. Can you tell me what is the letting value of the first eight acres let to Robert Maher?—I think that the value of the first eight acres (held by Robert Maher) is not so high as the other portion (that leased to his father). I should say the first lot would be worth £1 per acre, and the other portion £1 5*s*. per acre (I am speaking of Irish measurement). The land immediately adjoining is let at £2 5*s*. per Irish acre.

42. I find this resolution on the books of the Commissioners:—

"Proposed by Robert Maher, and seconded by John Meehan—'That a lease be executed to William Maher of part of the lands of Markethill, containing eight acres two roods, plantation measure, at the yearly acreable rent of 7*s*. 6*d*., to commence from the 1st of May, 1867, for thirty-one years, payable every 1st May and 1st November, the first payment to be made on the 1st May, 1867.' Carried unanimously."

Did both the Messrs. Maher attend at that meeting?—Yes.

43. *Town Clerk.*—Griffith's valuation of these lots is £13 a year.

Mr. MICHAEL MURPHY.

Mr. Michael Murphy.

44. Mr. EXHAM (to *Town Clerk*).—The next letting is to William Ryan. Was that by lease?—No; he is a tenant from year to year.

45. What does he hold?—3A. 3R. 30P., Irish, at the yearly rent of £2 5*s*. 2*d*.; valuation, £1 18*s*.

46. What is the present value of that lot?—About £1 2*s*. per acre.

47. Are any of the rest of these lots held by Town Commissioners?—Mr. Laurence Byrne holds one small lot of one rood six perches, Irish, at 6*s*. 3*d*. a year; valuation, 3*s*.

48. The next on the rental is Michael Barrett, who holds one acre one rood, Irish, at the yearly rent of 13*s*. 7*d*. as tenant from year to year; the valuation is 19*s*.

49. The next is James Hyland, who holds three roods twenty perches, at the yearly rent of 10*s*.; and Griffith's valuation of it is £1. Is that lot worth more than 10*s*.?—It is considered to be worth about £1.

50. The next is Richard Delahunty, who has three roods three perches, Irish, at the yearly rent of 7*s*. Does he hold by lease?—A lease was made on the 2nd January, 1860, by the Town Commissioners of Fethard, to Richard Connell, of this lot, for thirty-one years, at the yearly rent of 7*s*. He left the country, and sold it to a person named Richard Delahunty.

51. Do you know how much he got for it?—I do not.

52. How much is Griffith's valuation?—£1 2*s*. Richard Delahunty is also a yearly tenant of two roods thirty-six perches, Irish, at a rent of 6*s*. 4*d*. Griffith's valuation is 9*s*.

53. Are these lands all worth about the same?—Yes; on an average about the same.

54. The next letting is to James Harvey, three roods twenty-six perches, Irish, at a rent of 12*s*.; Griffith's valuation, 15*s*. Then William Connell, two roods twenty-seven perches; rent, 7*s*.; Griffith's valuation, 10*s*. Did he purchase the interest of a woman named Reilly, and how much did he give for it?—He bought it, but I do not know how much he gave.

55. Are they yearly tenancies, and worth more?—Yes.

56. Michael Murphy has 2R. 26P. (Irish), at a rent of 5*s*., and Griffith's valuation is 8*s*. It is a yearly tenancy. Who is Michael Murphy?—That is mine. I got the holding from my father, who bought the interest of Michael Hogan.

57. James Tyrrell has a lease of 2R. 17P. (Irish), at 6*s*. a year, and the value is 18*s*. Where was that lease made?—The lease is dated 15th December, 1854, from the Town Commissioners of Fethard to James Tyrrell for thirty-one years. This man has also 16P. of ground in addition to that mentioned in his lease, which is stated to be a piece of ground which he took possession of, and held since without paying any rent for it. He has had it for the last ten or twelve years.

58. The next is a lease from the Commissioners to Michael Walsh, dated the 3rd May, 1858, of 1A. 2R. 1P. (Irish), and also the old castle and yard at the watergate of the town, at a rent of £2 2*s*. 6*d*. for thirty-one years, value £5.

59. Was Edward Walsh a Town Commissioner then?—He was.

60. Was he a brother of this Michael Walsh?—Yes.

61. The next is Martin Brien who has 3R. 32P. (Irish), rent 10*s*., valuation £1, under a lease dated the 3rd September, 1860, from the Commissioners of Fethard to Anthony Brien. Owen Toohil has 1R. 10P. (Irish), at a rent of 1*s*. 9*d*.?—That is a bit of waste ground.

(This comprised all the corporate lands. It was stated that the forty-two acres (Irish) which were mentioned in the report of the Municipal Inquiry Commissioners of 1835, page 504, were now included in, or comprised the fifty-three acres and twenty-nine perches which were in the Commons, exclusive of Hackett's holding of 86A. 1R. 12P. (Irish.)

62. In addition to these lands, have the Town Commissioners any other property?—Yes.

63. What does it consist of?—Town fields containing 9A. 1R. 13P. (Irish), which are let at rents amounting to £14 8*s*. 8*d*. a year.

64. Give me the particulars of the lettings of that land. The first is Knockbordin, in which there is let to Samuel H. Barton as a yearly tenant 1A. 0R. 10P. at a rent of £1 10*s*.; Griffith's valuation being £3. He should pay a great deal more for it; it is situated in the centre of his avenue. I should say it is worth about £3 10*s*. The next is Moneypark, held by the same tenant, 1A. 3R. 33P. (Irish), at £2 18*s*. 8*d*., a yearly tenancy; and it is valued at £3 15*s*., and is worth about £4 5*s*. The next is Spittalfields, let to the same tenant, containing 2R. (Irish), at £1 a year. It is held under a lease made on the 9th January, 1857, by the Town Commissioners, to Mr. Frederick Sayers, for thirty-one years, at the yearly rent of £1. Mr. Sayers was then a Town Commissioner; he handed over his interest by assignment to Mr. Barton, who is now in possession of it and pays the rent.

65. How much is it worth?—About 50*s*. per Irish acre. It is worth about 5*s*. more than the rent now paid for it. The next is Gortageagh, let to Thomas Cochrane, containing 1A. 3R. 27P. (Irish), at the yearly rent of £2 10*s*., and the valuation is £2 10*s*. I think it is dear enough at its present rent. There is also let to the same tenant, 1A. 0R. 31P. (Irish) of Fethard, at a rent of £1, under a lease for thirty-one years from 1857. I cannot ascertain the valuation, but I think it is worth about £2 per acre.

66. What is the next?—Spittalfields let to Patrick Hoolahan, 1A. 2R. 20P. (Irish), at the rent of £2 5*s*.; he is paying the fair value for it, and he holds under a lease for thirty-one years, dating from 1865. The next is Patrick Doolan, who holds 1A. 0. 21P. (Irish) at a rent of £1; the valuation is £1 10*s*., and it is a yearly tenancy, and is, I think, dear enough at the rent.

67. What is the next?—Margaret Hogan, a yearly tenant, holds 1R. 6P., at a rent of 15*s*.; it may be worth £1 a year. The next is James Heffernan, who holds 1R. 25P., at a rent of £1 10*s*., as a yearly tenant, and that is a fair rent for it.

Mr. SAYERS re-called.

Mr. Frederick Sayers.

68. Mr. EXHAM.—Can you give me information about the fairs?—I may tell you that we went to a good deal of trouble some time ago enclosing a fair-green.

69. Who owns the fair-green?—The Town Commissioners; it consists of about three acres.

70. Is that your own property?—Yes; we expended £75 in putting gates and walls around it, and it was used for several years, but about five years ago a resolution was passed by the Town Commissioners, and it was ordered to be closed up.

71. Was it in a suitable place, in your opinion?—Yes; it was in a most suitable place.

72. Are the fairs now held in the town?—Yes; on the streets in the town, and the farmers exclaim most indignantly about it. It was at the instance of the Town Commissioners that the green was shut up, and the fairs again held in the streets.

73. Do you know, of your own knowledge, that the farmers complain of it?—I do.

74. I wish to see the resolution of the Town Commissioners by which the fairs were held on the green, and that by which they were removed back again to the streets. According to your opinion and knowledge do the people living in the town approve of that change, or do they complain of it?—A number wish to have the fairs held on the streets, and the others do not.

75. This is the resolution you refer to:—

"3rd May, 1841. Proposed by Mr. Ryan, and seconded by Mr. Laurence Byrne. Resolved—'That the fairs be held in the town of Fethard, in the Green, in future.'"

That resolution was carried, only one (Patrick Stokes) dissenting.

76. Are the tolls of the fairs let?—Yes; at a certain sum every year.

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Mr. Frederick Sayers.

77. Are they put up to public competition?—Tenders are received for them, and they are let to the highest bidder.

78. What is the annual rent received for them?—The grazing green used to be let with them. We usually get £26 for the tolls, and £9 for the green.

79. Do the Town Commissioners claim to be free from all tolls?—Yes.

80. By what authority?—Because they are freemen.

81. But that liberty has been abolished?—They have a by-law here exempting them from the payment of tolls, and it has always been the custom here.

82. Are the tolls fixed by the Town Commissioners?—Yes.

83. Do they see that the man to whom the tolls are let charges no more than he ought?—Yes; the Commissioners made a reduction in the scale of tolls about two years since. I may say with reference to the fairs that from the year 1841 till 1872 they were held in the green. On the 5th August, 1872, a proposal was made for bringing them back to the streets, and that proposition was carried by the casting vote of the chairman, there being seven Commissioners present.

Mr. James Tehan.

Mr. JAMES TEHAN examined.

84. Mr. EXHAM.—Are you agent of the Town Commissioners?—Yes.

85. Have the Commissioners any house property in the town?—Yes; small houses, with gardens behind.

86. Are they mostly held by leases?—Yes; they are principally under leases; they are very small tenements of little value. The rents are only about £9 8*s.* 10*d.*, and that owing to the poverty of the people who inhabit the houses, is not regularly received.

87. Is there any other real property or houses belonging to the Commissioners?—Yes; there are five or six other houses.

88. How are they let?—They are let at their fair value.

89. Are they held under lease?—Some of them are.

90. Have any of those leases been lately executed?—No; not lately.

91. Are any of them let to Town Commissioners?—No.

92. What is the length of the leases?—The longest lease is thirty-one years.

93. How long ago is it since the last lease was made?—The last was made I think about 1854 or 1858.

94. What is the amount of rent received by you altogether for your last financial year?—By Mr. Pelly's abstract of accounts it stands thus:—

			£	*s.*	*d.*
Arrears to March and May, 1875,			66	19	9
One year's rent, March and May, 1876,			157	3	3
Total,			£224	3	0
Receipts for year,	£150 13 8				
Poor rate,	£3 11 7				
Income tax,	0 11 3				
	4 2 10				
			154	16	6
Balance,			£69	6	6

Mr. H. B. Sayers.

Mr. H. B. SAYERS examined.

95. Mr. EXHAM.—Are you the chairman of the Town Commissioners?—Yes.

96. Are they now under the Towns Improvement Act?—No; they are not.

97. Are they still under the 9th Geo. IV.?—Yes.

98. How many Town Commissioners are there?—Twelve, and the chairman.

99. Has that always been the number?—Yes.

100. Are they all duly qualified?—They are.

101. Has the town a good supply of water?—There is a very good supply from the river, and besides we have four pumps.

102. Are they all good?—Well yes; there is one of the pumps which is very good for general purposes, but not for drinking.

103. Are the others good?—There is not better water in Ireland.

104. Has the water been analyzed by Dr. Cameron?—Yes; it has, and been found satisfactory.

105. Is the repairing of the streets of the town done in a satisfactory manner?—Yes.

106. Have the Town Commissioners any other property besides what has been already stated?—No; no other property that I have heard of except some property held by a man named Bacon, I think, which lapsed some way or other.

107. Was that landed property?—It was, and lapsed before I was a Commissioner.

108. How much land was it do you know?—I do not; we have no survey of it.

109. Is the town sufficiently lighted?—I think it is very fairly.

110. Do you ever strike a rate here?—No; never.

111. Can you say from your experience whether the rural sanitary authority attend properly to the sanitary arrangements in the town?—They do, but not in so satisfactory a manner as we did when we had the sanitary arrangements under our own control.

112. Are the houses here generally supplied with privy accommodation?—The poorer places are not.

113. Is there any sewerage at all in the town?—There is.

114. In the better class of houses have the people made connecting drains with the sewers where such exist?—I might say they have.

115. Are the people allowed to keep animals in their houses?—Up to the present they were, but I heard that lately, from a month ago they were being fined very heavily for doing so.

116. Is there any hospital here?—No.

117. How far then have patients to be removed when they are sent to an hospital?—The nearest hospital is at Cashel.

118. How far is that from here?—It is about eight miles.

119. Have you had any contagious diseases here lately?—Last summer we had an epidemic of typhoid fever which was principally confined to children, but it raged to a fearful extent.

120. Did the sanitary authority do anything in that emergency?—No; I may say that it was as a measure of pure self-preservation we supplied the people with lime.

121. Did they take any steps for the removal of persons suffering from the disease?—They were sent to Cashel, and the houses in most cases, I believe, were disinfected.

122. By whom? Was it by the Town Commissioners?—No; by the rural sanitary authority. We were not able to take any measures as Commissioners to try and stamp out the fever.

123. Was that outbreak of fever attributed to the sanitary condition of the town?—I think it was owing to it. I have had a good many conversations with Dr. Burgess on the subject.

124. Are the people allowed to keep manure heaps in their yards?—Yes.

125. Are they not interfered with in doing that?—No.

126. What is your opinion about the fairs?—In the first place, I may inform you that our reason for removing the fairs from the green back again to the streets of the town, was because the cattle dealers were complaining that the fair-green was in a very bad state

Mr. H. B. Sayers.

and not fit to be used for the purpose of holding fairs. It has a subsoil of limestone, so that the ground becomes soft, and during a couple of fairs held sometime before it was closed, the people were up to their knees in mud, and were not able to move about and get their business done. The streets of the town, as you see, are wide and roomy, and afford ample accommodation for holding the fairs. I should also inform you that there are twelve fairs in the year, and that only the two half yearly fairs were held on the green.

127. Who cleans the streets after the fairs?—The town sergeant employs a number of men to clean them. Mr. Sayers, who called your attention to the fairs is the road contractor, and as the roads are more or less injured by the fairs being held in the streets, of course he does not like it.

128. Are the cattle allowed to go on the footpaths?—No; we have employed men at different times to prevent the cattle from going on the footpaths.

129. Is the cost of that charged in the account?—There was nothing paid for that during last year. We discontinued the men.

130. Do you pay them out of your own pocket?—No; the town sergeant has taken charge of the streets on the fair days.

131. How long is the manure allowed to lie on the streets after the fairs are held?—They begin to clean them on the day after the fairs.

132. Who cleans the footpaths?—The town sergeant has them cleaned; he employs men for that purpose.

133. Have you ever heard any of the medical men complain of danger of the manure being allowed to lie on the streets for a couple of days?—I never heard it.

134. Would it not be possible to drain the fair-green, and bring it into a proper condition for holding the fairs on?—It is a sort of lake. I think it would be impossible to drain it. It is the worst fair-green I ever set my foot in. Both before the wall was erected and since it, I have never in my life seen anything to equal the filth and mud of that fair-green.

135. Did you ever hear any of the cattle buyers complain of the fairs being removed from the fair-green?—I have heard one or two complain, but the majority are in favour of having them held on the streets.

136. Are there any slaughter-houses in the town?—There are.

137. Does anyone look after them?—No; they are never inspected by anyone.

138. Are the lodging-houses in the town ever inspected?—No.

139. Is the Act in force here?—No.

140. Are there any lodging-houses in the town?—There are some.

141. Are they inspected by the sanitary authority?—No. In fact I would not be surprised if some of them were overcrowded. A good many people have gone to live in them since the new railway began to be made.

Mr. JOHN SHEA examined.

Mr. John Shea.

142. Mr. EXHAM.—What business do you carry on?—I am a publican.

143. What is your opinion about the fairs? Would you rather they were held on the green?—It does not signify to me where they are held, but I have heard the buyers complain that the feet of the cattle were injured by standing on the streets during the fairs. I have seen the streets in a very dirty state for two or three days after the fairs.

144. Could not the condition of the fair-green be improved?—I say it is a very clean field. There is rock under it—there is not, I suppose, three inches deep of surface, and it could not be very soft or dirty.

145. Mr. EXHAM (to the *Town Clerk*).—Can you show me any resolution or entry on the books whereby the Commissioners resolve or say that as freemen they are to be free from payment of tolls on their produce?—Yes; I have it here. (Reads):—

"8th November, 1875. Proposed by Mr. F. Sayers, and seconded by Mr. H. B. Sayers, that the tolls, customs, and grazing of the green be advertised on the first Monday in December for one year, and that the Town Commissioners, being freemen, be toll free in every respect whatever, and that weighing on the machine be reduced to 2*d.* per load. Carried unanimously."

146. Does the collector give a bond?

Mr. *Tehan.*—I am the collector; I have been collector for the town of Fethard for the past thirty years.

147. Do you give a bond?—No, I do not give a bond. I think they know me well enough. I do not require to give a bond.

148. (To the *Town Clerk*).—Does the house in which the post-office is here belong to the Commissioners?—Yes; It is alleged that a lease was granted some time since by the Commissioners of this house, at a rent of £5 a year, to James Smith. He is dead, and his daughter, Ellen Smith, now lives in the house, which is valued at £12 a year. There is no trace of this lease in the Commissioners' books, or amongst their papers. I applied to Ellen Smith to show me the lease, or to give me its date and terms, but she refused to show it or give me any information about it.

The inquiry then ended.

TUAM.—MAY 16, 1877.

(Before Mr. Commissioner EXHAM, Q.C.)

Mr. JOHN LYONS examined.

Mr. John Lyons.

1. Mr. EXHAM.—Are you the Town Clerk of Tuam?—I am.

2. I believe your town is under the Towns Improvement Act?—Yes; it was first under the Act of 9th George IV., c. 82.

3. When was it adopted?—In 1854.

4. For what purposes did you adopt the Act?—All except water.

5. What number of Commissioners have you?—We should have fifteen, but we have only eleven at present.

6. How is it you have only eleven? How long have you been without the full number?—The number was not filled up these good many years.

7. How long have you been Town Clerk?—Since July last.

8. You say there were fifteen members of the Board originally?—Yes.

9. Was there ever as far as you know any resolution passed to reduce the number to eleven?—No. Some died and some fell off, and the vacancies were never filled up.

10. How many had you last year?—There were thirteen or fourteen last year.

11. Can you say whether the eleven are all duly qualified?—They are.

12. Is your population under 5,000?—It is.

13. Can you give me the number of voters here?—There are ninety-three rated between £4 and £12, and sixty-five rated above £12.

14. What is the acreage within the municipal boundary?—606A. 1R. 4P.

15. What is the rateable value of houses and lands within that boundary?—£3,918 2*s.*

16. When was the last election of Town Commissioners?—In October last.

TUAM.
May 16, 1877.
Mr. John Lyons.

17. Do you know why the number was not made complete then up to the fifteen?—I could not say. One or two died, and two or three absented themselves from the meetings—they did not attend.

18. Have you not a record of the meetings of the new Board?—It is seldom they attend altogether, and no names are taken down except of those who do attend.

19. Your tolls last year I see were £760?—Yes.

20. How are your tolls let—by auction?—By tender each year.

21. Are they advertised publicly?—They are published in the newspapers, and placards are also issued.

22. At what time of the year do the lettings take place?—On the 29th September. They are let from September to September each year.

23. What have you let them this year for?—£625.

24. Do you know the reason why it is less this year than last by £135?—I think the previous year the reason so large a sum was given was because of the competition between two parties, and the party who got them offered more than they were worth, at least there is a rumour that they did not pay him.

25. Were all the tenders lower this year than last?—Yes, they were.

26. What were the tolls let for during the last five years?—In 1872, £520; in 1873, £600; in 1874, £650; in 1875, £760, and in 1876, £625.

27. I have seen by reports that the man who had the tolls last year for £760—Mr. Roche—is making a claim for compensation?—Yes.

28. Has compensation been given to him?—No.

29. Do the Grand Jury keep your roads in repair?—Yes.

30. How do you consider they keep them? Are they in a proper and efficient state at present?—They are.

31. Was there ever any action taken by the Town Commissioners to try and get the roads placed under their own control and management?—No.

32. What does your income arise from?—Tolls; moneys received for dog-tax; fines for drunkenness, and lettings of the town hall.

33. How is it your fines at petty sessions are so small? I see they were only £1 1*s.* 3*d.* for last year?—We only get our moiety of them.

34. What did you get for letting the town hall?—Only 7*s.* 6*d.*

35. Is it the property of the Commissioners?—Yes.

36. What was your total income for last year to 29th September?—£1,162 18*s.* 3*d.*, including a balance of £335 19*s.* 1*d.* in hands of the treasurer at beginning of year.

37. Building and repairing, £13 0*s.* 9*d.* On what was that expended?—Repairs to the town hall and the sheds in connexion with it, the property of the Town Commissioners.

38. Paving and flagging, £22 4*s.* 8*d.*?—We spent that. We get a certain amount from the Grand Jury. Sometimes not.

39. Last year you got towards flagging, &c., from the Grand Jury £55, and you expended £22 4*s.* 8*d.* Have you the residue in hands to account for?—Yes.

40. By whom are the streets cleaned?—The Commissioners have it done by a contractor, under public tender every year.

41. What officers have the Commissioners and at what salaries?—I am town clerk at £45 a year, there is a craner at £36. The remaining items in the auditor's report are made up of small sums paid to the gate-keepers, pig inspector, bellman, &c., making altogether £107 15*s.* 4*d.*

42. Are the printing and advertising done by contract?—They were done by contract until this year. The £8 5*s.* in last account was a contract.

43. I see in the account rent and taxes £102 10*s.* 5*d.* What do they consist of?—The rent of the town hall, market place, and fair green, county cess, and poor rate.

44. What is the rent of the town hall?—£20 1*s.* a year for the town hall and market place.

45. Stationery, £5 18*s.* 6*d.* Is that for the town clerk's office?—Yes.

46. Weights and measures £2 15*s.* What is that paid for?—That is what the Commissioners paid for having the weights adjusted which are used in the public markets.

47. How is the town lighted?—By a private company.

48. Do you pay by meter or lamp?—We pay £3 a lamp and keep them in repair.

49. How many lamps have you got?—Twenty-five.

50. Whose property are the lamps?—The Town Commissioners.

51. How long are the lamps kept lighting each year?—From the 15th September to 15th April.

52. For how many hours?—They are lit at sunset each night, five are left lighting all night and the others are extinguished at eleven o'clock.

53. Is there any complaint as far as you know on the part of the inhabitants that the lighting is not sufficient?—I don't hear any complaints.

54. Have you considered whether it would not be cheaper to light by meter than by lamp?—No.

55. What is charged to private consumers per 1,000 cubic feet?—7*s.* 6*d.*

56. Is the £32 15*s.* 6*d.* charged in last account, about the average cost of repairing the lamps?—No. I think it is more than usual. We got new lamps. It was more last year in consequence of the number of new lamps that had to be bought.

57. Was it in consequence of your increasing the number of lamps that you got the new ones?—No, the old ones got so bad that we had to renew them.

58. How is it that your item for fuel is so large, £7 10*s.* 2*d.*?—We keep fires in two rooms of the town hall.

59. How often do the Commissioners meet?—Once a month. There is a news-room and it is supplied with this fuel.

60. By whom is the news-room used?—It is used by the Town Commissioners and the townspeople.

61. Are the gas and fuel used in that room charged for?—The Gas Company supplies the light gratis to the town hall for the accommodation of the people of the town.

62. Do the people pay any rent for the use of this room?—They do not.

63. Expenditure in connexion with fairs, £22 3*s.* What is that expenditure?—The wages of the men employed at the fairs and getting up pens on the fair-green.

64. Are these for the monthly fairs?—For the October fair—the principal fair we have in the year—we haven't a monthly fair.

65. This mortgage you paid off. What was the amount of the mortgage originally?—I cannot say what the original amount was but the balance was £679 7*s.*

66. £647 was the principal due last year, and the difference between that and £679 was for interest I suppose?—Yes.

67. Is there no mortgage now on the property of the Town Commissioners?—No.

68. Can you tell me when that mortgage was originally contracted and what was the amount of the original mortgage?—It was contracted, I suppose, twelve or thirteen years ago.

69. What for?—The building of the town hall. It was the money due Mr. Egan for flagging the streets and building the town hall. He took a mortgage for the amount which was ultimately paid off.

70. Have you any debt now on the town?—No, there is no debt whatever.

71. What were the sundries £24 3*s.* 4*d.*?—All small items of expenditure on town hall, &c.

72. £3 3*s.* paid to Mr. Roche, the late town clerk, for attending at a contested election of Town Commissioners?—Yes; he was paid that sum.

Mr. John Lyons.

73. Is there any other sum in connexion with elections?—No.

74. That leaves a balance due by the treasurer of £1 15*s.* 9*d.*?—Yes.

75. Who is your treasurer?—The National Bank.

76. How are the moneys for the tolls paid, monthly, quarterly, or in advance?—They are paid by bills. The toll farmer gives one bill first for £200, and the balance in five equal bills. He first gives a bill at a month for £200, and when that becomes due it is paid up.

77. Do the Commissioners discount the whole of the bills together, or are they discounted as they are wanted?—They are all passed into the bank and the Commissioners draw against them.

78. Do the Commissioners interfere in the markets at all?—No; the toll farmer has the entire control of them.

79. Have the Commissioners anything to say to the butchers' stalls?—They receive the rents.

80. Have you any receipts of any kind except these tolls?—Nothing except the tolls, fines, and dog-tax.

81. Are you an urban sanitary authority?—No.

82. Have you a sanitary officer at all—even an inspector of nuisances?—No.

83. Do the rural sanitary authority attend to the sanitary condition of the town?—Well they are doing something to it at present. They are cleaning up the sewers.

84. How is the town off for sewerage?—I think there are pretty good sewers in the town.

85. Have you got a fair-green here now?—We have.

86. Are the fairs of the town held on the fair-green?—They are. On the present fair-green the first fair was held last week. Previous to that the fairs were held on the old fair-green.

Mr. WILLIAM GANNON examined.

Mr. William Gannon.

87. Mr. EXHAM.—You are, I understand, chairman of the Town Commissioners?—I am. I was elected a Town Commissioner in 1843, and have been one ever since. I was, during that time, ten or twelve times elected chairman.

88. The town clerk has down £45 2*s.* 9*d.* for flagging which does not correspond with the auditor's last account, which gives it at £22 4*s.* 8*d.* after deducting cheque in favour of Mr. Egan, £22 18*s.* 1*d.* Do you happen to know anything of that cheque to Mr. Egan?—I remember some conversation about that. I think £45 was paid to Mr. Kenny, the other contractor. This cheque was drawn by Mr. Roche, the late town clerk. Mr. Shine was chairman that year. I cannot exactly explain how it occurred. I believe the flagging done by Egan was £22; the other end of the town was flagged by a man named Kenny for £20 odd. My memory is that Egan's flagging was in Bishop's-street, outside the palace wall, and that there was another piece of flagging done outside the railway station by Kenny. We got an allowance from the county upon each of these flaggings. £5 was stopped by the county surveyor in each case on account. Kenny was paid, but there is still a small balance due to Egan. Previous to our getting anything from the county we had paid the contractor. Kenny's contract was originally £80. We got £60 from the county altogether.

89. How much did you expend in 1875?—£81 14*s.* 1*d.*

90. You expended £171 in flagging altogether, and you got back £55?—We seldom ask more than one-half from the county.

91. How many Town Commissioners are there now?—There ought to be fifteen, but Mr. Cloran's seat has not been filled.

92. Were there fifteen in November last?—No, there were not. There were fourteen in November. There was some seat not filled. The seat of Mr. F. B. Burke is still vacant. There were fourteen in November, but Mr. Shine, Mr. Michael Cloran, and Mr. Burke never attended. In point of fact there are only eleven now.

93. When was the town hall built?—I think it was in 1856. Mr. Egan, the contractor, built it. There was no regular form gone through, and the cost was paid to him by instalments.

94. Was the last instalment what was paid off last year?—No, that was a judgment. That debt was contracted when the town was under the 9th Geo. IV. for flagging. Mr. Egan got a bond for the amount and a mortgage upon the tolls and customs which the Lords of the Treasury approved of.

95. Can you tell me how much that was for?—£630 odd.

96. Do you recollect the date of that?—I think somewhere about the year 1850, and it was partly expended on the flagging of the town.

97. You were under the Act of 9th Geo. IV., cap. 82, until you adopted the Towns Improvement Act?—Yes. There was a short period between the dropping out of the Act of Geo. IV. and the adoption of the Towns Improvement Act. The town dropped itself out of the Act. For about three months it was practically without any government at all.

98. Was that the only mortgage that was ever on the tolls?—Yes.

99. The tolls this year are considerably less than last year?—I thought the rise last year was a little in excess. I am never satisfied at getting less than £650, but £700 odd was a little more than I would expect for them.

100. I see the gentleman who had the tolls is claiming compensation for the loss he sustained on the letting of last year?—No; that is for the year before. His loss then was on account of the small-pox last May two years.

101. In your opinion is the Sanitary Act carried out fully and efficiently in the town by the Guardians?—I don't think it is within the power of the Board of Guardians to carry it out satisfactorily, because of the knocking about the officers get. First and foremost the sub-sanitary officer will have his attention called to a nuisance, and he then reports to the sanitary officer, who again reports to the board—but all this time the nuisance is unabated. From the time the complaint is made in the first instance until the report reaches the Board of Guardians and an order made upon it, fully a month intervenes; and during the entire of that time, what may be a dangerous nuisance is going on. That is the reason, I think, and a great many of the Commissioners agree with me, that the sanitary board should have a sort of magisterial authority to enable them to deal with those sanitary cases. Unless these nuisances are dealt with promptly they become a festering sore, and great injury is done before they are grappled with.

102. Are there many nuisances in the town which you think ought to be abated?—Well, no. There are some houses which have no water-closets, and there are some yards without drains connecting them with the main sewers.

103. Are you satisfied with the way in which the provisions of the Sanitary Act of 1874 have been carried out?—I think the Board of Guardians are doing as much as they can, but there are great difficulties in their way.

104. How is the town sewered?—Well, professional gentlemen might take exception to the way in which the sewers are made, but I think the sewerage is very fair. The sewers are run into the river below the place from which the inhabitants take water from the river.

105. Have the poorer classes any privies at all?—Well, they inhabit the rural parts of the town—they live principally in the outlying parts, and they have all small gardens and places of that kind.

106. Have the poorer classes any privies connected with their habitations?—In the middle of the town there are two or three houses which have not only no water-closets or privies, but no back-yards or back-

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doors, and the night-soil is emptied into the street sewer which creates a very great annoyance. This we find impossible to check.

107. Are there many houses, independently of those two or three, similarly circumstanced?—There is one in Vicar-street and two in Shop-street, and three in High-street.

108. In the places where they have small yards have they also privies?—My impression is that they have not.

109. Do they throw their night-soil into the street?—No; they empty it into their own yards. The fact is, in Tuam we have a large supply of peat, and the parties empty their night-soil into the yard and cover it over with turf-mould which acts as a corrective. The people use the turf-mould and mix it up with their manure, which acts, as I have said, as a corrective.

110. Do you think it would be advisable or beneficial to have the roads placed under your management and control instead of that of the Grand Jury?—I do not. I think it would create a necessity for additional expenditure. I do not find any fault with the way in which the roads are at present kept by the Grand Jury, but I think they might be made better. None of the roads are high enough in the middle to throw off the water. That subject was spoken of in conversation amongst the Commissioners, but no action was ever taken upon it. The streets here are very narrow, and the work on them is very great, so that the contractor must be continually at them.

Mr. William Ffrench Henderson.

Mr. WILLIAM FFRENCH HENDERSON examined.

111. Mr. EXHAM.—Do you live in the town?—Yes. I am a solicitor living in the town, and was formerly a Town Commissioner.

112. Do you desire to give evidence upon any points touching the subject-matter of our inquiry?—All I have to give evidence about is with regard to the sewerage of the town, and its general management. I object strongly to the way in which the sanitary arrangements of the town are carried out, and I think there are many changes which are imperatively demanded. For instance, the small shopkeepers are allowed to keep manure in their yards all the year round, which they sell in the spring, or put out on small crops themselves when they can get conacre.

113. Is that detrimental to the health of the entire community?—Yes, very much so; they collect the filth of their own houses in their yards, and keep it for several months to send it out as manure.

114. Are there many houses in that condition in Tuam?—A very large number not immediately within the heart of the town, but within the municipal area. I have no difficulty in saying there are over 200 houses in Tuam in that condition—in fact almost everybody does it, and I think I might double the number. Referring to what Mr. Gannon has been speaking of, I may mention there are two houses next the town clerk's, and the night-soil from them is thrown into the gratings over the street sewer which is most disgusting. Those two houses have neither privies nor yards, and they are in the most respectable part of the town.

115. Are there any other houses in the town in the same way?—I don't know of any others in the same condition; but there is a sewer in Bishop-street in a shocking condition, and I believe it is to be remedied. It is at Frazer's-lane, going up to the cathedral, and the wonder is that the entire congregation have not got typhoid fever. There are no stench-traps at all on it, and the spot you would avoid as a plague.

116. Are there many houses about it?—It is thronged with houses.

117. Is there any other matter to which you wish to call attention?—Yes. After the fairs the scavenging is not attended to with sufficient rapidity—they do not get sufficient assistants to clear away the manure of the fair. The man who has the scavenging contract gets the manure of the fairs, and he takes it off the streets in places near the fair ground, and leaves the other parts neglected.

118. Your ground of complaint is that it is not taken away quickly enough?—Yes. The only other matter which I have to mention is what is called here a "craze" of mine—that is the water supply.

119. How is the water supplied to the town?—The spring water is supplied by what are called the "Priest's Well" and the "Abbey Trinity Well." The Priest's Well is frequently dry in the summer, and causes almost a famine for spring water. Now the water for general purposes is supplied by the River Nanny that rises at the Curragh, about an English mile from Tuam. Until very recently at its head there was a privy from the factory—the Reel and Bobbin Factory—which discharged into it. The river then runs down to what is called the Big Bridge at Bishop-street. There is a sewer running through the eye of the bridge into the river there. On the other side of the bridge—the town side—horses and cattle are watered there—in fact all the animals coming from that side of the country to the fairs are watered at that place.

120. Is that the end at which the river enters the town?—Yes. There is hardly any water taken by the general public at the up-side of the Big Bridge at Bishop-street. The river then flows through the demesne of the Protestant Bishop. Sheep are washed in his lordship's farm-yard, and not alone his own sheep but the sheep of the general public are allowed to be washed there. His lordship is a very courteous prelate. I am informed, and have no doubt of it, that the privy in his lordship's farm-yard is cleansed by this river, and the sewage of the Palace—a very large house—is brought into a cesspool quite close to the river. I have it from a gentleman of very great experience that it was nearly impossible to prevent the sewage matter oozing from the cesspool into the river.

121. Is there an overflow from it?—I don't think there is. Then the river turns the Big Mill, and a great portion of the water supply of the town is got at the town side of the Big Mill, and before the river reaches the Big Bridge. Until recently cattle were watered there, but I believe that is stopped now. The sewage of the mill goes into the river, and there is a drain from the brewery of Mr. Charles Blake which discharges into the river at that very spot from which the water is principally taken. That is at the up-side of the bridge. It is not sewage that runs from Mr. Blake's brewery, but water after being used, which must, of course, pollute the river more or less. There is a good deal of water taken at the down side of the Little Mill by the general public—water of the same river. I myself constantly saw people taking it with cans and donkey carts and casks on them. During its course through the town it is used whenever the people can get at it.

122. With the exception of the two wells you have mentioned, are there any other public wells in the town?—There is only one other well that I know of for public purposes. There is one other very substantial objection that I have to the present water supply here. At the other side of Bishop-street-bridge, where the water widens and creates a sort of dam, I see women beetling their dirty clothes in the river. The same thing goes on between the Big Bridge at Shop-street and the Big Mill. I have seen it myself thousands of times.

123. Do they still wash clothes at the other side of Bishop-street-bridge before the water comes into the town at all?—I believe they are doing it there at the present moment. There is another very serious thing about the water supply. There is a little stream called the River Peak, which runs into the River Nanny at the town side of the Big Bridge at Bishop-street. Between the Big Bridge and the entrance to Bishop Bernard's demesne the Peak skirts nearly all the houses at the back of Bishop-street. These are all very small cabins. That stream is dry all the summer.

I believe there is not a privy in the whole of Bishop-street from the Big Bridge up. There is an arch close beside Bishop-street, just before the Peak joins the Nanny, and dead dogs and cats are pitched in there. I have never followed up the track of the river myself, but under the arch where the Peak comes into the Nanny I have seen the dead dogs and cats, and I have seen the river for some yards above the arch, and in the summer I think it is the filthiest place on the habitable earth. I have heard that it is a general privy for that part of the town, and then when there is a heavy fall of rain it is flushed, and all the filth is carried into the Nanny, and thus gives an artificial tone and body to the water at the Big Bridge.

124. Has there been any suggestion made or any action taken by the Town Commissioners with regard to getting a proper supply for the town?—I was a Town Commissioner. I became a Commissioner some seven or eight years ago in order to try and get a water supply. They were all favourable to it. We found that the taxation would run in this way—houses taking water would be charged 1*s.* in the pound, and houses not taking the water 3*d.* That would enable us to get a good supply. My friend Mr. Concannon, a solicitor in the town, has a large property here—a good portion of which is cabin property—and I understood that he would object to this, because these tenants of his would not be able to get in the water, and I freely acknowledge that he could hardly get the 3*d.* out of them; and he had such influence here that I knew it was quite impossible to carry out the scheme for getting the water supply. The question was renewed in 1876, and Messrs. Coiton and Townsend, of Galway, gave me an estimate of the cost, and it is quite possible we would have been able to get the water when this unfortunate question about the fair-green turned up; but now that it is settled we may look forward to getting a proper water supply.

125. Have you a good supply of water in the river?—Well, the river is very shallow here.

126. Are the Guardians doing anything at all to improve the sanitary state of the town?—I agree with Mr. Gannon that the Sanitary Act of 1874 is practically inoperative.

127. Have you anything to say as to the lighting of the town?—Nothing could be better than the lighting of the town; it is better than Dublin. There is just one other matter, and then I have done. The Guardians, as the sanitary authority, have recommended that there should be a new graveyard. The old graveyard is very much overcrowded, and it is in the centre of the town. It is several feet higher than the roads around it. It has been a graveyard for centuries. The medical officer of the union, Dr. Thomas Blake Turner, recommended that it should be closed, but no action has been taken upon it for the last two years, and to the astonishment of everyone nothing has been done.

128. Is the present condition of the graveyard dangerous to the health of the people?—I believe it is, although I have heard Mr. Gannon say there are no healthier people than those who live about it.

129. Were the waters of those two wells analyzed?—I don't think they have been. There might be the chance of pollution at the Abbey Well, but there could be no pollution at the Priest's Well.

Mr. MICHAEL FAHY examined.

130. Mr. EXHAM.—Are you a ratepayer here?—I am.

131. I understand you wish to give evidence with regard to some complaint you have to make?—Yes. What I have to complain of is that "standings" are allowed to be placed opposite my door and that I can get no redress from the Town Commissioners.

132. What "standings" do they allow to remain on the public streets?—Vendors'—applewomen, women selling confectionery; and if I threaten to remove them I am abused. The police will do nothing for me nor the Town Commissioners. This thing occurs twice a week, but principally on Saturdays.

133. Do these people claim the right to keep "standings" there?—I don't see how they can claim the right to close up my door and stop my business. My business has suffered greatly by it, a carriage or car could not come up to my door on these days.

134. Did you apply to the police?—The police say the Town Commissioners are the parties to prosecute. On the opposite side of the street is the town hall, and it is a thoroughfare to the new fair-green and Ulster Bank. All I require is that if a carriage or car comes up to my door I should have room for it. I made repeated attempts to get this nuisance removed. Mr. Gannon and Mr. Henderson said it was impossible to do so unless they had by-laws. An attempt was made to get by-laws and that was cushioned. I don't know what became of the movement. I have also to complain of the imperfect system they have of weighing in their markets. I have frequently found mistakes. Notes are issued at the weighing machine and what would be returned as nineteen stone in the morning would be given in the evening as twenty-two stone. If I go into the market and buy something, by and by a fellow will come with a number of chalk marks on his hat and point to one of them and say "that is yours" and upon that I must pay him whether rightly or wrongly. I think it is a most abominable system.

Mr. GANNON re-examined.

135. Mr. EXHAM.—What have you to say in reply to those statements?—I have to say in the first place as regards the markets Mr. Fahy is connecting an old habit with the present system. It is not at all now, that thing of chalking marks on the hat.

136. Have you a weighmaster?—We have one.

137. I know by the report of the Commissioners of 1835, that there was a weighmaster under the statute of Anne, and that there was a cranemaster which the Commissioners of 1835 condemned. Have you only one weighmaster now?—Yes.

138. Does he weigh everything that is brought into the market?—He does.

139. Is the man who has the tolls of the markets the weighmaster?—No. In the old Corporation times the toll farmer had the management of all the weighing and everything of the kind and he appointed people for weighing. The Commissioners under the 9th Geo. IV., appointed what you call a "craner." Previous to that the Commissioners had a supervisor over all the weights of the town, but now the weights are adjusted by the police.

140. Assuming the weights to be correct, is it not your man weighs?—Yes.

141. Upon his weighing does the toll farmer get his toll?—Yes.

142. What check is there at all on the part of the public as regards this weighmaster?—I don't know except that they can see their goods weighed.

143. Does he give a private docket of what he weighs?—He does of potatoes. There is nothing to prevent the owner of the things from seeing what is done. The man who sells or buys can see what is done at the crane and at the scales.

144. Is it the same man who weighs the things in the open market who also weighs inside at the machine?—It is. On market days he gets assistance but it is he that ought to give out all the dockets.

145. Did you hear what Mr. Fahy said about the man going about with the weight chalked upon his hat?—That has been done away with for years.

146. Is there a block kept—the counterpart of the dockets?—There is a book kept at the weighing machine, but in the other cases there is merely a docket issued

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and no blocks are kept for them. The printed docket is given for other things weighed—not at the machine, and the weighmaster is responsible for them to the buyer and seller—either of whom can make his complaint if he have cause to do so. I have had over and over again complaints made to me, and as chairman I have had to go and see them corrected. Some of the complaints were well founded and some of them not.

147. Are those complaints numerous?—I would not say they are numerous—they are more numerous than I would wish them to be, but they are not very general. When you take into account the number of packages weighed there, and that you sometimes have complaints only once a week or once a month, I think no one can fairly complain.

148. As far as you can say have the causes of those complaints been the result of the hurry of business, and fairly attributable to that?—I don't think I would charge corruption, although I have often threatened the men with dismissal if they were not more particular.

149. Would you say it was merely the result of carelessness?—It is often, and if it is a cold or wet day the man takes a little drop to drink, which is often the cause of the mistakes.

150. Is it done in the interest or favour of the toll farmer?—It would not affect the toll farmer. It is only by the article he is paid.

151. Is there a schedule of tolls prescribed by the Commissioners for each article, and is the toll farmer not allowed to charge more than that?—Yes, the schedule is printed and posted up. The Commissioners reduced the tolls eighteen years ago. They reduced the toll on small parcels, and left it as it was on large ones.

152. Since you reduced the tariff of tolls in the markets have the amounts increased?—They have. I would not say the tolls of the markets have increased, but the tolls of the fairs are set at a larger rent. The old Corporation used to set them on the 29th September, that was the day on which the sovereign was elected, and we continued that day. We set them by tender, and invariably give them to the highest tender. There is a lease made for the year, and bills are taken for payment of the instalments. The first bill is paid on the 20th October. The toll farmer gets as much by the fairs that day as pays the bill.

153. Does he give any security?—Yes, two sureties. The amount is divided into bills, and the joint and several notes of the toll farmer and two sureties taken. They are all indorsed by the Chairman and put into the bank, and the Commissioners can draw upon them as they want the money.

154. Did you ever want accommodation from the bank?—Not for the last few years, but previously we did. About 1843 we had not a penny at all for two or three years.

155. What do you say about this complaint of Mr. Fahy's in reference to the standings?—There is a difficulty in dealing with those people. From time immemorial they have had apple "standings," and there is upon the schedule a certain sum that they must pay for the privilege.

156. Do you mean to say that on the schedule board a right is set forth for these people to have "standings" on the public streets?—They have. All the fairs and markets were held in the streets until the Commissioners got up the potato-market, &c.

157. How did the Commissioners persuade the people to remove the fairs to the fair-green?—They got them to do so by mutual consent. The old Corporation had tried it and failed. The Commissioners got the old fair-green and the people of the town consented (some of them wanted to have the fair on the streets), and we got the farmers to consent, and the archbishop gave us a field, but no tents were to be put up, and it was on that condition the townspeople consented to the fair being removed.

158. What is your opinion as to having the "standings" of these apple women on the public streets?—It is a great annoyance.

159. Would it not be most desirable to get rid of it?—Yes. Very many of the people who have got the right are most disagreeable, but we cannot do anything with them, and the police won't and do not think they can interfere.

160. However, it is your opinion that it is most desirable if it can be done that it should be put a stop to?—It is. Mr. Henderson wanted at one time to have by-laws, and was going to take the matter up, but I thought that should be done by our own solicitor.

Mr. *Henderson.*—I did not know before why my action in the matter was stopped.

Witness.—I was very anxious to get rid of these standings, but our patent contains all these things. Chief Justice Monahan and Master Fitzgibbon gave it as their opinion that we had our markets by prescriptive right, and that we could not enforce by-laws against these people. We could not get a market-place for corn, which is still sold in the streets, and we had great difficulty in getting a fish-market.

161. What do you say about the water supply?—The water supply of Tuam would be as good as could be if it were not impregnated with impurities in its progress through the town. In Bishop-street there is a place where horses are taken in to water occasionally, and the place that Mr. Henderson speaks of is a washing place, but it is outside the town. The bridges are within the town, and the river runs through the palace grounds. Now I don't think the Peak river is at all as bad as it is described. I don't think it is a receptacle for nuisance, or for dead cats and dogs, as Mr. Henderson says. It is walled in by a wall three or four feet high. There is a gap in it near the Curragh gate, but there is a parapet wall three feet high, and it is about seven feet on the road side. Dogs were thrown into the river Nanny a number of years ago, but my attention was called to it and I put a stop to it.

162. Mr. EXHAM.—Does Mr. Henderson say that this water is used for drinking purposes?

Mr. *Henderson.*—Anyone who can afford to send to the spring wells does not drink it. You must pay for the water being carried to your house, but the poor people take and drink the water from the river.

Witness.—There is a continuous flow of water to the Nanny, and these matters are all carried away. Except in this place that Mr. Henderson speaks of, at Bishop-street, there are no impregnations at all, save and except at the upper bridge. All that cabin property that he speaks of as having their sewage matter flowing into the river, that is all carried away when there is a flush of water. With regard to the pollution at the river's source by the Bobbin factory, that was stopped a couple of years ago; the factory adopted a plan to get rid of their sewage without running it into the river.

163. Did you ever get the water of the wells analyzed?—I don't recollect that it was, but while the Town Commissioners had the management of them we got all of them cleaned out. Now that is all done by the Board of Guardians. There is the mill-dam at the big bridge, at Shop-street, which gets covered with weeds, and that we had cleaned every year. The place where the people used to wash was removed a few years ago much lower on the river, and the regular place for watering cattle was also removed. The rule is, that everything should be washed at the lower end of the town, where the water goes off into the country. The Bishop-street people wash there still; the clothes are not washed, but merely rinsed; the soap is rinsed out of them.

164. Are the Board of Guardians taking any steps to get a good water supply?—Although a guardian myself, I cannot say; but I don't think they are.

165. Don't you think it would be desirable to have a supply of good water?—I am very much in favour of having a water supply, but I have been always

anxious to get a company to take the matter up, and raise part of the capital, in order to guard against jobbing by influential parties. I object to the Town Commissioners having the exclusive control of it. If a company raised one-half of the capital, and the Commissioners provided the other half, you would have a guarantee against any trickery or scheming; but if the Commissioners have the entire control, you could not guard against trickery and scheming.

166. At present you levy no rates?—No. We had a very hard battle to fight against the old Town Commissioners, and we never would have been able to carry the day only we gave the people a pledge that we would never levy a rate; therefore, I never could be for levying a rate.

167. You should tell the people that the Commissioners are subject to the law, and that it is for the benefit of the people to have a good water supply, and probably they would then submit to a water rate?—Some of the Commissioners thought it would be a good thing to clear off the mortgage, and afterwards to raise a sum of money to establish waterworks. We had not sufficient to pay off the mortgage, but the bank honoured our cheque for the amount, leaving us at the wrong side for £200 or £300. On the 1st November, 1875, we had no money to our credit in the bank, but they told us they would honour our cheque to pay off the mortgage, and they never charged us one shilling interest. When we are out of debt we will have money then to go on with the waterworks.

168. What do you say with regard to this graveyard?—I was always an advocate for getting a new graveyard; not for closing the present one, as I should preserve the rights of those who have burial-grounds, such as the present one, but I am entirely in favour of getting a new graveyard for the town. There are a great many of the inhabitants of the new town who have no rights of burial in the present graveyard. I did say, when they were all making a mountain out of a molehill, that I knew people living in the neighbourhood of the graveyard who were ninety years of age, and that, therefore, it could not be as pernicious to health as was described. But I have always been anxious to get a new graveyard. The Commissioners, twenty-five years ago, tried to get a graveyard; they almost went on their knees to Bishop Plunket to get one, but could not succeed. The Guardians have not the power of levying a rate inside the municipality for a graveyard, and the Commissioners could not levy it outside the town; and I am opposed to have the town saddled with the whole cost of a graveyard.

169. Do you consider the graveyard in its present condition overcrowded, and injurious to health?—I think it is overcrowded, but I won't say injurious to health. Five years ago I had, unfortunately, to open a grave, and I found the bottom of it as sound as could be.

170. What is the condition of the graveyard on the whole?—Some gentlemen here say there are some graves with barely four inches of earth over the coffin. I believe there are parts of the graveyard where graves could not be made with more than a foot of covering over the coffin; some places with about two and a half, and some with not more than half a foot. A couple of years ago there were some men employed on the Galway side of the graveyard, at the wall, and they complained that they could hardly work from the offensive smell there was there, and that it sickened them.

171. The old fair-green fell out of lease, and you got a new fair-green?—There never was a lease of the old fair-green, for we were only tenants to the archbishop and college authorities from year to year. We could not get a place for a fair-green on this side of the town.

172. Have you anything to say with regard to the municipal boundaries?—Our boundaries are most absurd. They do not take in the workhouse, and the boundary runs through a field at Parkmore House, in fact you would say the line of the boundary was struck without regard to any fixed principle. It was in consequence of the boundary being so limited in this direction that we could not go out far enough on this side for a fair-green.

173. How long has the present boundary been in existence?—Since 1856. I struck out myself a boundary for the Town Commissioners, which was not fully a statute mile from the centre of the town to any given place, and it could be narrowed to one-half of that.

174. Did you say it was impossible to get a suitable green at this end of the town?—Oh, it was.

175. Was there not some litigation about getting a fair-green?—There was.

176. Have you got one now?—We have. There was a good deal of trouble before a site could be fixed upon. One party said it would take away their business from one side of the town to the other, and another party was opposed to having the cattle driven through the town so much. It was found very hard to get a place to please everybody.

177. Are you satisfied with the way in which the town is lighted?—Yes.

178. Do you agree with Mr. Henderson as to the condition of the sewers?—He mentioned one particularly at a lane near the cathedral?—Doctor Turner and I visited that place. There was no stench-trap there. We got stench-traps, but they are almost useless unless you have water in them. Every year the Commissioners cleanse the sewers.

179. Who looks after the laneways?—The Grand Jury give 6*d.* a perch for the lanes to the contractor, and the Commissioners supplement that by some small sum. We have a scavenger who sweeps the streets and cleanses the lanes besides, and he gets £40 a year.

180. Does he do that to your satisfaction?—Well, I have had to complain of him. The streets on Sundays are dirty, but that is in consequence of the Saturday markets, which are not over until very late in the evening, and there is not time for the contractor to clean them. After nine o'clock on Sunday morning the police won't allow the contractor's men to cleanse the streets; they will summon them for breach of the Sabbath law, and the dirt is, therefore, allowed to remain on the streets all day on Sunday. In the summer time the streets are not so bad as in winter. The markets are always held on Saturdays.

181. Then in that respect the lanes are better off than the principal streets?—Well, they ought to be, but I don't think there is very much difference between them. The lane leading up to the church, and the street leading up to the cathedral are better looked after than perhaps other parts of the town.

182. Do you agree with Mr. Henderson that there are a couple of hundred houses within the municipal area where they have yards, and in which the stuff is collected from one period of the year to the other, when it is either utilized by being used as manure on conacre or sold?—I go further than Mr. Henderson, and say it is the practice all over the town.

183. Have the Guardians ever done anything about that?—I don't think they have.

184. Surely everyone must know that this stuff is being collected in the yards, and that it is festering in the summer?—I don't think there is much of it in the summer—it is carried away before that.

185. In these houses, I suppose, there would be seven or eight people, and their filth alone every day would soon accumulate and make a large quantity?—As I said before, it is greatly corrected by being mixed with this turf-mould when emptying it into their ashpits.

186. You have heard several gentlemen speaking of the state of the yards to those houses?—Those same gentlemen don't clean their own yards.

Mr. *Henderson.*—I know I do.

187. Mr. EXHAM.—Are the Guardians doing anything to remedy this state of things?—I don't know as to that.

188. Is this sort of thing prejudicial to the public health?—Oh, I don't say anything as to that. I know Tuam is as healthy a town as any in Ireland.

TUAM.
May 16, 1877.

Mr. Edmund John Concannon.

Mr. EDMUND JOHN CONCANNON examined.

189. Mr. EXHAM.—Do you know this Peak River where it joins the Nanny?—I do. It is as described by Mr. Henderson, used by a great many people in Bishop-street as a "necessary" in the summer.

190. In the winter do they throw the stuff into the stream?—I don't know what they do with it then.

191. Have you anything to say as to the water supply?—I know my father and Mr. Cloran will oppose getting a water supply, and levying a rate for the purpose.

Mr. *Gannon.*—Mr. Cloran will not.

Witness.—Mr. Straffan will, and they are the principal owners of small property in the town.

192. Are dogs and cats thrown into the river Peak?—They are.

193. Is there any debt due by the Commissioners?—There is £400 due as law costs. There is £120 due to my father as rent for the new fair-green.

Mr. *Gannon.*—As chairman of the Commissioners I had my reasons for not saying whether we were in or out of debt. The costs will speak for themselves. But for this unfortunate lawsuit we would have had a large sum of money to our credit.

194. What is the rent of the new fair-green?—£60 a year.

195. Is that more than was paid for the old one?—The old one was £30 and £15. There was a good deal of expenditure upon it. The expenditure between rent and everything was something about the same as the rent of the present one.

196. Would you propose any change in the municipal boundary?

Mr. *Gannon.*—I should like to see the municipal area increased, and proper boundaries fixed. I would extend the boundary one quarter of a mile beyond the present one.

Mr. *Cannon.*—The poor rate in one district a quarter of a mile from Tuam was 4*s.* 1*d.* in the pound, whereas immediately outside the town it was only 10*d.* This was owing to the irregular manner in which the boundaries are fixed.

Mr. *Henderson.*—I have a farm on which I am paying 4*s.* 1*d.* poor rate, which by the road is half a mile further from the town than another farm for which I am only paying 10*d.* poor rate. The boundaries require to be recast.

Mr. Charles Blake stated that there was no drain from his brewery into the river Nanny as mentioned by Mr. Henderson. The water that came out of the brewery ran into the Nanny, but there was no sewage matter or impurity of any kind in the water that was discharged into the river. Although his family did not bury in the present graveyard, and therefore were not interested in the matter, still he thought there was a necessity for opening a new one, as the existing one was overcrowded.

197. Do you think the graveyard ought to be closed as dangerous to public health?—Well, I cannot say as to that.

NEW ROSS.
May 16, 1877.

NEW ROSS.—MAY 16, 1877.

(Before Mr. Commissioner LAWLESS, Q.C.)

Mr. Shepherd F. M'Cormack.

Mr. SHEPHERD F. M'CORMACK, Chairman of Town Commissioners, examined.

1. Mr. LAWLESS.—Are you the chairman of the Town Commissioners of New Ross?—Yes.

2. Under what Statute are the Town Commissioners appointed?—Under the 17 and 18 Vict., cap. 103, Towns Improvement (Ireland) Act of 1854, which was adopted, with the exception of the provisions as to public water supply, in New Ross in September, 1855.

3. How was the town governed previous to the adoption of the Act of 1854?—By Commissioners under the 9th George IV., cap. 82.

4. How many Town Commissioners are there?—There are fifteen.

5. Is that number now full?—Yes; there is no vacancy on the board at present.

6. Are all the present Town Commissioners duly qualified?—To the best of my knowledge they are.

7. Is the town divided into wards?—Yes; into two wards.

8. Will you give me the names of those wards?—New Ross and Rosbercon. New Ross ward is in the county Wexford, and Rosbercon ward is in the county Kilkenny. The town of New Ross is partly in Wexford and partly in Kilkenny, and the two wards are divided by the River Barrow which divides the counties.

9. Can you give me the population of New Ross by the last census?—The population is very nearly 7,000 now.

10. Can you give me the rateable valuation of New Ross?—The rateable valuation within the borough is £7,808.

11. Does that represent the valuation of the property within the limits over which your powers of municipal taxation are exercised?—Yes.

12. Can you give me the rateable valuation of the two wards separately?—The valuation of New Ross ward is £7,277 10*s.*, and the valuation of the other ward is £531 5*s.*

13. How many Town Commissioners are returned by each ward, and how many voters are there in each?—New Ross ward has 224 voters, and returns twelve Town Commissioners; Rosbercon ward has seventeen voters, and returns three Town Commissioners.

14. Is there any special Act affecting the municipal government of the borough of New Ross?—No, not one. There is no special Act except that referring to the borough court.

15. Do the Town Commissioners of New Ross, as such, possess some landed property?—They do.

16. Can you tell me what that property consists of?—Land and houses.

17. Where is the land situated?—In the county of Wexford, and the houses are within the borough.

18. Can you give me separately the rental of the lands, and afterwards the rental of the houses?—The rents reserved yearly, and payable half-yearly, amount to £342 13*s.* 3½*d.*, and the amount paid by weekly tenants is £17 15*s.* 4*d.*, making altogether £360 8*s.* 7½*d.*

19. Were those lands and houses the property of the old Corporation of New Ross before the year 1840?—Yes.

20. Are you able to state by what title the property is held?—Held by charter I should say.

21. By whom are the rents received on the part of the Town Commissioners?—By Mr. Maher, our collector.

22. Does Mr. Maher give security?—Yes.

23. In what way?—In the ordinary way—by sureties and bond.

24. Have you got the bond?—Yes.

25. Can you tell me how the property of the Town Commissioners is held by the occupying tenant?—The land is held by leases for lives renewable for ever.

26. Is all the land held in that way?—It is.

27. Are there more than one tenant?—There are several tenants. (Collector's bond produced.)

28. This is a very old bond; it is dated 19th February, 1856. Are the two sureties mentioned in it living still?—They are both living. The amount of the bond is £380.

29. When you say that the lands of the municipal body are held under leases for lives renewable for ever do you mean only the lands outside the town or the lands and the houses in the town?—I mean the lands outside the town.

30. What are the names of the holdings?—The Commons, Charter House, Kentown, and Barratsknock. The Charter House, and 32A. 0R. 15P. with it, are not held by lease for lives renewable for ever; they are held under a lease for three lives or thirty-one years, at the yearly rent of £73.

31. Do the tenants, which you describe as holding the lands, hold under separate leases?—There are separate leases.

32. Can you tell me what the dates of those leases are?—They are very old leases, and were all made in the last century—before 1800.

33. Can you tell me how the charter-school is held?—There was originally a lease of that property made for ever for a charter-house, and that was done away with, and lapsed to the Town Commissioners.

34. I shall want to see that lease?—It is not so very old. All these charter-schools were abolished about forty-five years ago, and then Mr. Payne got it.

35. Can you tell me how the property in the town is held?—Some by yearly tenancies, but there is a great deal of it in perpetuity—a great deal held by lease. A large store in Bridge-street is held in that way.

36. I have your rental here, but I wish to have marked on it the people who hold by lease, the dates of the leases, in order to have the rental complete?—I shall have it done by to-morrow.

37. Do the weekly tenants of the Town Commissioners hold under any written agreement?—No; merely by a weekly arrangement.

38. Their rents come altogether to only about £17 or £18 a year?—That is all.

39. Have any leases or any lettings of any kind been made recently of any portion of the property of the Commissioners by the Town Commissioners?—I think there was a lease made to a man named Redmond.

40. What number is he on this list of yours?—Number 44.

41. In what year was the lease made?—Within the last ten years; I do not think there was any other.

42. Is there any regulation or rule established amongst the Commissioners as to their mode of letting when any lease runs out?—They always advertise it.

43. Do they advertise for tenders? How are the offers made?—Tenders are received, and there is then a special notice given to the Commissioners, and a meeting is called for the purpose of considering the matter. Such business is not done at the ordinary meetings—notice is specially given.

44. Have there been any lettings made by the present body of Town Commissioners since they adopted the Act of 1854 in the year 1855 to any members of their own body?—No; none.

45. Can you tell me now whether, when they advertise for tenders for any holding, they have a valuation, by some professional and competent person, made of the holding which it was proposed to let?—No; they do not.

46. Did they merely exercise their judgment as to the value of the property?—Yes.

47. What are the pipe-water rents which I see the Town Commissioners here receive. In the last accounts the amount set down as received is £55 5*s.* 5*d.* By what right do the Town Commissioners receive these rents?—I have the number of the persons, and the amount charged in the books.

48. Are those payments made for water supplied by the Town Commissioners to some of the inhabitants?—It is.

49. Have the Town Commissioners of New Ross a public waterworks?—They have not.

50. Then how do they supply water to some of the inhabitants?—The Town Commissioners have three large reservoirs in the upper part of the town.

51. Are those reservoirs situated in any portion of the property of the Town Commissioners.?—They are in the borough.

52. Do the people pay for this water supply by contract, or has there been any general rate of payment fixed?—They pay by contract. Manufacturers pay £1 10*s.* per annum; bakeries and grocers pay 15*s*; houses rated at over £20 pay 15*s.*; so, you see, there is a scale of payment.

53. Is that compulsory; is it under any Act of Parliament?—It is by contract.

54. For instance, can the Commissioners compel the owner or occupier of every house to take the water?—No; they cannot. Every person who wishes to take the water from the Commissioners agree to pay according to that scale of prices.

55. What is the annual average payments for the use of water by occupiers? It was £55 5*s.* 5*d.* last year; does that amount represent the average?—I would take the average at £55. We have water pipes laid in thirteen streets.

56. Were those pipes laid by the present Town Commissioners?—Yes; since the year 1855.

57. Have the Town Commissioners, as such, any control or power over the port or harbour of New Ross?—They have not. There is a Board of Harbour Commissioners appointed under the 11th & 12th Vic., cap. 139, who have full control over the port and harbour of New Ross, and power to receive fees and tolls from ships.

58. Do the Town Commissioners receive any tolls or dues from vessels entering the port of New Ross, or any income of any kind?—No; except that they receive a rent of 5*s.* a year from the Harbour Commissioners.

59. For what do they receive this rent?—In 1848 the then Commissioners, under the 9th Geo. IV., cap. 82, made an agreement with the Harbour Commissioners to leave or give to them any rights they had to tolls or dues, &c., from ships in the port. For this the Harbour Commissioners were to pay the New Ross Commissioners 5*s.* a year, and were also to light and watch the quay. In the year 1871, the Harbour Commissioners discontinued lighting the lamps on the quay as originally contracted for, and about two years and a half ago they also discontinued employing watchmen.

60. Since the Harbour Commissioners ceased to light the quays, and since they ceased to have the quays watched, has that payment of 5*s.* a year been continued?—It has.

61. Have the Town Commissioners of New Ross any representation upon the Harbour Board?—Yes; you will see that by the 34th section of the Harbour Commissioners Act the chairman of the Town Commissioners of New Ross is an *ex officio* member of the Harbour Board.

62. Is there any litigation at present between the Town Commissioners and the Harbour Commissioners with respect to this neglect of the Harbour Commissioners to light and watch the quays?—No; there is not.

63. Are those quays which it was stipulated the Harbour Commissioners were to light and watch now, and since 1871 and 1874 respectively, left unlighted and unwatched?—No; the Harbour Commissioners light portion and leave the remainder for the Town Commissioners to do.

64. Is the portion which the Harbour Commissioners don't light now in fact lighted by the Town Commissioners?—It is. The way the thing occurred is this. The Harbour Commissioners, some two years and a half ago, stated that they were bound to light only the lamps which would be of use for the navigation, and that the lamps on the inner side of the quays should be lit by the Town Commissioners. There was then a great contention about the matter, which resulted in our lighting some and not lighting others.

65. Do the Harbour Commissioners still continue to light those lamps which they say are necessary for the use of ships?—Yes; I find I have made a mistake in what I said. None of the lamps on the quay are

NEW ROSS. *May* 16, 1877.

Mr. Shepherd F. M'Cormack.

lighted by the Town Commissioners; they are left unlighted. I thought at first there were one or two of them lighted.

66. I find amongst the descriptions of your property a weigh-bridge and fish-house, which are referred to by Mr. MacDermott, in the last report he made. What is the weigh-bridge and fish-house?—The fish-house is a place where fish, salmon particularly, are sold, and the weigh-bridge is used for weighing hay and straw.

67. Are those the property of the Town Commissioners?—Yes.

68. Do the people who require to have hay and straw weighed pay any toll?—Yes.

69. Which the Commissioners have a right to receive?—Yes.

70. What is the nature of the toll paid in the fish-house?—Some small toll for salmon. It is in the nature of a toll of 1*d.*, on each salmon.

71. Which the Town Commissioners are also entitled to receive?—Yes; our tenant could not charge it if we were not.

72. Have the Town Commissioners leased or let their right to receive toll from the weigh-bridge and fish-house to some person?—Yes; the tenant would have no profit unless we had compulsory power to oblige people to weigh all their fish in that weigh-house. We have that power under a by-law.

73. To whom have the Commissioners set it for the present year?—To Mr. Maher, the collector of the borough rate and corporate rents.

74. For how much?—For 10*s.* a week.

75. Do the Commissioners consider it is better to do so than to manage those places themselves?—They do.

76. Is that letting made to Mr. Maher by a written contract?—Yes.

77. Can I see it?—Yes. (Contract produced.)

78. I have here in the minute book the minute of the proposal made by Mr. Maher, on the 11th December, 1876, under which he holds at present, I presume. Here is the minute referring to it:—

"Proposal on the part of Mr. Maher to pay 10*s.* per week for the weigh-bridge and fish-house, for one year, to be paid weekly, commencing on the first Monday in January, 1877, and ending on the first Monday in January, 1878, and also to pay all the taxation payable upon the said premises during the year of his tenancy. He offers the security of Mr. Richard Travers and Mr. James Byrne"?

Yes, it is under that proposal that Mr. Maher holds.

79. I find here on the rental (which appears to be for the year ending in 1875) Maher is described as the tenant of the Quay weigh-bridge and fish-house, at the annual rent of £33 16*s.* Did he hold the weigh-bridge and fish-house formerly at a higher rent than he now pays?—He had them then at 13*s.* a week. Then we put them up to public competition—we did not give them to him without doing that.

80. How did you put them up to public auction?—By advertising for tenders.

81. Can you give me the resolution of the Town Commissioners by which that was done?—It was advertised on the 22nd December, 1876.

82. Did you receive any other offers or tenders besides that of Mr. Maher?—No; not any.

83. For how many years before that had you been in the habit of advertising it?—That was the third year. Up to within three years he continued to be the tenant without the premises being advertised.

84. And were they then advertised?—Yes; they were advertised for the first time in September, 1874.

85. I find here that Mr. M'Dermott, the auditor, makes a rather important remark about Mr. Maher's tenancy. He says, at the audit on 17th January, 1876:

"I called attention in my last report and previous reports to the large arrear due by the collector on account of the weigh-bridge and fish-house which he rents from the Commissioners, and I pointed out that if the person to whom the collection of the Commissioners' revenues is entrusted is allowed to remain so much in arrear, other tenants will not be slow to claim a similar indulgence."

Were the Commissioners aware of this; it seems to me to be a strange thing?—Well, I wish to tell you that Mr. Maher is a very old servant of the Town Commissioners, a very respectable man, but in 1864 the Commissioners deprived him of a portion of the fish-house.

86. Was he the tenant of the weigh-bridge and fish-house in the year 1864?—Yes. They deprived him of a portion of the fish-house for the purpose of making a store for the fire-engine.

87. Did he, by reason of that, make a claim to get a reduction of his rent?—After some years, when he got into arrear, he thought he should be allowed something. The Town Commissioners took the same view of it, as he had been deprived of part of his tenement without getting any compensation, and made him an allowance.

88. Did they make an allowance by remitting some of his arrears?—Yes.

89. Then at the present, does he only hold the fish-house less by that portion of it which the Town Commissioners took for storing the fire-engine?—That is so.

90. Did Mr. Maher pay up the arrears about the non-payment of which Mr. M'Dermott complained?—There was a settlement come to.

91. I understand that arrangement to be, that the Town Commissioners took into consideration their having deprived him of that portion of the fish-house, and allowed him for rent in settling the arrears, and that they also took it into consideration in accepting 10*s.* a week as the new rent?—That is not quite so, because he was the only proposer—the only person who offered a rent for the place. On the 10th August, it was proposed at the meeting of the Town Commissioners:—

"That James Maher be allowed the sum of £15 12*s.*, being 1*s.* per week for six years, in consideration of that portion of the fish-house which the Commissioners took from him in August, 1864, for the purpose of housing the fire-engine, on the condition that James Maher sign a consent for the Commissioners to stop 2*s.* per week out of his wages, for the payment of balance due by him, after making the foregoing allowance."

92. Have you any idea of what Mr. Maher's receipts for this weigh-bridge and fish-house amount to yearly?—He never enlightened us very particularly on the point, but we have an idea that he does not derive a very large profit from them.

93. Do you, on the part of the Commissioners, think it is better to let these tolls than to receive them yourselves?—Certainly; if we paid a person I am afraid we would have very little profit at the end of the year.

94. Is Mr. Maher, the collector of the corporate rents?—He is.

95. And the collector of your rates also?—Yes.

96. How is he paid?—By a per-centage; he is paid two and a half per cent.

97. Does he get that two and a half per cent. on £26, the amount of his own rent?—He does; he gets two and a half per cent. on the amount of the rental.

98. On the whole rental, which includes his own £26?—Yes.

99. Have you ever had any other offers for renting that weigh-bridge and fish-house?—No. I was going to say we have not had any in my time, but the fact is we have not had any that any of the Commissioners can remember. It was only advertised for the last three years.

100. And then Mr. Maher had been the tenant for at least ten years before that?—Yes.

101. What rate do the Commissioners levy here?—The only rate they levy is an improvement rate.

102. What is the rate for this year?—8*d.* in the pound. They have, from time to time, struck rates varying from 6*d.* to 1*s.* in the pound, and the rate for this year, struck on the 11th January, 1877, is 8*d.*

103. What was the gross amount of that rate of 8*d.* in the pound?—It was £246 18*s.* 3*d.*

104. How does the collection of that rate stand

just now?—There is £110 lodged and £140 yet to be collected. There was £5 14*s.* 6*d.* of arrears added.

105. How often is the collector obliged to lodge his collection?—Every week.

106. Does he, as a matter of fact, make his lodgments every week?—Yes.

107. Who is your treasurer here?—The National Banking Company.

108. By what mode do you ascertain or determine that any arrears of rates are uncollectible. Are they brought before the Commissioners?—Repeatedly. The collection of the rates is then brought under discussion.

109. How often is the collector obliged to lay the state of his collection before the Commissioners?—At every meeting—once every week.

110. Does he lay before the Commissioners any statement as to the portion of the rates that he believes to be uncollectible from any cause?—Yes; and we have to strike them off at the end of the year, either by reason of the places being unoccupied, or of the inability from poverty of the people to pay.

111. Do the Commissioners then decide upon what rates are to be regarded as uncollectible?—They do.

112. When the collector comes before the Commissioners, does he bring his bank book as well as his collection book?

Town Clerk.—I think he has made a lodgment every week for this last twelve years. I check his books in the same way as it is done in the workhouse.

113. Mr. Lawless (to *Witness.*)—I see here that the town receives a sum of money annually from the Grand Jury. Here is a sum received last year of £134 3*s.* 4*d.*, Grand Jury presentments. What is that for?—The contract for keeping the streets in repair.

114. Are the streets of this town kept in repair entirely by the Grand Jury?—Entirely.

115. All of them?—Yes; the Grand Jury do everything—the Wexford and Kilkenny Grand Juries.

116. Does the sum of £134 3*s.* 4*d.* comprise the presentments from the Grand Juries of both counties?—It does.

117. Are the streets and flagways of the town kept in repair by contractors who contract under the Grand Juries of the counties for doing it?—Yes.

118. How then does it happen that this £134 3*s.* 4*d.* comes into the Town Commissioners' accounts?—Because the Town Commissioners were contractors at that time.

119. Then the Town Commissioners go through the form of contracting?—The street inspector does.

120. Just look to the receipt side of the audited account. Do the items on that side of the account represent the entire income, from all sources, of the Town Commissioners for the year ending 20th May, 1876?—Yes; every farthing of the receipts.

121. What officers are employed by the Town Commissioners?—The town clerk.

122. What is the amount of his salary?—£75 a year. James Maher, the street inspector—he is also the collector, and is paid 10*s.* a week as street inspector. James Smith, assistant street inspector, who is paid 7*s.* 8*d.* a week. He is sub-sanitary officer, for which he is paid the balance of 15*s.* a week—that is, he gets 7*s.* 4*d.* as sub-sanitary officer.

123. Do you employ any town surveyor in New Ross?—Maher acts as local surveyor.

124. Does he get any additional salary for that?—No, he does not.

125. What officers do the Town Commissioners employ under the Sanitary Acts?—Dr. Mullen, who is both consulting sanitary officer and sanitary officer.

126. Do the Town Commissioners pay Dr. Mullen any salary as consulting sanitary officer?—Yes, and only as consulting sanitary officer.

127. How much do they pay him?—£10 a year.

128. He is also sanitary officer; but that would be for only one part of the town?—Yes, for the Wexford side of the town.

129. There is another medical gentleman for Rosbercon?—Yes, Dr. Meehan.

130. And Mr. Smith is sub-sanitary officer?—Yes.

131. Have you an executive sanitary officer?—The town clerk is executive sanitary officer.

132. Does he get any salary as executive officer?—Yes, he gets £8 13*s.* 9*d.* a year.

133. Is any part of that contributed by the Government?—Yes, one-half the salary is paid by the Government.

134. How is the town here lighted, or is it lighted at all?—Yes, and the Town Commissioners believe it is very well lighted.

135. Is it lighted by the Town Commissioners?—Yes, by a contract with the gas company.

136. What is the amount of the contract?—It is 6*s.* 8*d.* per thousand feet. We pay it by meter. It is only fair to say that there is a difference of opinion about the lighting of the town.

137. I have not yet visited any town in which there is not. Are the lamps lighted all the year round?—No, they are not.

138. As a matter of fact, how many months of the year are the lamps lighted?—They are lighted eight months in the year.

139. Are they lighted every night during those eight months of the year?—No, they are not.

140. I suppose they are not lighted on moonlight nights?—No, they are not. I should have said that there are twelve lamps which are kept lit during the summer months of the year.

141. You have already said that there are portions of the quays which are lighted by the Harbour Commissioners?—There are.

142. Are all the streets of this town, the principal streets and the smaller streets, and lanes, repaired and kept in order by the Grand Jury?—They are.

143. Even the smaller streets of the town?—There are some few exceptions; little lanes and by-streets; but they are quite insignificant. All the thoroughfares are kept in repair by the Grand Jury.

144. Are the pathways also under the care of the contractors under the Grand Jury?—They are all, without any exception.

145. Do the Commissioners out of their own funds do the flagging in the streets, or anything of that kind?—No; the Grand Juries present for them.

146. One of the vexed questions between the counties and the towns is about that?—We have got on pretty smoothly with the Grand Juries; the only little hitch is because we have not got the contract ourselves, we have not the same control over the contractor.

147. How is the scavenging and cleansing of the town done?—It is, of course, done by us.

148. I find here a charge for scavenging in the accounts for the year 1876?—We are obliged under our Act to keep it clean; we seem to have no power to make the road contractor do it.

149. Do you mean that you have no power over the contractor under the Grand Jury?—He scrapes them, but he does not sweep them; and he removes the manure for his own use.

150. I see the Commissioners debit themselves with the sum of £58 10*s.* for manure sold. Do they remove and sell some of it?—Yes.

New Ross.
May 17, 1877.

Mr. Shepherd F. M'Cormack.

May 17, 1877.

(Before Mr. Commissioner Lawless, Q.C.)

Mr. Shepherd F. M'Cormack recalled.

151. Mr. Lawless.—The report of the Municipal Commissioners for Ireland made in 1835 makes reference to charities administered by or under the control of the old Corporation. Do the Town Commissioners of New Ross administer any charitable fund for any purpose?—They do not. I think they are some way connected with the endowed school, but I do not think they administer its funds in any way.

152. What is the endowed school?—A school endowed under certain conditions. The property is in the hands of trustees, and the appointment of schoolmaster is in the hands of the vicar of the parish, with three of the old burgesses.

153. Are the Town Commissioners the owners of the endowed school and the ground it stands on?—They are not. They have something to do with recommending the appointment to Trinity hospital.

154. What is it?—A charity, left something in the same manner.

155. Is there an hospital of that name in the town?—No; it consists of small houses for poor people.

156. A sort of alms-house?—Yes; I think the charity is called the Trinity Alms-houses.

157. Are those houses alms-houses vested as property in the Commissioners?—No.

158. Have the Commissioners the power of recommending persons as inmates of those houses?—I do not think they have. The matter has been the subject-matter of adjudication in the Court of Chancery, by which it has been settled.

159. Do the Commissioners now receive any tolls from fairs or markets?—None.

160. Are there fairs held in the town?—There are.

161. How often in the year?—Once a month regularly; and there are three or four additional fairs.

162. There are about fifteen or sixteen fairs in the year altogether?—Yes, I think there are sixteen.

163. Are those fairs held in the streets of the town?—Not in the streets of the town proper.

164. Are they held outside of the town?—They are held in a large place called the Irish town.

165. Are they held in this part of the town where we are now sitting?—No. They are held in the upper part of the town—on the outskirts of the town.

166. Are they held so as to obstruct or interfere with the traffic in the public streets?—They are not.

167. Does the holding of these fairs, in your opinion, amount to a nuisance in the town?—No, inasmuch as the place where they are held is very spacious, and there is not much traffic in the Irish town.

168. Is there any toll payable to anybody or any person with reference to these fairs?—Tolls were payable to the old Corporation under an old charter, but they are never collected now.

169. I find by the report of 1835 that they ceased to levy these tolls so far back as the year 1830, and they have never been levied since. Is that so?—That is so.

170. Are there markets held in the town?—There are.

171. How often?—Wednesday and Thursday are the regular market days, and there is a butter market held on Tuesday.

172. Are those markets held on the streets in such a way as to cause an obstruction to the ordinary street traffic?—Yes. The Town Commissioners about two years ago adopted by-laws for the purpose of controlling the markets and obliging the people to go to certain mentioned places. There is no regular market-place.

173. Can you give me a copy of those by-laws?—I can. (Hands in copy of by-laws.)

174. Were those by-laws made with a view to compelling people to hold their markets not in the public streets?—No, they were not, because we had no other place in which the markets could be held. Our object was to have them held in certain parts of the town, where they would interfere less with the ordinary traffic, such a place, for instance, as the quays, where there is a good deal of room.

175. I see these by-laws appear to have been published on the 28th November, 1873?—Yes.

176. They are by-laws made under the Towns Improvement Act, 1854. Did the Town Commissioners find that the publication of these by-laws was effectual in causing the markets to be held where they were anxious they should be held?—I cannot say that they have, but the officers of the Town Commissioners have endeavoured as far as possible to make the people carry them out.

177. Do the Town Commissioners or their officers attempt to enforce them by taking any proceedings under the seventy-second section of the Act of 1854?—They do so in the borough court, and the constabulary give us the greatest assistance in maintaining order in the town.

178. Are there any public markets in New Ross?—None (hands in abstract of the accounts of the Harbour Commissioners), but we are at present seeking for a loan of £1,500 or £2,000 for the purpose of erecting a market-house on the quay.

179. For the sale of what articles?—For the sale of butter and fish and other commodities, charging a toll sufficient to meet the outlay.

180. How much do you say you are seeking to borrow?—£1,500 or £2,000. I think that £1,500 will be sufficient.

181. Do you think that amount will enable you to build markets and get them into working order?—Yes; we have a great deal of routine to go through yet before we can get the loan.

182. Can you get ground on which to build the proposed markets?—Yes, we can get it free of any cost. There has been an understanding with the Harbour Commissioners to that effect.

183. I was going to ask you about that?—They are our tenants, and they have given us the privilege to erect this edifice on the quay free of charge.

184. I was rather surprised to hear that the market could be built for so little money?—Yes.

185. Is there any public watch establishment in New Ross?—No.

186. Neither night nor day watch?—Neither.

187. I see there is no charge for it in your accounts. There is no payment to the constabulary as a night-watch?—No.

188. I suppose the town is in charge of the constabulary?—Entirely.

189. Will you have the kindness to look at the last abstract of accounts—the last abstract passed by Mr. MacDermott, the auditor?—Yes.

190. If you look to the expenditure side of that account you will see there an item of £77 18*s.* 5½*d.* as the amount expended for scavenging and cleaning the town?—Yes.

191. Does that amount represent the average expenditure for that purpose?—Well, I think it is rather below the average.

192. What was the sum of £108 19*s.* 10½*d.* described as expended on street contracts and new works? Are those works for which you got presentments from the Grand Jury?—They are.

193. What is the item of £28 12*s.* 11½*d.* described as rent and taxes?—It is for head rent.

194. What are the head rents?—There is one of them for the manure yard. Taxes, of course, includes the poor rates.

195. Is there any other place for which you pay head rent?—There is no other place.

196. What are the two items charged thus—£10 for sinking fund and £10 for interest on loan? Upon

what loan are those sums of interest and sinking fund charged?—On a mortgage loan of £200. The sinking fund is for the purpose of paying it off.

197. What was the loan for? When was it contracted?—In the year 1854. The money was partly spent in making these rooms.

198. When was it borrowed?—In 1854.

199. From whom was it borrowed?—From the trustees of the Haughton Hospital.

200. Is that another charitable institution?—It is. That money was borrowed by the Town Commissioners under the 9 Geo. IV., cap. 82, the year before the adoption of the Towns Improvement Act. We have £40 of a sinking fund.

201. What was the sum originally borrowed from the Haughton Hospital?—It was £200, and we have £40 lodged as sinking fund.

202. Was the money borrowed to complete this building (the town hall)?—Yes.

203. Has the interest on that loan always been paid up to the present?—No. It should have been paid off now.

204. I mean the interest?—Oh, certainly, it has always been paid.

205. Is this the case—that the Commissioners borrowed at five per cent., and paid the interest up to the present, but you have not formed a sinking fund except for the last four years?—Yes.

206. How is that sinking fund invested?—We lodged it in the National Bank.

207. Can you tell me, Mr. M'Cormack, is that sinking fund taken into calculation in estimating the balance due by the treasurer at the close of the year?—No.

208. If it was it would turn the balance the other way?—Yes.

209. The balance in the hands of the treasurer is shown exclusively of that?—Yes.

210. What items are included under the head of incidental expenses, £56 9*s.* 2*d.*?—It consists of a lot of small items.

211. There is another class of expenses—moneys that you describe as expended under the Public Health Act; for what purpose was the sum of £30 11*s.* 9*d.* expended?—For sanitary precautions.

212. You describe it as under the head of water supply. Is it in any way connected with the water supply, from which the Town Commissioners receive the pipe water rents?—No, not at all. There might be some items, but very little expended for that purpose.

213. Is the money expended under the head of water supply for the purpose of keeping up any public pumps or anything of that kind?—The contractor for keeping pumps and fountains in order, who is a smith, is paid out of it.

214. Are there public pumps and fountains in this town for the use of the people?—There are.

215. Were those put up by the present Commissioners, or by the late Commissioners, or by either of them?—Some of them by the one, and some by the other.

216. Is there a sufficient supply for the public use afforded by that means?—No, there is not a sufficient supply in the summer time.

217. From where is the water for watering the streets procured?—It is taken from the tide.

218. What are the salaries and wages under the Public Health Act, for which the sum of £54 2*s.* 8*d.* is charged in the accounts?—That includes the clerk's salary and the salaries of the sub-sanitary officer, the consulting sanitary officer, and the executive sanitary officer.

219. Was the £23 16*s.* 10*d.*, which you see next there taken credit for in making and cleansing sewers? Is that for the purpose of making main sewers for the town?—It was.

220. How is this town supplied with main sewers?—I think very well; we have main sewers in about twenty streets.

221. Out of how many?—Out of thirty streets; there are some very small insignificant ones in those thirty streets.

222. By whom is this abstract showing the number of sewers in the town prepared?—By the town clerk. The particulars were given by the street inspector to the town clerk, and he prepared that abstract.

223. Have those sewers you speak of—main sewers in the streets—been recently made?—Some of them were made recently, but most of them were not made recently. Some of them were made by means of funds collected for charitable purposes, I suppose, ten years ago. Employment was given to labourers in making one of those sewers.

224. They were not made out of the money of the Town Commissioners?—Some of them were.

225. Were they made by the Grand Jury?—They were made generally out of the funds of the Town Commissioners, but one year they were made out of a charitable fund—that was during the great snow year.

226. Have the Town Commissioners divided this town into separate sewerage districts, under the Act of 1854?—No; the town is all one district.

227. Have they ever levied a sewer rate?—No; we have not had occasion to do so. We have expended about 3*d.* out of the 8*d.* rate for sanitary purposes.

228. Do you mean out of the improvement rate whatever it may happen to be?—Yes.

229. Is there a public cemetery here?—No, there is not, and no cemetery rate.

230. Are there churchyards in the town which are used for the purpose of interment?—There are.

231. How many of them are there?—Two.

232. Are they in any way to be complained of as being overcrowded, or in a condition dangerous to the public health?—I have heard that St. Mary's churchyard is overcrowded. Of course I only have it from hearsay, but in the second churchyard there is ample room.

233. What is the name of the churchyard?—The Little Churchyard, but now that I think of the matter, I remember that it is outside the borough.

234. Then there is only one churchyard inside the borough?—There are two. St. Mary's and Rosbercon, and both of those are said to be overcrowded. There is a chapel-yard, but you can hardly call it a cemetery. It is very small, but not overcrowded, because it is rather new. With regard to Rosbercon, I have merely to say that it is overcrowded, and that there was some excitement about it some years ago.

235. Was there ever any application made to the Privy Council about it?—No; but there was a written application to the authorities in Dublin on the subject by some resident.

236. If the object was to have it closed the Privy Council is the authority?—The Town Commissioners went into the case and evidence was given that it was necessary to close it, but of course we could not do anything more.

237. The Town Commissioners here are the Urban Sanitary Authority?—They are.

238. Do they keep any record of their proceedings as Urban Sanitary Authority beyond the minute kept in the usual minute book?—They keep a separate record in the same minute book.

239. Can you let me see that book?—Yes (Minute book produced.)

Dr. Peter Mullen, Consulting Sanitary Officer, examined.

240. Mr. Lawless.—Are you the consulting sanitary officer for New Ross?—I am the sanitary officer and consulting sanitary officer for the union, both for the Rural and Urban Sanitary Authorities.

241. Do you know the system of work pursued here under the Sanitary Acts. Is there a sub-sanitary officer under you?—Yes; there is.

242. Is there also an executive sanitary officer?—Yes.

243. Is it the practice for the sub-sanitary officer to make his reports to you?—Yes.

New Ross.
May 17, 1877.

Dr. Peter Mullen.

244. What are the duties of the sub-sanitary officer?—To look after the sanitary condition of the town, and if necessary to draw my attention to any matter connected with the sanitary state of the town when he considers it necessary to do so.

245. Suppose he does not consider a case of sufficient importance to warrant him in calling your attention to it; does he himself call on the people to have whatever is wrong set right?—He does. He gives a verbal notice to the persons concerned to have the nuisance complained of, whatever it may be, removed.

246. When you receive a report from him do you visit the place referred to?—Yes; I visit it and then make a report to the Town Commissioners.

247. Do you keep any book?—There is a book of blocks in the town clerk's office which contains duplicates of all my reports, I am only sanitary officer here since October last, though I know the union well.

248. Was there any one before you acting in that capacity?—Yes.

249. Who?—Dr. Rossiter.

250. Did he resign the office?—Yes, he has resigned. I was at the other side of the water at the time he resigned at Rosbercon.

251. Could I see the book containing the blocks of the reports made by you since you have been acting as sanitary officer?—Yes. (Book produced).

252. Do you find that the reports made by you to the Town Commissioners are generally acted upon?—They are generally. The greatest nuisance I find here is the practice of keeping pigs in their dwelling-houses by the people; they would keep them in their beds if they were allowed to do so.

253. I see that in some cases the Town Commissioners are obliged to take proceedings against the people for doing that?—Yes; in some instances they are obliged to do so.

254. Were the reports made by you on the 8th February, 1877, sent into the Town Commissioners?—They were of course.

255. Because I find here a report on the 8th February, 1877, to the effect that a person named Molloy, keeps a mule in a sitting room. You remark in your report that the smell in the house is very offensive and you recommend the immediate removal of the mule?—That is a very common practice.

256. In this town?—In this town.

257. And they keep pigs lodged in the houses?—Yes and they are the most abominable nuisance of any. I am surprised there is not much sickness in the town on that account.

258. Are the Town Commissioners really and honestly taking steps to improve the sanitary condition of the town?—Yes; the people will when attention is drawn to it remove a nuisance, but they will allow it to occur again if they are not watched. We have a very active sub-sanitary officer, and but for him if the people had a piggery they would rather have it in the house at their fire-side than outside.

259. Does your sub-sanitary officer always report such cases?—He does.

260. Suppose he found a particular friend of his own doing that, do you think he would report it?—I do not think he would make such a case exceptional.

261. Have you ever had to complain of want of diligence in the performance of his duty?—The only thing I have to complain of is that he performs it too well, and gives me too much trouble.

262. Do you know the efficiency or inefficiency of the sewerage of the town?—The sewerage of the town is good, generally speaking.

263. Do you know whether or not the houses in the principal streets of the town are connected with the main sewers?—In the principal streets they are, but there are some back streets in which they are not—some back streets in which there is no sewerage. There is one matter connected with the sewerage which I ought to mention. The sewers open down very low to the water edge, and they repeatedly get choked up.

264. I find a report on 16th November, 1876, last. The sub-sanitary officer reported that nearly all the outlets of the sewers on the quay were closed up with mud?—Yes, that was a fact.

265. Do you know whether or not anything was done to remedy that?—I think the harbourmaster got some directions about it. I believe it has been made right, but it must be looked after. It was shifting sand did it, and they will get filled up again.

266. I suppose the outfalls of all those sewers are in the river?—Yes.

267. Do you know whether or not the Town Commissioners have power over the place where it is necessary to go for the purpose of cleaning them out?—I think it belongs to the Harbour Commissioners.

268. Are the Harbour Commissioners bound to clean them out when they get closed up?—I think it was the Harbour Commissioners made that road or quay. The cleaning out should be done regularly. I should say at least every three or four months.

269. Are the houses of the poorer people here at all supplied with privies or closets?—There is no such thing amongst the poorer classes. I believe if they had them they would not use them; there is no such thing in the poorer class of houses.

270. Are there any houses in or attached to which there is not any space or means of making privies or other accommodation?—There are several such cases in which there are not backyards.

271. When you find a place where there is no privy but where there is yet space to erect one, do you report it to the Town Commissioners?—I have not done so in the past.

272. Have the Town Commissioners ever caused any privies or water-closets to be erected?—No. They have not.

273. Are you aware that they have power to do so?—I am not aware that they have. If they have I never acted on it.

274. Have the Town Commissioners never done so?—I have never heard of it except in one case and that took place before I became sanitary officer, although at the time I was acting for the sanitary officer; it was a case in which there was a privy and a sewer constructed at the same time.

275. Where is the place?—It is in North-street—a very respectable street.

276. Can you only mention one case in which the Commissioners required a privy to be constructed?—That was the only case that came under my observation. I may inform you that there is a public privy on the quay for the use of the poorer class of people.

277. Is there only one public privy in the town?—There is also a urinal situated on the quay.

278. Are those places kept in order and cleaned by the Town Commissioners?—They are.

279. Have the Town Commissioners here any disinfecting apparatus or anything of that kind?—No; they have nothing except the ordinary means of disinfecting—chloride of lime, whitewashing, and so on.

280. Do they cause a place to be disinfected on your reporting it to be necessary?—There is a very valuable institution called Haughton Hospital, and when the people cannot afford to do it themselves, it is done at the expense of this charity.

281. Have the Town Commissioners anything to do with the administration of the funds of that charity?—None whatever; it is a perfectly private charity.

282. I infer it to be your opinion that the sanitary condition of the town requires to be greatly improved?—It does.

283. Have the people here generally a sufficient water supply?—The water supply at the most important period generally runs scarce. It does so generally during the months of July, August, and September, and at certain parts of the town the water is very scarce. The quality of the water, however, is very good.

284. Has it been analysed?—It has not; but it is very good drinking water.

285. Have you analysed it yourself?—No; I have

Dr. Peter Mullen.

not, but nothing could be better than the source from which it comes.

286. Are there public pumps or fountains that afford to the people of the town a reasonably fair supply of water?—Yes, there are.

287. Have those been put up by the present Town Commissioners?—Some of them have been there since before I was born, but they are kept in order by the present Commissioners.

288. Are any of those public pumps or fountains to your knowledge in such a position as to receive contamination from any nuisance—cesspools or anything of that kind?—I have heard no complaints as to the quality of the water.

289. Have you ever had an analysis of the water made by a skilled analyst?—No; never.

290. Is then your complaint, that the water supply is deficient in quantity?—That is all.

291. Do you know how often the sanitary authority meet here?—Yes; they meet once a week.

292. Once every week?—Yes; the ordinary meetings of the Town Commissioners are also sanitary meetings.

293. I observe by the minutes that some meetings are held at a very late hour of the day?—They always have the meetings in the evening.

294. Is 7.30 P.M., the ordinary hour of meeting?—It is.

295. Is the condition of the town improved by what has been done and caused to be done under the directions of the urban sanitary authority?—Yes; the town is greatly improved within this last couple of years.

296. Are you able to state that as a fact from your own knowledge?—Yes; although I have not been sanitary officer very long I know every thing about the town connected with that department without any exception it is the healthiest town in Ireland.

297. Have you had any epidemic disease here?—There are only twenty-nine cases in the Haughton Hospital this year; that number with four or five cases in the Workhouse Hospital comprise the whole of the epidemic disease amongst the humbler class of persons.

298. Do you know whether or not your reports are attended to by the urban sanitary authority?—I do always. I know always the order that is given.

299. Do you know whether that order is complied with or not?—They are generally complied with. So far as pigs are concerned I may say that the offence would be soon repeated if they were not very strictly watched.

300. I find an order made about pigs on the 9th November last (reads from sanitary book):—

"On the report of the sub-sanitary officer that Thomas Howlet has not removed the pigs from his house, and the time to do so being expired, it is ordered that if the pigs are not removed within a week proceedings be taken to compel him to do so."

Is that report correct?—Nuisances of every sort are in that house.

301. Was that man prosecuted?—Yes, he was fined and in default of paying the fine he was sent to Wexford gaol. Notwithstanding what I have said about the state of the town it is very healthy. The mortality of New Ross is less than that of most other towns, I am sorry to say that the people do not keep their places as clean as they ought to do.

Mr. James Maher.

Mr. JAMES MAHER examined.

302. Mr. LAWLESS.—Are you the rate collector for the Town Commissioners of New Ross?—I am.

303. What other offices do you hold under the Town Commissioners?—I am also street inspector. Mr. Smyth has been employed with me as street inspector latterly.

304. What are your duties now as street inspector?—I have to give directions to the men about cleaning and scavenging the town.

305. Do you superintend the scavenging?—Yes, occasionally; and I see after the streets that require to be repaired by the Grand Jury.

306. Do you, without requiring special directions from the Commissioners, give directions for the repairs of the streets?—I give orders to the men to do what is required; I do not require any special orders.

307. Do you mean to the workmen who are employed and paid by the Town Commissioners?—Yes; I do that or else consult with the committee which was appointed some time ago for the purpose of looking after such matters.

308. When the Grand Jury contract is being worked out, is it your duty to see that the repairs and so on immediately necessary, are done?—Yes; it is my duty to see that the repairs are done in every portion of the town—that is, Inny-street, William-street, Michael-street, Mary-street, and every street in the town with the exception of the Main-street, from Cherry-road to Aly's-walk.

309. Have you anything to do as regards the sewers of the town?—Yes.

310. Are you an engineer by profession?—No; I am not an engineer by profession.

311. What are your duties in connexion with the sewers?—It is my duty when a sewer is in a bad condition to report the matter to the Town Commissioners and to get it put into proper order. Sometimes they get choked by the rain and flood, and I have to see after them. I may inform you that we have twenty-four stench-traps on the sewers which we had constructed within the last two or three years for the purpose of preventing the bad smell from arising out of the sewers.

312. To whom do you report the condition of a sewer when you find one stopped up or out of order?—I report it to the Town Commissioners sometimes.

313. Supposing a sewer requires to be opened, whose duty is it to see it opened and afterwards closed?—It is my duty to get it done by the men who are employed by the Corporation.

314. You are to superintend the doing of it?—Yes.

315. Have you known this town for a long time?—I have known it for about thirty years. I was appointed by the Town Commissioners in the year 1854.

316. When was the last main-sewer constructed?—We got one made in the year 1848.

317. Have there been any made since then?—There was one made from a place called the Rookery, which went down past the convent, and emptied itself into a quarry.

318. Was there any made since, except that one?—There was the one which I mentioned as being made in the year 1848 through Michael-street. It was connected with the main-sewer in South-street where the main-sewer terminated previously. There was one, which I forgot to mention, made from Church-lane, past the convent chapel, into a quarry at the rere of Mr. Shanahan's hotel. It runs from the quarry down in an open channel for a few perches, and then falls into a sewer in Bridge-street, and discharges itself into the river.

319. Are the outfalls of those sewers into the river so low that they may get choked up with mud?—Yes; and they are then cleaned out.

320. By whom are they cleaned out?—By the Harbour Commissioners at the request of the Town Commissioners.

321. Were they cleaned out in that way last November?—They were.

322. Do you know whether the houses generally in the streets in which there are main-sewers have drains—sewers connecting them with the main-sewers?—In some streets there are, in some not.

323. Do you know whether the Town Commissioners have taken steps at any time to compel the owners or occupiers of houses to make connecting drains between their houses and the main-sewers?—The sewers are very frequently cleaned out.

324. I want to know have the Commissioners ever taken steps to compel the owners or occupiers of houses to make connecting drains with the main sewers?—Well, they have.

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Mr. James Maher.

325. Will you just mention one instance in which they have done so?—I think I could not mention a case. I do not think I could say that they have ever compelled anyone to make connecting drains. At present there are some proceedings instituted to compel some people to do so.

326. Mr. *M'Cormack.*—In Mill-street there are eighty-eight houses, and there is a main sewer down the street; sixty-four out of the eighty-eight houses have branch drains, and twenty-four have none.

327. Are the Town Commissioners taking any steps to compel the owners or occupiers of those twenty-four houses to provide branch drains?—No; they are not.

328. Are they doing so in any case?—Yes, they are. It has not been found so necessary to do so in those houses in Mill-street, because they have places at the reres.

329. You say that in some cases the Town Commissioners are compelling connecting drains to be made?—Yes; and there are some difficulties in our way, because the ownership of the place we are seeing about is uncertain.

330. (To *Witness.*)—Have the Town Commissioners ever employed any professional engineer to examine into the condition of the street sewerage of this town?—No; they have not.

331. That sort of work has been done entirely by yourself?—Yes.

332. How much time in the week do you devote to your duties as street inspector—for I find you are also collector of rents, and you receive the tolls or dues which are payable at the weigh-bridge and fish-house?—Yes.

333. Do you receive those tolls or dues personally?—I do; but my daughter receives them sometimes.

334. Do you attend there yourself?—Yes; and it is my duty to go round and collect the borough rate.

335. And the pipe water?—Yes.

336. I am afraid that you have not much time left in which to discharge your duties as street inspector?—Since Mr. Smyth has been appointed assistant, I generally make it my business to know what the men are doing. I make a report every Thursday, which I give to the town clerk to be left before the Town Commissioners.

337. Is it the duty of your assistant, Mr. Smyth, to report the result of his inspection to you or to the Town Commissioners?—Sometimes he reports to me, and sometimes to the Town Commissioners, or to the committee who devote their time to the consideration of sanitary matters.

338. Is Mr. Smyth also sub-sanitary officer?—He is. Sometimes I make my weekly report verbally, and sometimes in writing.

339. I find here a report on the state of the sewers through the town. Did you make this report by the special direction of the Town Commissioners?—I did not make a similar report before I made that one for your use.

340. Have all the sewers in this town their outfalls directly or indirectly into the river?—Yes.

341. Do you know anything about the sewers on the other side of the river?—We have three stench-traps there. There was a sewer made in Rosbercon some seven or eight years ago by the Commissioners.

Mr. *M'Cormack.*—I may say, with regard to the remark you made about Mr. Maher's not being able fully to attend to all his duties, that the Commissioners have been endeavouring to get him a retiring pension, and the matter is at present under the consideration of the Local Government Board. The Town Commissioners dealing with him as a very old officer did not like to displace him, but they have noticed the difficulty that you referred to more than once, and if they succeed in getting a pension for him, of course there will be some other arrangement made. I may also say with regard to the sanitary business, that there are a certain number of houses in the town without any accommodation whatever.

342. You say a certain number of houses. Are you able to approximate the number?—I am afraid I cannot, but I should say there are twenty or thirty houses at least in the main part of the town that have no back premises—that have no accommodation of any kind—neither privies nor water-closets.

343. You mean in the best part of the town?—Yes. I believe there are thirty houses in the best part of the town without any reres, ashpits, water-closets, or privies.

344. What becomes of the night-soil in such cases?—An order was made by the Town Commissioners that it should be thrown into the river after nightfall.

345. Do you mean by the occupiers of the houses?—Yes.

346. Has that order been acted upon?—No. That is what I want to draw your attention to. Some people are in the habit of throwing it out into the streets opposite their doors, and when passing through the town at night you find a very bad stench from this cause. I do not mean to say that this is anything like a general practice, but it occurs sometimes, and we find it very difficult to discover the offenders.

347. When the Commissioners made that order that the occupiers of those houses should throw the night-soil and filth into the river, did they intend it to apply only to houses the occupiers of which had access to the river for that purpose?—They all had access to it.

348. Have those houses or any of them space to admit of the erection of privies or water-closets?—No; most of them had not. In fact I should say none of them have.

349. Are they two or three story houses?—Some of them are three stories, but the rest are smaller houses.

350. Are there any of them in the streets in which there are main sewers?—There are.

351. Could there not be found means of making water-closets in those houses, and then connecting them with the main sewers?—I think there could.

352. Should not the Commissioners then compel that to be done?—Yes, I think they should do so under the Sanitary Act, but it would be thought a great hardship to the people if we did that. I wish to say that, as you have heard, we are anxious to borrow some money, and if it lay in your way to say anything in favour of our getting it we would be very much obliged to you.

353. I have not any power or influence in the matter. For what purpose do you require a loan, and how much do you propose to borrow?—We want to get £1,500 or £2,000 for constructing the markets, which it is very desirable we should have. At present there is no protection against the weather for the country people coming into the town. They have to sell their eggs and so on standing on the quay exposed to all sorts of weather.

Mr. James Tobin.

Mr. JAMES TOBIN, Town Clerk.

354. (To the *Town Clerk.*)—I have one or two questions to ask you with reference to Trinity Hospital and the endowed school. Was there any litigation with reference to the Trinity Hospital?—Yes, we were brought before the Court of Chancery.

355. When was that?—I think in 1870 and 1871.

356. What did the Commissioners seek for in that litigation?—They were brought into it by the decision of the Master in Chancery. The Town Commissioners, as well as I can recollect, took the opinion of counsel to ascertain if they could institute proceedings to compel Mr. Tottenham to render an account of, and to share the management of the hospital with the Town Commissioners. I believe, speaking now from memory, that counsel's opinion was to the effect that they could not expend the rates in coming in as relators against Mr. Tottenham. The law costs for that matter are something about £18 or £20. Subsequent to that a number of persons in the town, independent of the Commissioners, instituted proceedings as relators, and the cause was for some years, I believe, till the year 1866, before some of the superior courts. In 1866

(the Commissioners during all this time were taking no part in the proceedings) Master Murphy made a declaration that he could rule no scheme for the management of the hospital unless the Town Commissioners of New Ross were in court as parties in the suit. Mr. Carr, solicitor for the relators, came before the Town Commissioners with evidence that the scheme for the hospital could not be applied unless they were brought into court. They took the advice of their solicitor, Mr. Boyd, who, as well as I can recollect, advised that the Town Commissioners should be brought into court by the relators. The Commissioners were then brought in, and the cause went on, I think, till the year 1870, when a scheme was produced. Counsel representing the Town Commissioners objected to this scheme, and they therefore became petitioners, Mr. Tottenham and also the Protestant vicar of the parish becoming petitioners at the same time. I cannot remember what exactly took place after that period, but I believe there were four petitioners before the court for some time till the Vice-Chancellor directed the chief clerk to prepare a scheme. The scheme was prepared, and after a number of adjournments, and after being submitted to the Chancellor, I believe it was ruled that the Town Commissioners were to be in for their own costs, and for the costs of Mr. Tottenham, although he was a petitioner the same as the Town Commissioners.

358. Was that the cause of the Attorney-General against Tottenham?—Yes.

359. I understand you to say that the Town Commissioners were made defendants at the suit of the relators in that case?—Yes.

360. The Town Commissioners were brought into that case; they did not begin it, but when once they were in it they asserted some right or claim with regard to this charge?—Yes; they believed it was their duty to do so.

361. And was the result of the suit an adjudication against it?—Yes.

362. Did they make that claim in the suit under the advice of their solicitor and counsel?—Mr. Boyd was solicitor to Mr. Tottenham, so that the Commissioners had to get another solicitor.

363. But were they represented professionally?—They were.

364. And they were decreed to pay some costs?—Yes.

365. Were those costs paid out of the rates?—The costs of their counsel were paid out of the rates, and Mr. Tottenham's costs were paid by Mr. Boyd as his solicitor, sequestrating the property of the Commissioners.

366. And were the costs ultimately paid?—They were.

367. Then were not all the costs paid out of the property of the ratepayers?—Yes.

368. Do you know how much in round numbers the costs amounted to?—I cannot exactly say now. I can ask Mr. Boyd to furnish the particulars.

369. I do not want the particulars. Did they amount to £200 or £300; were there not two classes of costs; the costs for the solicitor acting for the Commissioners, and the costs of the solicitor acting for Mr. Tottenham?—Yes.

370. How much did they amount to altogether?—£304 2*s*.

371. Can you tell me of any other litigation in which the Town Commissioners were engaged in within the last ten years?—I cannot tell you anything of the costs with regard to the endowed school, because they have not yet been furnished by Mr. Boyd.

372. Was there any litigation with respect to the endowed school?—They were brought in by the Attorney-General at the suggestion of the Crown and Treasury solicitor.

373. Mr. *Magee*.—The Town Commissioners went into these actions for political reasons, and put the ratepayers to very great expense. There was a splendid school in the town, but it was broken up, and there is no school now.

374. Mr. Lawless (to the *Town Clerk*).—Have there been any costs paid out of the rates in respect of this?—No, not up to this.

375. Did your solicitor, Mr. Boyd, represent you in this case?—Yes.

376. Did the Commissioners in this case claim to have the right to appoint a schoolmaster to that school?—Yes. In conjunction with the trustees they did. They did not claim that right exclusively, and they did not assert that right till in the discharge of their duty they could not help it.

377. Was any decree made by the Master of the Rolls or in any branch of the Court of Chancery with reference to this matter?—Not that I am aware of. I believe the scheme or decree has not been made up yet. I have not heard of it.

378. I find from reading the information in this case which you have handed in, that the Attorney-General on his own motion not on the information of any relator, states the foundation of this charity, and says that the Town Commissioners of New Ross claims to be the representatives of the old Corporation, and that they had the same right that the old Corporation had to appoint a schoolmaster; that they appointed two persons successively as schoolmaster, and the information says, that the Attorney-General is advised that they were not entitled to do so, and so on. Are you able to state yet what has been the result of that suit?—No result has as yet been reported to the Town Commissioners.

379. What has become of the endowed schools?—It is in hands of a caretaker, who was left in it by the last master appointed.

380. Who was the last master?—A man named Dee.

381. By whom was he appointed?—By the Town Commissioners, who have never exercised any control over it since they appointed him.

382. When did they appoint him?—In the year 1874.

383. What has become of Mr. Dee? Does he keep a school there?—No.

384. Is there any school there now?—No.

385. Is the house in a state of repair or in a state of ruin?—There are people living in it.

386. Were there any rents or property dedicated for the support of that school?—Yes, there were.

387. What has become of those rents?—I do not know, none of the rents ever came through the hands of the Commissioners. They never received any of the rents.

388. And as yet this suit has not terminated?—No.

Mr. *M'Cormack*.—The suit has terminated, and the scheme is being drawn up. We have not yet received the scheme, but I understand from Dublin that it is settled.

389. Can you tell me whether the Commissioners (there must have been a decree of some extent, if the scheme is being prepared) have been decreed to pay any costs?—No; but we were warned very peremptorily by the Attorney-General not to interfere with the endowed schools in the mean time.

390. (To *witness*).—Was there any other litigation in which the Town Commissioners have been engaged?—No.

391. Have the Town Commissioners gone to any expense in promoting or opposing any bills in Parliament?—No.

392. Did they promote any bill in Parliament?—No.

393. Did any petition to be heard in opposition to any bill?—Yes; as to one bill, but they did so under a guarantee that they as Commissioners or the rates or town property would not be liable for any costs.

394. Who gave the guarantee?—Mr. M'Cormack, the chairman. I made a statement sometime ago, that the Town Commissioners were reluctant to be brought into the suit about the endowed school. They were brought in by one of the schoolmasters. They did not for years interfere with the internal management of the school, further than recommending the appointment of free scholars, and on one occasion

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Mr. James Tobin.

when the Vicar wanted to eject a schoolmaster, he was obliged to come to the Town Commissioners and get them to do so. In the year 1867, there was a schoolmaster in the school named Martin. There was some dispute between him and one of the financial trustees, and Martin came to the Town Commissioners to be allowed to see some minutes and documents in the office. He was allowed to do so, and immediately afterwards he wrote to the Town Commissioners calling on them as public trustees of that institution to discharge their duties. He pointed out what their duties were, and the decision given in the case of Trinity Hospital, by Master Murphy, was taken as a precedent in guiding the Commissioners to the conclusion that they were bound to exercise their trusteeship. They were brought into it in the discharge of their duty.

395. Mr. *Magee.*—Did not the Town Commissioners take forcible possession of the school?

Town Clerk.—No, they did not.

396. Mr. LAWLESS (to *Town Clerk*).—Had they a dispute with the schoolmaster?—No.

397. Did not the Town Commissioners appoint a schoolmaster named Hogan, and when?—Yes, in the year 1869.

398. Was he the gentleman who required to see the Town Commissioners' records?—No, that was a man named Martin. The man who took possession of the school was named Kelly. He died, and Hogan was appointed in 1869, and resigned on the 14th October, 1871, and he gave up possession of the premises to the Commissioners, and then the Commissioners proceeded to appoint Mr. Patrick Greene on the 23rd October, 1871, and Mr. Greene has held possession of the premises, &c., since his appointment, and claims to be entitled to do so by virtue of his appointment.

399. What is the annual amount of the endowment of that school?—I have no means of knowing it.

400. Is it £100 or £200 a year?—No.

Mr. *M'Cormack.*—It is £50 a year. Mr. Magee has raised questions, and has said that the Town Commissioners were to blame for going to law. There is a Mr. Kelly present, who has been associated with the Town Commissioners for a great number of years, and if you see fit you might examine him, and give him an opportunity of answering Mr. Magee.

401. The opinion I have formed from reading this information is that I do not blame the Town Commissioners for wishing to exercise the right of appointing the schoolmaster. There was no way in which the matter could be decided except in the Court of Chancery. This information was filed against them in the Court of Chancery, and in the progress of the suit they were called upon by the Attorney-General not to interfere with the school, and I think they were quite right in not interfering with it until the matter is decided in the Court of Chancery. I do not see anything in the conduct of the Town Commissioners so far as I have gone that is to blame. With regard to the Trinity Hospital, it appears that originally the Commissioners made no claim at all with respect to it. The question arose in the information filed in the name of the Attorney-General against Tottenham and some other people for the purpose of having the title to administer this charity. It appears that in the progress of the suit the judge expressed an opinion that he could not decide the case without having the Commissioners represented before him. They became parties to the suit, and when the scheme was prepared they put forward an objection, made a claim, and the result was that they were ordered to pay a certain amount of costs. The Town Commissioners acted under the advice of their solicitor and counsel in putting forward their claim, and unless there can be shown to have existed some improper motive in putting forward that claim I would be very sorry to condemn them for it.

Mr. WILLIAM MONROE examined.

Mr. William Monroe.

402. Mr. LAWLESS.—What do you wish to say, Mr. Monroe?—I wish to say something with regard to the water supply. I wish to know if there was any evidence given to you as to the size of the reservoirs, or where they are located. They are very small tanks, and are constructed under the regular roadways, down over which some sewers pass.

403. How many reservoirs are there?—There is a reservoir in Mary-street, and the sewer by the footpaths passes exactly opposite it.

404. Do you mean the surface drain?—Yes, or any sewer in the street.

405. Do you know that to be a fact?—Yes, I know about the surface drain; and if there is any sewer in the street it must pass near to it.

406. Do you mean to state that the water in that reservoir receives contamination from the drain or sewer?—It may receive it from the upper drains. These reservoirs are very small.

407. Is the supply sufficient or insufficient—insufficient for the needs of the town?—In my opinion it is absolutely insufficient.

Mr. *M'Cormack.*—I may mention to you that no doubt the supply of water is insufficient, but the reservoirs are fully large enough to contain all the water we could get. We have been trying for years to get a supply of water, and until we do get it we won't make the reservoirs any larger.

408. Mr. LAWLESS (to *Witness*).—Has there been any attempt made at any time to get a supply of water on a larger scale?—I think there has not.

409. (To Mr. *Monroe*).—Are you a member of the body of Town Commissioners?—No, I am not.

410. Are you a ratepayer?—Yes, I am; and I speak for ratepayers who pay the water rate, but who get no water for seven or eight months of the year.

411. Are the Commissioners obliged, from the insufficiency of the supply, to shut it off?—Yes.

412. Do you pay for the water by contract?—Yes, it is a water rent.

Mr. *M'Cormack.*—These reservoirs are perfectly free from all kinds of sewage; they are lined, and so far away from anything of that kind as to be perfectly safe. The water is as pure as any in the world.

413. Mr. LAWLESS (to Mr. *M'Cormack*).—Have you ever had the water from the reservoirs analyzed?—I do not think we have.

414. Would it not be well for you to do so, so as to put away all possibility of doubt?—We have a regularly appointed street committee, who watch over and take charge of the reservoirs regularly, and there never has been anything like a suspicion of the impurity of the water. If there was we would have had it analyzed, and in any case we will have it done now.

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415. Mr. *Tobin*, the Town Clerk, handed in a rental of the town properties, and also a number of leases, renewals, and perpetuity grants, made from time to time by the old Corporation, the Town Commissioners under the 9 Geo. IV., cap. 82, and the Town Commissioners under the 17 & 18 Vic., cap. 103, and amongst them the following, viz.:—A lease, dated 10th December, 1764, by the Sovereign and Free Burgesses of the old Corporation of New Ross to George Brehon, of 280 acres of the Commons of New Ross, at the yearly rent of £42, late currency of Ireland; a lease, dated the 1st May, 1748, by the Corporation to William Piggott, of 100 acres, for lives renewable for ever (this lease was by grant under the Renewable Leasehold Conversion Act, dated the 30th June, 1855, converted into a fee, the rent reserved being £19 7*s.* sterling a year); a lease, dated 1st February, 1837, by the Corporation to James Mullins, of a plot of ground in the town, for ninety-nine years from 29th September, 1836, at the yearly rent of £14 4*s.* 5*d.*; a lease,

dated the 29th September, 1837, by the Corporation to John Boyd, of premises on the Town Wall, for sixty-one years, at the yearly rent of 5*s.*; a lease, dated the 4th July, 1838, by the Corporation to Thomas Jones, of a piece of ground in the town, for ninety-nine years, at the yearly rent of £4 4*s.*; a lease, dated the 29th June, 1840, by the Corporation to George Payne, of the Charter School-house, and 32A. 0R. 15P. of land adjoining thereto, for three lives or thirty-one years, at the yearly rent of £73; and three leases made by the present Commissioners.

416. The *Witness* handed in also a return of the rate levied by the Commissioners for the last twenty-two years, showing that for that period the average of the rate was 7½*d.* in the pound.

COOKSTOWN.—May 21, 1877.

Mr. Exham, Q.C., Commissioner.

Mr. John W. Fleming examined by the Commissioner.

1. Are you town clerk here?—I am, sir.

2. The town is under the Towns Improvement Act?—It is.

3. When was the Act adopted?—In 1855.

4. Was it adopted for all the purposes of the Act?—Yes.

5. That is including the supply of water?—Oh, that is a thing I cannot say.

6. Was it only for improvement and other purposes exclusive of water?—So far as I am concerned, I am not able to say.

7. Was there ever a water rate here?—Never.

8. What was the highest rate here in your time?—A shilling rate. I believe it was always that.

9. How many Commissioners are there?—Twelve.

10. Has that been always the number?—Yes.

11. Are they all qualified?—Every one.

12. How many ratepayers are there?—There are about 279.

13. How many of these are above £4, or up to £12, and how many are above £12?—I am not sure.

14. I suppose you will be able to give me the numbers?—Yes.

15. What is the valuation of the town—how much for houses and how much for land?—The total valuation is £6,339 15*s.*, for which we strike town rates. There is no land in connexion with these, with the exception of a few little gardens.

16. They come in with the rating of the houses and there is no land rated separately?—No; except some small gardens.

17. You have uniformly struck a shilling rate?—Yes.

18. That produces——?—The whole of the rate was not collected. £315 1*s.* 1½*d.* was the entire amount of the rating last year, but there were £4 11*s.* 3*d.* of irrecoverable rates.

19. There is some portion uncollected in fact?—Yes.

20. The rate this year was 1*s.* also, and that produced——?—There is no rate struck yet, but it will be struck next month.

21. In what period last year did you strike the rate, because I see here the account was audited on the 13th July, up to the 18th May, 1876, and between the 18th May, 1876, and the 18th May, 1877, you would have had a rate I presume?—Yes.

22. How much was the amount of the warrant?—£315 1*s.* 1½*d.* That was for last year.

23. How much of that has been collected?—It has been all collected but about 30*s.*

24. How much fines did you get this year?—About £70.

25. How much did the dog tax produce this year?—About the same as last year.

26. Was there anything else this year coming in?—We got 15*s.* for government house property.

27. What's your balance at the close of this year?—I am not sure, but it is a little under what it was last year.

28. I see it was £101 12*s.* 2*d.* last year. Just run through the expenditure account this last year?—I will have to make it up—the balance at the close, on the expenditure side, was £101 12*s.* 2*d.*

29. Were the salaries the same?—The same.

30. Pumps?—£10 13*s.* last year. Nothing this year.

31. Lamps and lamp-lighters about the same?—A little over last year.

32. Gaslight?—£120 this year.

33. Printing and stationery?—About the same.

34. Rate collector's remuneration?—The same.

35. Audit fund?—The same.

36. Rent and taxes?—£12 9*s.* 4*d.*

37. Sweeping crossings?—£5 7*s.*

38. Flagging?—About the same.

39. Naming streets, £9?—We have not that this year.

40. Interest, £5 2*s.* 3*d.*?—It will be about the same this year too.

41. Repairing engine?—Nothing this year.

42. The balance will be a little less than last year?—Yes.

43. Are you gas manufacturers yourselves?—We have a gas company.

44. Do you light the lamps by contract with them?—We do. The gas company charges 8*s.* 4*d.* per 1,000 cubic feet.

45. How do you measure the quantity?—We burn it by meter.

46. How do you arrange about the meter?—We have sixty lamps and six meters—a meter for every ten lamps, and then we take the average of that meter for the other ten.

47. Is it the gas company's or your own men light them?—It's our own men.

48. In that way you have control over them?—Yes.

49. Are sixty lamps sufficient for the town?—Quite sufficient at the present time.

50. Do you light all the year round?—Usually from October to April, but not during the summer at all.

51. Do you light all night during the dark nights?—These last two winters, all night.

52. What are the salaries?—My salary is £20.

53. Are there any other officers employed by the Commissioners?—None; there were sometime ago until the Sanitary Act in 1874.

54. Have you an inspector of nuisances?—We have not. The Board of Guardians have one.

55. Does the rate collector give a bond?—I think not; he is a man that there is not the least doubt about, and I think he has never been asked for a bond.

56. The Belfast Banking Company are your treasurers?—Yes.

57. Is there any supervision exercised over the time of the collection of these rates? Is he made close his warrant within any time?—He usually commences about August, and is done about the beginning of the year.

58. Does anyone check his accounts with him weekly or monthly, or when are his accounts gone over?—When he is done collecting, he gives in a statement of the amount uncollected, and the rest must be lodged in the bank.

59. Is he made lodge it as he collects from week to week?—Yes; usually as he collects it.

60. Who checks it?—I check it.

61. Every week?—Not exactly; but as often as he comes in, that is sometimes every week and sometimes not. At the beginning of the season he will be in every two or three days.

62. What amount has he ever in his hands?—Sometimes as much as £20; but sometimes he collects more than that in the day.

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Mr. John W. Fleming.

63. Does he lodge that in the bank?—He does; he doesn't keep it in his hands at all.

64. Have the Commissioners ever discussed the propriety of his giving a bond—no matter how solvent a man is, its the rule?—They have not. I think it has been overlooked.

65. Is the same man long collecting?—About four years.

66. About the cleansing of the town—who does that?—The road contractor usually. The Town Commissioners employ a person for sweeping the crossings twice a week but that is all.

67. Who looks after the lanes, because you must have some lanes and small streets?—I may say we have not; our town is one long street, about one and a quarter or one and a half miles long; we have two or three other streets off it, but they are quite broad.

68. Does the road contractor clean all?—He does.

69. Does he do it fairly and properly?—Yes, usually; if he does not the Commissioners order me to write to the county surveyor to pull him up.

70. Do you do it?—Usually.

71. What about the flagging? Was there a sum of £200 given by the Grand Jury some years ago?—The Town Commissioners' flagging was extended along from the hill to the church, and the Commissioners agreed to pay one-third, if the county would pay the other two-thirds; and the Commissioners got five years to pay that, and they pay £100 every year. It came to £1,500, and the Grand Jury have done the rest.

72. Have the Commissioners here ever mooted the question of trying to get Grand Jury powers given to themselves?—Not that I am aware of.

73. Was it ever suggested that that would be desirable, or a saving to the town?—I heard it talked of at the Town Commissioners' meeting several times, but they never applied.

74. How is the town supplied with water?—It has about fifteen public pumps—of course for one or two I don't say positive—and a great many wells, that is a great many private ones.

75. Is the water supply sufficient?—Yes, sir; I should say it is quite sufficient for the use of the town.

76. What condition are these wells in—has the water in them been analyzed?—I believe it has.

77. Was it found to be good?—I could not say; I rather think there have been complaints of some of them.

78. Are the Guardians taking steps to get a water supply here at high pressure?—They were a short time ago, but I think they have given up the idea.

79. I find it stated in a paper or pamphlet just handed to me, that on the 1st August, 1876, there were thirteen specimens of water from the wells in Cookstown submitted by the Board of Guardians to Dr. Hodges, in Belfast; and he reports—"I find all the specimens, with the exception of three, are contaminated by sewage matter, and unfit for domestic use"?—At that time the Guardians had been making sewers, and it was thought by the inhabitants of the town that some of the sewage matter had got in. It was a dry part of the season when there was almost no water in the pumps.

80. No doubt it was the 1st of August; but no matter whether there was much or little in the wells some of it was sent to Dr. Hodges, and he says in his letter to them, "Ten out of the thirteen are filled with sewage matter, and unfit for domestic use"?—Yes; I believe that's quite correct.

81. He also says that even No. 13, though "free from pollution was not suitable, on account of the quantity of salt of lime and other mineral matters in it. Nos. 8 and 9 although rather hard are free from organic impurities." Are those ten pumps still used?—They are all used.

82. Have any steps been taken to purify them?—I believe the guardians either are taking, or have taken some steps in reference to it.

83. What are the steps?—I believe they are getting them repaired at the present time.

84. Repairs to pumps wont take away the sewage matter from the water. "I find that all the specimens, except three, are contaminated with sewage matter, and unfit for human use." And he goes on to give the analyses, and they are pretty strong. Repairing the pumps wont get rid of the sewage matter?—It is probable that some of the others that will be examined can explain that satisfactorily.

85. So far as you know, has anything been done since to stop it?—Nothing of much importance, so far as I know.

86. Are there any slaughter-houses here?—Yes; there are two parties that kill cattle in the town.

87. Are they registered, or does anyone exercise any supervision over them to see if they are kept clean or not?—That's a thing that I suppose the clerk of the union, or Dr. Graves for the union can explain; that's taken out of the hands of the Commissioners.

88. Why don't the Commissioners make them register under the Act?—Well, they have never done that, and there has been never any complaint about them.

89. Have the provisions of the Lodging House Act been put in force here by the Commissioners?—I believe by looking over the books, that it was a good number of years ago, but not latterly.

90. Are there any lodging houses here?—I am sure there are.

91. Does anyone ever look after them to see if the law is carried out?—So far as I know, nobody does.

92. Is there much overcrowding here in the dwelling-houses of the poor?—I have not heard of any complaints.

93. Have you heard great complaints about the sewage of the town?—Yes, very great.

94. I see a charge of rent and taxes in the account, what are they?—The rent is what the Commissioners pay for the use of their room to the landlord—£8 a year, and the taxes are the taxes on the room.

95. The £5 2*s.* 3*d.* for interest, what's that?—That's interest paid to the treasurer on the account overdrawn.

96. How have you overdrawn it? Have you not a balance?—No, the balance is due to the treasurer. You will see at the end of the year 1875 there is £145 2*s.* 2*d.*, and then at the end of the year ending 1876 there was £101 12*s.* 2*d.* due to the bank. A good number of years ago the Commissioners got into heavy debt sinking pumps—they had to go down a great length sinking pumps, and got into debt to the extent of £500 or £600, and they have been gradually reducing it since.

97. Why did they not put on a water rate? You have power to go to 1*s.* for improvement, and 6*d.* for water, and now you can increase that up to 2*s.* How did you induce Mr. Simms to give you credit for the £5 2*s.* 3*d.*?—Mr. Finlay when he came first stated it was not exactly legal for him to allow that, but seeing the Commissioners had always been in debt, for this time he would not disallow it. Then Mr. Simms said something just the same, and, of course, I informed him that we were trying as much as possible to reduce it, but we could not raise the rates any higher.

98. Why do you say "could not"?—Except we struck a water rate. If we had the town would have been up in arms to destroy us.

99. Suppose Mr. Finlay strikes off the interest the next time you will have to make it up?—We will have to pay it ourselves.

100. Have the Board of Guardians struck any sewer rate?—Yes, I cannot say how much—whether 8*d.* or 6*d.*

101. Have they struck it on Cookstown?—It appears so.

102. For how much?—It was 6*d.* up to this year, and it's 8*d.* this year—at least some one here says so.

103. What have they done for that?—They have made a great many sewers through the town.

104. Was that expended entirely on sewerage?—Yes.

105. How far is the workhouse from this?—It's about a furlong.

Mr. JOHN HARBISON examined.

106. Are you chairman of the Town Commissioners?—Yes.

107. How long have you been a member of the body?—The greater part of the time it's in existence—I went out at one election, and was out some years.

108. There are twelve Commissioners?—We have always had twelve; there was under a former Act only eleven.

109. Has the property in the town been increasing?—It is, and has been, and is continuing to increase.

110. Is the area of the town sufficiently large in your opinion, or do you think it ought to be increased?—When the new sewerage and water scheme was introduced it was evident that it would cost a good deal of money, and I was a strong advocate of increasing the area of taxation.

111. Is that feeling shared by the people of the town?—Of course it is.

112. Are there many houses built immediately outside the present area of taxation?—It's inside they are building.

113. That will still help?—It will.

114. The Grand Jury have been contributing two-thirds of the flagging for you?—Yes.

115. About what is the county cess you pay here?—The two gales make from 2*s.* 6*d.* to 2*s.* 8*d.* in the pound.

116. What is your opinion of the water supply?—There was a water stream came into the town, and when the manufacturing of linen got on extensively we got mills up to the advantage of the town, and the proprietor of the water stream diverted a good deal of the current to supply one of the mills in the north-western part of the town, and we found that the whole town was not well enough supplied, and the Commissioners set about sinking wells, and expended large sums of money upon them until we got twelve or fifteen of them at easy distances, and had the town satisfactorily supplied; but a great necessity arose it seems from the new sewerage, to get a still stronger supply to flush the sewers.

117. What do you say as to what Dr. Hodges reports of the quality?—I think the specimens were sent to him at a very unfavourable time; the surface matter was running and percolating into them, and gave a very unfair opinion about them. By keeping them water-tight on the surface, he would alter his opinion, and other analysts would alter his opinion perhaps too.

118. Has the water since been analyzed?—Some others have analyzed some, and not so unfavourably as Dr. Hodges. There is a part of the town where there is as good water as in any town where I ever tasted water—that is in the upper end of James's-street and Loy-street; in the other part—William-street and Old-town-street—the wells are sunk through limestone rock, and are impregnated more or less with lime.

119. Since Dr. Hodges gave this analysis have steps been taken to prevent the surface sewage getting in?—We drew the attention of the Board of Guardians to it, and it is only now they are being carried out. The Board of Guardians have taken a contract to prevent that flow of sewage matter.

120. It would appear that in December Dr. Hodges had the subject before him again; of course he got fresh samples, and he says "They are very unlike the specimens of water supplied from Cookstown sometime ago"?—Yes.

121. I see Dr. Cameron had them too; and you say it must have been some bad day the water was taken for Dr. Hodges at first?—It was bad in consequence of the surface water percolating in.

122. I see that this gentleman, Mr. M'Kinnon, the engineer, in this report says there is plenty of water underneath the town in different places. In your opinion suppose these wells were kept clean, and the street sewage prevented from running into them, will the supply of water be ample and good?—Yes, quite ample and good.

123. Do you want any scheme for getting more water?—No. In that part of the town where it is through limestone rock I sunk a well myself; it is largely impregnated with lime, but a pleasant water to drink.

124. It's hard?—Very hard, and will boil down a sediment of lime, but except that the water is good and wholesome.

125. Was there a good supply of water from the stream called the Burn for washing purposes?—Yes, that was adopted for laundry purposes.

126. Was the water of that up to the present pure?—Yes; and some would come pure yet, if it was allowed, and there was some effort made to puddle it into lifting places.

127. Is there any other stream coming into or through the town but that?—None but that; there is a large river at the end of the town.

128. Is that stream polluted at the mill above the town?—Yes; a good deal that they use and pass through their apparatus flows into a separate stream, and the road separates the two burns, the foul being on the south and the pure on the north of the road.

129. Is the foul mixed with the pure then?—The pure goes down into the foul. Formerly the pure was the lower level and the foul the higher; now the foul is the lower level and the pure the higher. It mixes under the street.

130. Before the mills were erected, was it perfectly pure?—Yes; except at one season of the year it got out of use owing to the flax, from July, August, and September.

131. What is the existing state of circumstances with regard to the sewers here, in consequence of or in relation to which you sent us a memorial to hold an inquiry here?—In the first place they have cost a great deal of money, and the last rate, although the town clerk didn't know it, was 8*d.*, and it left a balance against the union, and should have been more. Part of the work has fallen in since it was done, although supposed permanent, and I understand the estimate to repair this is £61. The falling in happened in the open drain that takes away the refuse of both burns.

132. Did the guardians, as the sanitary authority, make these sewers?—Yes.

133. Up to that time, had the Commissioners taken any steps to make the sewers themselves?—They very often spent a considerable sum of money in keeping the open drains clean, and appointed a sub-committee to see to it, and they did it well. I recollect one gentleman of the Commissioners present had it as effectually drained as at the present time—Mr. Anderson. He got them well cleaned.

134. Was it the guardians themselves moved in the matter of this extensive system of sewerage for the town, or were they called on by the people?—There was an attempt made by the Town Commissioners themselves, and it was greatly to the surprise of many of us that we found it taken from our hands and handed over to the guardians.

135. That was in 1874?—Yes; I had no idea of the Act of Parliament passing until that.

136. What is the population of Cookstown?—About 3,600, according to Thom.

137. Did the guardians, when they became the sanitary authority, begin to carry out a system of sewerage?—They carried out what the Commissioners were thinking about. I opposed it then to a large extent, unless on the condition that the area of taxation would be increased, seeing that the ordinary expenditure of 1*s.* was quite enough, and to add more to it would be too heavy on struggling shopkeepers.

138. How much are the poor rates?—The poor rates of the town are very moderate, about on the average 8*d.*

139. Did the Board of Guardians determine to carry out a system of sewerage for the town?—They did; a great deal of this arose, because our then chairman, Mr. Devlin, was also chairman of the Board of Guardians, and anything he took up he carried with a high hand. He was well supported indeed; I supported

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him myself; and we were led into vast expense beyond what we would have been but for that.

140. Is the expense of the sewers entirely thrown on Cookstown itself?—There has been some addition made to it; the town, as long as we were the Commissioners, only embraced the houses and gardens belonging to them. We cut the line as close as we could to that in laying out the boundary, so as to have no land in it. The sanitary district now is much larger.

141. Are the guardians charging the expense of the sewers in the town solely on the district comprised in the town, or on any of the surrounding district?—Yes; the surrounding district which is in the sanitary district.

142. Is the land outside paying for the sewerage since 1874?—Yes, it is.

143. Have there been disputes going on between the people and the guardians with regard to these sewers and their construction?—Complaints are very numerous, and if you listen to all, you will hear plenty about the way the sewers are working at present.

144. Is it your opinion that there has been a lavish expenditure, or improper expenditure of money?—There were clever engineers, but it has totted up to a large sum of money. I am left in a bad condition by it—no person in town so bad—the main sewer, a very large one, passes under premises that I laid out a great deal of money upon, and they are in a worse state than I would wish to describe them.

145. Will the sewers be a benefit to the town?—In some instances they will. There is one district, the southside district, close to me, that is largely benefited, and up to the workhouse they are largely benefited by it—houses with cellars to them in that neighbourhood. Some of the works constructed have actually fallen in. The open culvert that takes water away from the covered one, and is built on both sides with dry rubble masonry, has, during the winter, slipped in many places. A gentleman told me he measured four breaches: one place was about 100 yards; in another place there was a lesser quantity. And practical men, in estimating for the repair of these, say £60 is wanted. That occurred immediately after the work was taken off the contractor's hands. As to the working of the smaller pipes, I saw some places where they were doing very badly; and I am told of others where they were doing worse. The reason I am so badly circumstanced is—the flush water has ceased to run in the large old culvert under my premises, and into this culvert there are smaller drains falling from water-closets and the like, and must remain there.

146. Is it not covered in in such a way as not to cause a nuisance to your premises?—It's impossible—it escapes through stonework. To give you an idea, while the works were carrying on, one of the mains of the gas works was broken, and the gas discharged into this culvert; it got up into my parlour; on a Saturday it got to its height, and before Sunday was over my family threatened to leave the house. I brought the gas manager, and he got it spliced.

147. Is the thing now completed under your house?—I think the gas pipe has the splice put on it at that time on it yet, but the manager says it is effective in stopping the breach till a new pipe is put in.

148. Was not that an accident?—But it's not a pleasant position to be in.

149. You say there was a pure stream went under your house before?—Both went under it—the impure and the pure. Now neither goes. I thought they had made arrangements that the pure would still follow to flush the impure, until it would meet the new one again.

150. Do you know whether in consequence of complaints made as to the construction or improper construction, as alleged, of the sewers, the Board of Guardians had an engineer to examine them?—Yes, I think they engaged Mr. M'Kinnon to examine them as well as Mr. O'Neill.

151. Can you tell me has Mr. M'Kinnon reported unfavourably of those sewers?—Yes, he has of some of them; he reported very unfavourably as to the depth they have altogether.

152. Are the Guardians going on with the work notwithstanding Mr. M'Kinnon's report, or have they stopped?—I think they look upon the sewerage as complete.

153. The date of his report is December, 1876, and it was not finished then. Did they finish it according to their original plans, or according to the suggestions of the gentleman they called in to get the report from?—I think it was a good deal according to their original plan, but some of those interested had a good deal of influence in making changes upon it occasionally, because I believe that I had satisfied the engineer that the fresh water should come down under my place, and by some means that opinion was changed.

154. Mr. M'Kinnon, in his report, suggested that the proper way would be for the Burn water to be allowed to run in its original course, and to have a pipe laid from it to flush the sewer when it required it?—Yes; to go up to the old sewer when it required it; that was not done, nor no attempt at it.

155. It suggested that three and four sewers or districts should be put into one, and carried out to the outfall?—That's in the southern extremity of the town, and I know less about that than the others. The principal management of it was left to the members elected from that end of the town.

156. In your opinion were these sewer works carried out for the benefit of the town, or for the benefit of individuals?—The thing is so mixed up I would not say it was altogether for the benefit of individuals, but it was largely, and the town received a lesser benefit in a great degree.

157. Did the Guardians borrow money for the purpose of completing these works?—Yes.

158. From the Board of Works?—Yes.

159. How much?—There is £4,000 borrowed, and there is a claim for another £1,000.

160. How much is expended upon these sewers?—Not being a guardian I have it only from the officers—there's £4,000 borrowed, and there is another £1,000 wanted.

161. Were there not complaints for damage?—Yes; some they referred to arbitration, some took them to the quarter sessions, and some succeeded, and some did not. I don't wish to be in law holding an official position, and they refused me any compensation whatever.

162. Was the sewerage carried out by the Board of Guardians generally, or only by a section belonging to the town?—The Guardians, as a body, had no wish to do the thing. I heard several of the rural guardians say that; and they left it to six picked out of their number, who had property in the town—they left it to a sanitary committee of these six, but it so happened that the six never met together, and it devolved upon two or three of the six.

163. I see that Mr. M'Kinnon, in his report, says that the work ought to be executed for £2,700, whereas it has cost the town £4,450?—When we were talking about having the plan at £2,700, I described that we were never out of debt, and we would have to take it, like the flagging, in piecemeal.

164. Was there ever any remonstrance about going on with these extensive works?—There was some. When there was a talk of waterworks, the town got into a *furore*. There was a meeting called by the late chairman, Mr. Devlin, in this room, and when he found that the ratepayers would vote altogether against any additional taxation, he left it in the hands of the whole mob of the town. The ratepayers showed that they would not be taken that way, and forced the meeting to be changed, and placed me in the chair, and condemned the whole thing.

165. You say that the sewers are actually made, and the money borrowed and spent?—Yes; that's the position we are in now.

166. You cannot help yourselves now the money being borrowed; we really thought that the matter was only in contemplation, and that you were trying

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to stop, in some way, the heavy charge which it was sought to impose on the ratepayers. Did you apply to the Local Government Board on the subject, and were the proceedings sanctioned by them?—We did, and they sent it back to the Guardians, who referred it to the sub-sanitary committee I told you of, and the chairman had meetings just as it suited his and their convenience. They managed it as they pleased, and left us in the muddle we are now in.

167. Were there complaints made by the people to the Local Government Board?—Several times.

168. Were they made to your knowledge?—A dozen of us went up with a memorial to them one Saturday.

169. Were there ever any complaints made on the part of the people to the Local Government Board, complaining of the conduct of the Guardians with regard to this system of sewerage?—I don't know that it went formally to the Local Government Board; it was mixed up with the water question at the last.

170. Is it in your recollection that there were representations made to the Local Government Board?—Yes, and to the Guardians. No man could have told it better than the late chairman.

171. Did the Local Government Board send down their own engineer here to examine it?—I did not know it at the time, and never heard of it; these things were all private; the taxation was on us before we knew what we were about.

172. I wish to ask you, as chairman, as to the sanitary condition of the place. Do the Board of Guardians carry out the provisions of the Sanitary Act, 1874, and the Public Health Act, 1866?—Well, the rural guardians, when they come here on the market-days, are in a hurry to get away, the thing might as well have been given to some sub-committee; the guardians don't want to attend to it, and don't do it. They think it somewhat inconsistent that they should lay on taxation that they never are called upon to pay for at all.

173. Do the Board of Guardians transfer all the powers of looking after the town to a sub-committee?—Just so.

174. Is the sanitary condition of the town attended to?—The wells that are the principal things for us, have been very badly attended to since it went into their hands; we as Town Commissioners would have been glad to pay attention to them and keep them in order, but we were completely overruled by the new Act.

175. Do they look after the sanitary arrangements of the houses of the poor people here?—There is a good deal of that done, in the backyards and the like.

176. Have the small houses privy accommodation?—All except a few houses in a back street, where there is no backyard, and which was a difficulty with the Commissioners who proposed different expedients for them, such as making wooden accommodation outside that could be carted away daily, but it didn't come to anything. People of that class generally throw their night-soil on the streets.

177. Does that continue yet?—There is nothing else for it; there are about eight or ten little houses only. Except that portion, the town is very well done, though there are some open sewers and places yet that are not kept very clean.

178. Are the better class of houses in the town, all connected with the main-sewers?—Yes, or being done.

179. Are the guardians attending to that?—The sub-sanitary inspector is.

180. Is there any portion of the burn, where it is joined by the bad stuff which flows uncovered through the town?—No, they put a small pipe at the extremity of my premises to take it away, a very small one to bring it again into the new one below, just at the junction of Union-street which you passed in coming from the railway station.

181. Is it your opinion that it would be better for the Town Commissioners to have the control of the sanitary arrangements, and that they could manage them better?—It was an egregious mistake to take it from them.

182. From your knowledge was the sanitary condition of the town better before '74 than now?—I would not say that, it would be a horrid thing to think that £5,000 was laid out for nothing. There are some places a great deal better, the parts of the town up to the workhouse are all improved.

183. I see that in '72 there was an inquiry by one of the Local Government Board's inspectors as to the sanitary state of the town, caused by the badness of the sewerage?—Yes, sir.

184. Did he report then about the bad state of the sewerage?—He did.

185. I suppose that was the origin of all?—Exactly, and when we were striving to be economical the Government stepped in and the new Act came into operation, and it went over to the guardians.

186. Do you know whether the Local Government Board sent down any engineer after Mr. O'Brien's inquiry?—On some statement that Mr. O'Neill's plans were too extensive, they sent down a Government engineer to see and overlook them, and I think he approved of Mr. O'Neill's.

187. If that be so, all the guardians would appear to have done is, they found plans adopted by the Local Government Board and by the engineer, and they carried them out?—I think it was after the plans went to the guardians, the Local Government Board sent down.

188. Was it the Commissioners or the guardians, employed Mr. O'Neill to make the plans?—The Commissioners first, but we found his first estimate more than the rates would afford, and we gave it up thinking to do it piecemeal.

189. That was the condition of things when the Act came into operation in '74?—Just so.

Dr. HENRY GRAVES examined.

Dr. Henry Graves.

190. Are you the sanitary officer here?—Yes.

191. Tell me about the sanitary condition of the town. First of all about the water. Are these wells all set right?—They are being set right at present; but I will put you in a better position as to the state of things as they were in August, 1876, and are now, by reading you two letters of reports that I read to the Board of Guardians:—

"August, 1876.

"I am not the least surprised at Dr. Hodges' report on the specimens of water sent to him for analysis, ten out of the thirteen of which he pronounced contaminated with sewage matter, and unfit for domestic use. I have, during the present week, carefully examined each of the public pumps in the town, and beg to inform you that, with one or two exceptions, they are all out of order, loose, and insecurely affixed to the freestone slabs, to which they should be firmly secured by strong iron bolts; in most the joints between the flags are open; the result is, that when the water used in washing carrying cans is thrown out, it, along with the surface sewage water and sewage matter, is carried directly back into the wells. Now, let it be understood, that sewage matter acts on pure water much in the same way as a small fragmentary portion of barm acts on a large vessel of dough, in the first instance contaminating the entire water, and in the other leavening the entire mass. I therefore submit that a competent person should be employed to put the pumps into perfect order, and receive special instructions to make the upper fittings perfectly water-tight, closing the joints in the flags with Roman cement, &c. I believe if this be done, and the water examined after the lapse of a reasonable time, it will not be found in so deplorable a condition as is at present supposed."

192. Was anything done acting on that report?—A man was appointed to look after them, but virtually they never were taken charge of, as this will show you:—

"30th March, 1877.

"To-morrow your sub-sanitary officer, Mr. M'Kibben, will report to you his examination of all the town pumps. I have gone over them, and find that all the coverings are still defective, and the fittings and freestone slabs where they existed broken away; hence the surface sewage flows or percolates indirectly into the well, thus befouling the entire water supply. I therefore most urgently repeat my recommendation presented to you in August last, that a competent person should be employed, and that he receive special instructions to make the upper fittings perfectly water-tight, and joints, &c. A man should be employed to inspect the pumps every day, and cause to be remedied any defect connected therewith as soon as discovered. The surface coverings should also be kept clean and dry."

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Dr. Henry Graves.

At the present time these pumps are under repair; there is a sum of £19 to be expended, which will not have much effect upon them; the pump opposite to my own door I saw it opened, and it was wonderful the amount of foul horrible stuff that was immediately over the well. I would say it was directly connected with the well, but you are aware that that foul matter will percolate through a considerable distance of soft earth.

193. Are you able to say as to the condition of the water; Is the water pure or impure?—I believe if Mr. M'Kinnon's suggestion was carried out, that the water supply would be, if not made perfectly pure, vastly improved; and I have never seen any ill effects from the water.

194. In other respects are the provisions of the Public Health Act carried out? Are there many houses here without ashpits or privies?—I am sorry to say that the privy accommodation, at the lower end of the town particularly, is very bad; and the privies not only are few in number, but in horrible condition. No later than a fortnight ago I had to report a whole block of houses.

195. Do the Board of Guardians attend to your reports?—I have reported the privy accommodation over and over again, and little or nothing has been done; sewers and ashpits have been cleaned, and the stuff removed.

196. These houses that are without privy accommodation, and that nothing has been done about, do they throw their night soil into the streets?—Not on the streets, but into the gardens.

197. Are they allowed to collect it there?—Yes; they are scattered about in all directions. It is dangerous to the health of the people distinctly.

198. How often have you reported these places to the Guardians?—If I had my report-book here I could show you my blocks; I have done so several times.

199. Are they in the same condition still?—Almost so.

200. If they are dangerous to the inhabitants, why do the Guardians not proceed to close the houses?—The houses are not dangerous, but the accommodation is very wretched.

201. Are they dangerous from want of accommodation?—They are.

202. The owners could be made to do it under the Act, or the Guardians could do it themselves and charge the owners. We had some prosecutions at the petty sessions, and there was some dispute as to whether it was the owner or occupier was liable for the expenses to be entailed.

203. With regard to the rest of the town, are the houses generally—the better class—properly supplied with accommodation?—Yes, fairly so.

204. Have they drains connecting with the public sewers?—Yes, as a rule.

205. What about the sewers? In your opinion are they constructed badly or well?—Badly. I reported upon the 5th February, 1876, on what I considered the inefficient way they were being done:—

"When the contractor opened the cutting in Wolsor-street, which was done with brickwork, the wells on either side became perfectly dry, so soon as the cut was carried a few inches below their bottom the water from them percolated to the cutting then on the lower level. If this be so, and it cannot be denied, surely it is reasonable to conclude that when these wells are again, as by necessity they must, sunk to a level below the bottom of the sewer, the sewage will percolate to the well if the sewer be not water-tight, and thus create frightful disease. I am informed by several of the workmen that being constructed in sections, the work is put together very loosely, and the contents, as reported to me, runs out as fast as it goes in."

206. Does it drain through the sewers?—Distinctly. Cameron states that all bricks should be laid in hydrated mortar, and not "grooted" with Roman cement.

207. Do you say that the sewers as constructed are not water-tight, and that the wells having to be sunk below them the sewage matter will get into them?—In walking from the railway station there are three public wells which have become dry; one was a public well, that had a splendid flow of water; the Rev. Mr. Leslie's well became perfectly dry; and Mr. Mullan, hotelkeeper, was obliged to sink another well. There are some near the railway which used to be perfectly good, but they are dry in consequence of the sewers.

208. As a matter of necessity, must they be sunk deeper?—Yes; and I am told if they do the sewage matter will percolate into them.

209. Was there any efficient overlooking of the contracts?—The work was approved of by the officials before it was paid for.

210. Are you satisfied as the sanitary officer with the sewerage condition of the town?—The sewerage condition of the town in some parts is vastly improved, but in a considerable portion it has not done any good. In Gortalowry a great many sewers have fallen in, as Mr. Harbison stated, to the open sewer. It is not immediately through the town, the culvert is carried down below Mr. Gunning's house, and then there is an open sewer which goes down to the exit.

211. Have the sides of that fallen in?—Yes; and completely blocked up the culvert or stopped the flow of sewage through the culvert very nearly.

212. Is there anyone looks after the lodging-houses of the town?—The sub-sanitary officer when his attention is drawn to it. They are not registered, nor are the slaughter-houses.

213. Have you ever represented anything about that to the Guardians?—I never inspected any of them.

214. Is there much or any overcrowding in the dwellings of the poor people?—There must be where there is a large moving population. I suspect on Saturday nights, when many tramps come in, there would be considerable overcrowding, but not as a rule. There are, no doubt, some bad localities in the town.

215. Have the people of the town ample hospital accommodation—the poor people?—There is the fever hospital and the workhouse hospital, but the people, as a rule, have a strong objection to go to either.

216. Has the attention of the guardians been called to the fact of these wells being dried by the sewers?—This report has been before them.

217. Have they made any effort to get a new water supply for the people?—No; there is a peculiarity about this limestone here; it is very porous. For example, when a public well was sunk on the opposite side of the street to my house my well became dry, but in the course of twenty-four hours it was up to its own level again, and I have found since that my well exists as a reservoir for the public well.

218. Have you found any bad effects amongst the people of the town from using this water?—I cannot say I have observed it. We had at the end of last year some cases of typhoid fever, but I could not trace it to the water.

219. Do you happen to know whether these slaughter-houses are kept in proper order?—I have been in one or two of them at times, and they are as clean as slaughter-houses usually are. I think they are fair specimens of slaughter-houses.

Mr. John Marshall Weir

Mr. John Marshall Weir examined.

220. What evidence do you wish to give?—I am a Town Commissioner and have been so for seven years. I was Chairman when the plans for the sewerage of Cookstown were prepared. The town was in a wretched condition—no town in Ireland so bad.

221. What engineer prepared the plans?—The Commissioners employed Mr. O'Neill of Lurgan.

222. Was that before or after the inquiry?—It was before the inquiry of 1872. We got the plans prepared by Mr. O'Neill and they were approved of unanimously by the Board of Commissioners. We considered that it was necessary to get the area of taxation increased in order to run our outfall sewer, and it was for that we asked the inquiry held in 1872 by Mr. O'Brien. At that inquiry Mr. Harbison gave evidence in favour of the plans of Mr. O'Neill.

223. If the thing is completed, I don't see what I have got to do with the sewerage question at all. The

plans are carried out and the money is raised. As I said before, we thought that the work was not done, and it was on that account I came down to hold this inquiry, from the requisition sent to us.

Witness.—I live in Gortalowry and the benefit to the town is incalculable. One of the largest owners of small house property told me that it was an immense benefit; houses that were formerly quite bad, were this year perfectly dry. His own property was immensely increased in value, and it is the feeling of all in the town that it has been a great benefit.

224. What about the water?—With regard to the water we have only twelve public pumps in the town and the supply is inefficient. By twelve o'clock the wells are generally pumped dry. One is being closed at present by the order of the Guardians. As regards last year it was said from the samples sent up that there were ten unfit for use. Nothing has been done to remedy the condition of that water since; we have been obliged to drink it since, and nothing will be done till the Guardians are compelled to bring in a pure supply of water. Unless the law is made compulsory you will never get people to tax themselves for the benefit of others. Dr. Roughan, when he was here, stated he would not be induced to drink a drop of water in this town. Even if it were good, we have not enough of it. If a fire occurred in the town we have no water to put it out with. The wells are only from twenty to thirty feet deep in running sand, and they cannot keep out the sewage matter.

225. Dr. Graves says some of the wells are running dry by the sewers being at a lower level?—Certainly the water is running away into the sewer; the sewer was made purposely to drain the country, and Dr. Cameron recommends that to be the best means of making a sewer. There was only one public pump run dry by the sewer.

226. Have the Guardians given up the idea of getting this water supply?—No; I don't know that, but there was such opposition that the people seemed to prefer to drink anything than to pay for pure water. A through supply of pure water can be had for £5,000, which would be about 8*d.* in the pound. At the same time it is a serious thing for the people of the town, and for the Guardians, as the sanitary authority, to leave the people to drink this water that is in such a state; but they ought to be tried and executed if they don't do something. They say, however, they don't live in the town, and won't do it; as for the town Guardians, I don't know what they drink. But I am better satisfied with the Guardians than with the Commissioners, because they may be induced to bring it in, as they will not have to pay for it.

227. Do you know the condition of the wretched class of houses which was spoken of?—I do; it is scandalous. There are a number of houses here which were pig-houses and cow-houses, and are now dwelling-houses; and the Commissioners or the Guardians don't think they have the power to close them.

228. Have the Guardians not the power since 1874?—Yes.

229. Dr. Graves says he is tired of reporting them?—There are numbers without back-doors, and with only one small miserable room—houses formerly occupied by cows are now inhabited by people; most wretched houses they are, and the Guardians fail to carry out their duty in that respect.

230. Dr. Graves has reported them, and what more can he do?—The Guardians should be compelled to live in them for a short time; then something would be done.

231. How many are herding together in those rooms?—A very great many; and they are used as lodging-houses. On fair nights the people crowd into these houses—pick-pockets, bad characters, and all sorts.

232. Are the slaughter-houses here kept right?—Yes, they are.

233. The Guardians know very well they ought to give every pauper 300 cubic feet of air?—They have nothing of the sort here. The Commissioners at one time got the houses all numbered and registered; but it fell through; that was about five years ago. Unless the police had charge of it, I don't believe it will ever be efficiently done; the remuneration given to the sanitary officer is not sufficient.

234. Is there any water near these people's houses?—It is a considerable distance away; the town is one and a quarter mile long, and the wells are scattered here and there. There are only two pumps in the town, which, according to Dr. Hodges, are fit for use; one of them is usually pumped out by ten o'clock in the morning. Last summer it was generally dry by nine o'clock. There is one thing I wish to draw attention to. I think it would be advantageous for towns to have the management of gasworks and markets.

235. Are there fairs held here?—Once a month; and the market every Saturday, and the corn market on Tuesdays.

236. Is the fair held over the town?—The cattle fair is held only in one place.

237. Is any nuisance created through the town in that way?—None.

238. Do you derive any benefit from it?—We do not.

239. Is the town well kept in the way of scavenging?—Very badly. The contractors do their work very badly.

240. Are the places where these wretched localities are ever limewashed, disinfected, or cleansed?—They are limewashed sometimes. Before the sewerage scheme was carried out there was an open sewer, but now it is closed in, and they throw out all nuisances into the streets or gardens—they are thrown out in heaps.

241. Who removes it?—No one removes it, unless the landlord might occasionally go round.

242. Until it is washed away by the rain?—Just so. There is great occasion for water to flush the sewers in summer; unless this be done they will rapidly stop up.

243. You don't appear to have a good fall for your sewers?—We have a very bad fall. The land about the town has been immensely improved by the sewerage.

244. Is it not paying for it?—It is. The town stands in the townlands of Cookstown, Loy, and Gortalowry, and these townlands are all made to pay for it, although a portion of these don't stand inside the boundary, and those outside think they have a great hardship in having to pay for the sewerage of the town.

245. Do they pay the full 8*d.*?—Yes. The Local Government Board said they could not divide the district.

Mr. WILLIAM ALEXANDER GUNNING examined.

Mr. William A. Gunning.

246. What evidence do you wish to give?—I am Vice-Chairman of the Board of Guardians and a Town Commissioner. I should like to refer to the difficulty of the Guardians in dealing with matters in connexion with the town.

247. With regard to the sanitary matters of the town?—Yes. In the former chairman's time, the Guardians connected with the town were called a sub-sanitary committee, and every matter in reference to such things was thrown into their hands. At March last, when I was elected vice-chairman, there were only two other Guardians besides myself connected with the town, and to the three of us the Guardians referred all matters in connexion with the sanitary affairs. Well, to give you an instance of it—you have heard Dr. Graves speak in his report of the contract No. 3, which has fallen in at Mr. Gunning's, "Thus the passage of the main sewer is imperfectly constructed and ought to be repaired." The order made by the Guardians was "referred to the sanitary committee with the request that they will have the work done at once." That was on the 11th May. On making further

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Mr. William A. Gunning.

inquiries we found that the estimate from one man was £62, and from another £57. One of the Guardians was from home when these were handed to us, and the other was with me on Saturday at the workhouse, and we agreed that we should not receive these tenders without consulting the board itself. I went over the ground on Saturday evening, and I could scarcely form an opinion of what it would take to do it, but the sum would be very considerable. But I think as far as the sanitary affairs are concerned, they would be much better in the hands of the Commissioners than the Guardians.

248. About that falling in—is that not a heavy expenditure to have with these new works?—So I should say.

249. Was the contractor bound to keep the works in repair for any time?—Three months. As regards the pumps, then, we had complaints about them, and Mr. Allen, Dr. Charles, and myself, were directed, as the sub-sanitary committee, to get proposals for repairing them and putting them into order. The difficulty we had to contend with at first was that we could get no one to estimate for it; the Local Government Board wrote to us to urge it on, and we, after some difficulty, got a contract, and they are being thoroughly cleaned out and repaired now. As reference has been made to the sewage matter filtering into them, I may say that I saw myself, where the top had been taken off one, the joints showed that the sewage was escaping and going down to the well. That will be obviated by the cementing it properly.

250. Suppose the water can be made good, do you think the supply will be sufficient from these wells?—I believe they will be made perfectly good. There is a well within 100 yards of Mr. Weir's house equal to 5,000 gallons a day alone.

Mr. *Weir*.—That is a private well that I have no right to go to. It is a private well erected for machinery in Mr. Hamilton's.

251. Mr. EXHAM.—Are the present Board of Guardians taking steps to have what was an undoubted defect last summer rectified?

Mr. *Gunning*.—Yes; but I think it is rather too much to expect that these sanitary matters should be handed over from the parties who originally had and should have the management of them, to the shoulders of two or three.

252. What about the portion of the town where these houses are which Mr. Weir said were formerly cow-houses and pig-houses?—I am sorry to say that Mr. Weir and I live almost opposite to them.

253. What has the sanitary authority done about that?—They belong to a gentleman—a Guardian also.

254. And is he a Town Commissioner too?—Yes.

255. Dr. Graves tells you, and he is prepared to state it before the magistrates, that these houses are unfit for human habitation. There is a section of the Public Health Act which says the magistrates may make an order to close them?—We tried to get them closed, even out of our own pocket, but could not manage it.

256. If the sanitary officer certifies to you that they are unfit for human dwellings he will state that before the magistrates, and I am sure the magistrates will know how to act?—There have been a few prosecutions, but up to the present time there has been some little difficulty in deciding in whose name the summons should be brought, but I think that has been now set at rest—the name of the sub-sanitary officer.

257. Are you satisfied with the lighting of the town?—Yes.

258. Have the guardians done anything at all with reference to cleansing the place where these houses are?—Not that I am aware of.

Mr. John Rickard.

Mr. JOHN RICKARD examined.

259. What do you wish to state?—I have been a member of the Town Commissioners for years, and a member of the Board of Guardians for about four years. I resigned my position at the Board at the last election, and was a member of the sanitary committee referred to so frequently here.

260. What do you say about the water?—I say the water is only defended by those who are afraid of the taxation for it—that every honest man must say.

261. Then you think there ought to be an ample supply?—I do. I have property myself, and I would only be too proud to be taxed for it. I have seen people at five o'clock in the morning pumping where they could not get a drop. Some gentlemen who lie in bed don't see that. I saw the report of Dr. Hodges, and I am ashamed of my townspeople coming forward here to refute that. There must be something that you, hearing these things in various towns, thoroughly understand.

262. Do you say they are badly impregnated?—I cannot say more than Dr. Hodges. It's a failing that gentlemen have, that have a little property. I wish to have plenty of property to pay taxes for it. With respect to the sewerage scheme, I was on the Board of Commissioners when the plans and specifications were brought forward, and it lay there a dead letter under the board, when the money was paid out of the taxes of the town for the making of the plans, and all these measurements, &c., &c., by the engineer; it lay there for years. When I was elected a guardian I urged the chairman of the board to take those plans into their hands, which they did; they placed those plans before the Local Government Board and the Board sent down their own engineer and when they did this, we set about having it done at once.

263. Do you think the present supply of water is sufficient?—We have an infamous and inefficient supply.

Mr. Hugh Adair.

Mr. HUGH ADAIR examined.

264. Is the water supply sufficient? Do you think it is inefficient?—I do; and it is in very bad order.

265. Do you think there is plenty of water to be had in town?—There was 150,000 gallons a day pumped out of the sewer in one place, while the sewer was being constructed; they required to put a steam-engine upon it to keep it dry. As to the quality—the analyses that were obtained at that time in every instance showed that the quality of the water was good, if kept clear from impregnation by the sewerage. There is one point that I would like to mention, that in spite of this bad water that we have all been drinking, it is wonderful that our death-rate will compare with any in the North of Ireland; our rate is 16 per 1,000, whereas the county Tyrone generally is 25 per 1,000, and the death-rate has never been so large or great as since this sewerage was made. I have to complain, too, that I am included in the boundary of taxation and derive no benefit from it—that the charge for extra sewerage has not been properly proportioned in Cookstown. There are four townlands comprised in the town, or that the town is built upon; there are only three of these townlands charged with the extra rate, and one townland that is included for the special charge is not affected by the sewerage in any way.

266. That is, it has to pay its share and gets no benefit?—Yes.

267. Which portion is that?—There's Gortaloury, Loy, Coolnafranky, Monrush, and Cookstown. Monrush gets the benefit of the sewerage and is not charged the special rate, and Coolnafranky is charged and gets no benefit. I have to complain also that there is an equal rate charged on all townlands whether much or little affected by the sewerage. We have been advised by counsel that the money should be fairly proportioned over the townlands, yet neither the Guardians nor the Local Government Board take any notice of it at all.

Mr. William Smith examined.

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Mr. William Smith.

268. On what point do you wish to be examined?—I was one of the Commissioners that took an active part in having the plans drawn up by Mr. O'Neill.

269. What about the water?—The town at present is in a most abominable state for want of water, and the water is bad. I have seen from two to ten and a dozen people waiting for water, and could not get it. The Commissioners have ordered, too, that no carts, nothing on wheels, can go near it; and people having carts have to go to the country for water.

270. What about the sanitary condition of the town?—It is not kept clean enough.

271. What about these poor houses?—Well, there are some houses that are not as good as they ought to be; there is no proper supervision over them. There are wells in this town that nobody would think of using.

Mr. James M'Millan examined.

Mr. James M'Millan.

272. Are you one of the Town Commissioners?—I am not; I am a private inhabitant.

273. What do you say about the water?—I am not at all opposed to the water, because we do require it; but I am opposed to the way they are trying to bring it in. I believe the wells are not properly attended to; if they were, there is sufficient water in the town and neighbourhood to supply the wants of twice the inhabitants we have. There is a well in my own yard and the water is excellent. Mr. Raphael and Mr. M'Kenzie have wells in their yards, and they are all good. The wells have not been sufficiently protected from impurities percolating into the water, but to say that Cookstown is deficient in water is a thing that nobody would say. They all take it for granted that if pipe-water was here it would be all that would be desired. Now, it is very doubtful whether it would be better or softer, or not.

Mr. John Thompson examined.

Mr. John Thompson.

274. What do you wish to say?—I am an inhabitant for eighteen years. The quality of the water is proved to be very bad, and the quantity inefficient. A good supply is what we want at present. There could not be a proper supply got by pumps; the soil is broken rock and drift soil, and the only place where there is pure water is where there is soft clay.

Mr. Thomas M'Clelland examined.

Mr. Thomas M'Clelland.

275. What do you wish to speak about?—The complaint of the ratepayers about the extravagant way in which the sub-committee has laid out their money on the sewers.

276. But what about the water?—The parties who were supposed to be the opposition are not opposed to water; they are in favour of a plentiful supply; but they are not in favour of the extravagant way they would give it to us. They told us the sewerage would cost under £3,000; now we are told that it cost £6,000; and the thing will just be the same with the water.

NEWRY—March 5, 1877.

Newry. *March* 5, 1877.

(Before Mr. Commissioner Lawless, Q.C.)

Mr. Robert H. Doherty examined.

Mr. Robert H. Doherty.

1. Mr. Lawless.—Are you the town clerk of Newry?—Yes.

2. Under what Act are the Town Commissioners of Newry constituted?—Under the Towns Improvement (Ireland) Act, 1854, the 17 & 18 Vic., chap. 103; and another Act, the 34 & 35 Vic., chap. 198, called the Newry Improvement and Waterworks Act.

3. Are the Town Commissioners as a body incorporated by that Act?—Yes, and have a common seal.

4. When was the Towns Improvement Act of 1854 adopted in Newry?—In the year 1865—in February, 1865.

5. What Act were the Town Commissioners under before the adoption of that Act of 1854?—The 9 George 4, chap. 82.

6. How many Commissioners were appointed in Newry, in February, under the Act of 1854?—Eighteen Commissioners. Each ward returns six Commissioners.

7. Is that number full now?—Yes.

8. Do the present Commissioners possess the qualifications required by the Act of 1854?—Yes; they all possess the necessary qualification.

9. Is this town of Newry divided into wards?—Yes, it is divided into three wards.

10. Give me their names, and how they are situated?—The North and South Wards, which are situated entirely in the county Down, and the West Ward, situated in the county Armagh.

11. Give me the valuation of those wards respectively, and the number of voters in each?—The valuation of the West Ward is £13,108 5*s.*, South Ward £9,111 18*s.*, and of the North Ward £7,443 9*s.*, making the total £29,663 12*s.* Those are the valuations for 1876.

12. What is the valuation of the entire town for the year 1877?—The revised valuation of the entire town is £30,102 17*s.*, which includes everything. The gross valuation for 1877, of the county Armagh portion is £13,335 5*s.*, and of the county Down portion, £16,767 12*s.* The number of voters are—in the West Ward, 401; South Ward, 375; and North Ward, 275; total, 1,051.

13. Are the limits of the municipal borough and the Parliamentary borough coterminous?—No; the limits of the Parliamentary boundary are much larger than the municipal boundary.

14. Do you know the acreage of the municipal borough?—The gross acreage of the municipal borough is 711A. 2R. 4P.

15. And I believe the Parliamentary limit is about three times as much?—I suppose it is fully that.

16. The population at the census of 1871 was, I believe, 14,078?—Yes.

17. Have the Town Commissioners of Newry any property besides that which they acquired by the purchase of the sites for markets?—No; nothing except what they acquired under the Act of 1871.

18. Have they any property from which they receive rents?—No; they have no rents.

19. Are they entitled to any receipts from the port and harbour of Newry?—No; none.

20. By what body is the port and harbour managed?—The Newry Navigation Company—a joint stock company; it is managed by them.

21. I believe that body is constituted under a succession of Acts of Parliament passed for the purpose?—Yes.

22. Does the Newry Navigation Company receive the entire income derived from the port and harbour?—Yes, with the exception of such dues as are received by the body called the Carlingford Lough Commissioners, who receive a portion of the dues.

23. What portion do they receive?—A tollage for

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Mr Robert H. Doherty.

passing over the bar of Carlingford and using Carlingford Lough.

24. Have the Town Commissioners of Newry any interest in these receipts?—No; nor have they any control over them.

25. Have they as Town Commissioners any representation upon the Board of Commissioners of Carlingford Lough, or upon the Newry Navigation Company?—On the Newry Navigation Company they have no right to any representation; on the other board they have a right to appoint two, but from difficulties that from time to time arose, and a belief that they were not treating Newry fairly, the Commissioners sought to remove them.

26. By what authority are those Commissioners appointed on the Carlingford Lough Commission?—By the authority of a Provisional Order of the Board of Trade, confirmed by Act of Parliament in 1864.

27. Are any members of the Municipal Corporation of Newry, by virtue of their office as Municipal Commissioners, appointed on the Board of the Carlingford Lough Commissioners?—There are two. One of them has ceased to be a Town Commissioner, and he refuses to retire from the Board of the Lough Commissioners in favour of another whom they wish to appoint. The other is still a Town Commissioner. They consider that they are appointed for life.

28. Has the position of the gentleman who ceased to be a Town Commissioner been filled up in the Town Commissioners in the ordinary way?—Yes; in the usual way—by the ratepayers.

29. I find that by the Newry Improvement and Waterworks Act of 1871 the powers of the Grand Juries both of the county of Down and county Armagh have been transferred to the Town Commissioners, except so far as regards county at large charges?—Yes.

30. And I find that by the 24th section the Town Commissioners were empowered to purchase and acquire lands. Have they purchased lands under the powers of this Act?—Yes; for the purposes of the Act they have.

31. For the purposes of public markets?—Yes; for the purpose of constructing public markets.

32. Have they erected a town hall in Newry?—No; they have not.

33. Have they erected baths and wash-houses?—No.

34. Have they opened any public park?—No.

35. Have the waterworks for obtaining a supply of water, the construction of which was contemplated by this Act, been made?—They are made—perfectly made.

36. Are they now in operation?—Yes; working satisfactorily.

37. Were there any public waterworks in Newry before they were made?—There were works known as Hallewell's waterworks.

38. Whose property were they in 1871, when the Act was passed?—They were then the property of the Town Commissioners.

39. When did the Town Commissioners acquire them?—Sometime in 1870. The draft agreement for the purchase of Hallewell's waterworks was adopted by a resolution of the Town Commissioners passed on the 15th February, 1870, appointing Mr. Rofe, Mr. Bernard B. Murray, and Mr. Park Neville, as arbitrators to fix by award the price to be paid for these works.

40. Was there a price fixed by those arbitrators?—There was.

41. How much was it?—The award was £3,948.

42. Was the agreement adopted by the municipal body?—Yes; it was ratified by them afterwards.

43. Have you got the resolution referred to there?—I have the minute of it.

44. Will you let me have it?—Yes. (Reads resolution.)

"20th December, 1869. That the water committee be authorized to carry the arbitration with Mr. Hallewell into effect, and that authority be given to them to apply for a loan at a rate of interest not exceeding five per cent."

On the 2nd May, 1870, the award was made by the arbitrators, and a report was sent in. A very long document was received from Mr. Park Neville.

45. Read the minute of the 2nd May, 1870?—It deals with a scheme for making a reservoir at O'Neill's bog, which would cost £7,790, and it then brings in Hallewell's waterworks. The award fixed £3,948 as the price to be given for these works. They were purchased, and on the 24th April, 1871, the purchase-money was paid. The Town Commissioners were not able to borrow the money at the time the arbitration was made. They sought to borrow a larger sum—£10,000—for the purpose of extending the existing system and supplementing it by another supply, and in consequence some time elapsed, difficulties arose, and it was February, 1871 (nearly a year after the date of purchase), before they were able to effect the loan of £5,000 to pay for the works, and in addition we had to pay five per cent. on the amount of the award. In February, 1871, the Town Commissioners paid to Mr. Hallewell's trustees the principal sum of £3,948. They paid also £6 5*s.* commission on the loan, £95 14*s.* 6*d.* the costs of the arbitration and loan, and £59 their own solicitor's costs. These sums, amounting to £4,108 19*s.* 6*d.*, were paid out of the £5,000. They paid also £146 14*s.* 10*d.* interest on the purchase-money. That interest was paid out of the rates. The balance of the £5,000 after the above-mentioned payments was applied in purchases and works connected with Hallewell's waterworks.

46. Were the works then conveyed to the Town Commissioners?—Yes; but they had had possession of them the year before.

47. Were these works regularly and legally conveyed to the Town Commissioners?—Yes; they were then regularly conveyed.

48. Did the Town Commissioners levy any water rate?—Yes; they levied a water rate of 6*d.* in the pound under the 17 and 18 Vic., cap. 103.

49. I find by the Act of 1871 that provision is made for the supplying of water to the public by the Town Commissioners from that source which they acquired by the purchase from Hallewell's trustees, and also from the supply of water that was to be provided under the new Act of 1871?—Yes.

50. Have they since continued to supply the town from Hallewell's waterworks?—A supply has been since obtained from the new works at Camlough, and the town is supplied from them always, except a case should arise in which they might have to draw on Hallewell's waterworks.

51. What is done with the supply from Hallewell's works?—Nothing at present. The pressure from it was not strong enough to reach the higher portions of the town by gravitation.

52. Upon what security did they borrow the £5,000 in February, 1871?—On the security of the rates of the town—on the 6*d.* water rate.

53. Have you got any copy of the mortgage?—That mortgage has been paid off since.

54. Entirely?—Yes.

55. From what source has the money to pay it off been obtained?—By the borrowing by the Town Commissioners of £15,000 on the 26th March, 1872, which was to be repaid in thirty years.

56. Under what authority was that £15,000 borrowed?—It was borrowed under the Act of 1871. The £5,000 mortgage was paid off two days afterwards—on the 28th March, 1872.

57. From whom was that £15,000 borrowed?—From the United Kingdom Temperance and General Provident Institute.

58. At what rate of repayment was the £15,000 borrowed?—At five per cent. interest and one and a half per cent. sinking fund, or nearly so; the debt to be extinguished in thirty years from the date at which it was borrowed.

59. Upon what security was the £15,000 borrowed?—On the security of the Newry town rate and water rate—the Newry town fund and water fund.

60. Up to the time of the passing of the Act of 1871 was there any other public debt owing by the Newry Town Commissioners except that of £5,000 contracted for the purchase-money of Hallewell's waterworks?—None.

61. Have the Municipal Commissioners borrowed any more money?—Yes; on the 3rd of June, 1872, they borrowed a further sum of £15,000 from the Church of England Assurance Institute on the same terms.

62. At five per cent. interest and one and a half per cent. sinking fund?—Yes; and both principal and interest to be paid off in thirty years.

63. Have they borrowed any further sum?—On the 1st September, 1873, they borrowed a further sum of £8,000 from the United Kingdom Temperance and General Provident Institute.

64. Is that also borrowed on the same terms?—Yes; the payment was to extend over the same period.

65. Upon what security was it borrowed?—Upon the same security; the Newry town rate, and the rates, rents, and profits under the Act.

66. Had any portion of the second sum of £15,000 been paid off at the time they borrowed the £8,000?—Well, a little, but not much. The first £15,000 was borrowed on the 26th of March. 1872, and the first repayment was made in September of the same year, and also another repayment. The two would amount to £223 1*s.* 1*d.*—this is on the first £15,000.

67. Had any payment been made for the second £15,000?—The second was borrowed on the 3rd June, 1872. There would be two payments made on it which would be about £223 7*s.* 2*d.*

68. So that those two sums of £15,000 would be reduced by something like £446?—Yes, reduced by that much before the £8,000 was borrowed.

69. How did the Commissioners intend to borrow £8,000 on the 1st September, 1873, when their borrowing powers under the Act of 1871 were limited to £37,000?—No; they had power to borrow £42,000 including the £5,000 borrowed for Hallewell's waterwork.

70. Up to the 1st September, 1873, they exercised those powers to the extent of borrowing £38,000. Did they borrow any more after that date?—Yes; on the 4th May, 1874, they borrowed £4,000.

71. From whom?—From the United Kingdom Temperance and General Provident Institute.

72. At what rate?—The same rate—five per cent. interest and one and a half sinking fund.

73. Was that also borrowed upon the same security?—Yes; upon the same security.

74. They then reached the limit of their borrowing powers?—Yes; that £4,000 exhausted their borrowing powers.

75. Have they incurred any capital debt beyond that?—They borrowed no money beyond that.

76. Some portion of the capital debt has been repaid?—Yes.

77. What was the amount due on the capital debts on the 14th February, 1877?—£39,274 18*s.* 7*d.*

78. How is the payment made—is it by sinking fund?—Yes; with the interest up to the 31st December, 1876, there was £1,096 13*s.* 10*d.* of the first £15,000 repaid.

79. Up to the present time does the £39,274 18*s.* 7*d.* represent the entire amount of capital debt charged upon the town-rate and the water-rate?—Yes.

80. With respect to the £42,000 that the Town Commissioners borrowed, they applied £4,108 19*s.* 1*d.* in paying off Hallewell's trustees and costs connected with the purchase from them?—Yes.

81. How much was employed in the purchase of ground for the public markets?—I cannot give you that amount separate.

82. Can you give me the whole amount that was applied for the purpose of acquiring ground and erecting the necessary buildings for the markets?—I have the amount *in globo*. I cannot give it to you separately.

83. Of the moneys that you borrowed, amounting altogether to £42,000, was there any portion applied in paying the cost of obtaining the Act of 1871?—There was.

84. How much?—The Act cost nearly £8,000. The Town Commissioners' proportion of that was £4,220 16*s.* 11*d.*, besides which they had to pay costs of the arbitration before Mr. Hancock amounting to £1,291 13*s.* 11*d.*, making in all for the cost of the Act £5,494 10*s.* 10*d.*

85. Were there any petitioners against the bill?—Yes; about thirty or thirty-five.

86. Did the Grand Jury of the county Down petition against it?—Yes.

87. And the Grand Jury of Armagh?—Yes.

88. Did the Newry Navigation Company petition against it?—Yes; they appeared to petition against the bill, but there was no very serious opposition on their part. They were opponents of the bill till it left the committee.

89. I see that by the 114th section the cost of obtaining the Act was distributed amongst certain bodies?—Yes.

90. How much did the Municipal Commissioners of Newry pay as their portion?—£4,220 16*s.* 11*d.* The proportions of costs of this bill to be borne by the different parties were settled by the award of Mr. Hancock of Lurgan, and this is the award he made. (Hands in Mr. Hancock's award.) The costs were taxed in London.

91. How was the proportions by which they were to be borne by the different parties ascertained? Was it by the arbitration of Mr. Hancock?—Yes; that was what he took up.

92. What markets did the Town Commissioners of Newry purchase under the powers of that Act?—They purchased the Butter-crane Market—an old market that was in existence before the Commissioners took up the market business.

93. Who were the owners to that market?—The trustees of the late Earl of Kilmorey.

94. Is that market used by them as a butter market?—It is used for the sale of firkin butter and flax, lump butter and eggs.

95. Subject to what rent or what conditions did they purchase this market?—They purchased in fee under the powers of the Act.

96. Did the Commissioners by that purchase acquire the right to receive all tolls and dues, and payment with respect to the market?—There were no tolls from the market at the time of the purchase. It was managed by the trustees of Lord Kilmorey. The people used it or not as they pleased.

97. Do the Municipal Commissioners charge any dues?—Yes; they charge under the Act of 1871 tolls for weighing.

98. Did they purchase any other markets?—There were no other markets in existence at that time but the one. The rest of the markets were all created. The Town Commissioners purchased ground and premises in different places of the town, and constructed public markets and market places. The Town Commissioners have constructed, and have opened for public use five public markets in which all markets and fairs are held.

99. Did the Town Commissioners purchase any other ground or premises in the town?—Yes; for making street improvements, making a new street, and building a bridge.

100. What portion of the £42,000 borrowed by the Town Commissioners, was expended in the purchase and erection of the markets?—I can give you a return of the gross amounts expended by the Commissioners for the purchase of markets and grounds, and premises for the purpose of markets and for making street improvements; and also the gross amount expended in building the markets, and making them fit for public use, and in making the street improvements I have mentioned. I have prepared a paper showing, in general terms, the

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mode in which the £42,000 were applied. (Hands in document—Appendix). I can, if it is necessary, get all the details from the books.

101. How much was expended for the purchase and erection of the markets?—It is all stated in this document handed in—£3,053 were applied for the purchase of the butter-crane. The ground for the Needham-street markets, east and west, cost £1,722 5*s.* 9*d.* The ground for the Mary-street markets, north and south, cost £2,013 8*s.*, and £1,312 3*s.* 1*d.* was applied for the purchase of ground for town improvements, and £9,085 7*s.* 9*d.* were paid to contractors for construction of the markets, and for town improvements.

102. What besides the markets and waterworks were the town improvements made by the Town Commissioners by means of any portion of the £42,000?—There was a number of houses purchased, and a street opened up, and a bridge built, and some slob lands were taken up, and a street widened. The gross cost of that was about £2,928 18*s.* 8*d.*

103. Including law costs and sundries?—Yes.

104. Is there a fire brigade in Newry?—There is.

105. And a fire brigade station?—Yes.

106. Was it built by the Commissioners?—There was a lease taken of the present premises occupied by the Commissioners. On the place devoted to the fire brigade a new roof was put on, and a residence for the caretaker supplied.

107. Was any money expended on that?—Yes, about £100.

108. Was the entire property which was purchased by the Town Commissioners for market purposes used by them for that purpose, or was there any portion of the ground sold by the Commissioners as surplus ground?—There was £2,173 15*s.* 4*d.* worth of property sold for building purposes.

109. Is the purchase-money received for those grounds debited in the account of the Commissioners?—Yes, and credited on property.

110. You have now mentioned about expending on the purchase of property, erection of markets, and improvements of the town £19,654. How have the Commissioners applied the residue of the £42,000 borrowed?—There was £4,108 19*s.* 6*d.* for Hallewell's waterworks, which included the costs of arbitration and mortgage, and some other law costs?—£12,000 were paid to the trustees of the Camlough waterworks.

111. Was that under the Act of 1871?—Yes. We paid Mr. Alexander Boyd for promoting the bill on behalf of the Commissioners £1,335 4*s.* 5*d.*

112. Was that £1,335 4*s.* 5*d.*, portion of the £4,220 16*s.* 4*d.* you mentioned as the portion paid by the Commissioners?—Yes. The gross costs charged to the Commissioners was £5,512 0*s.* 9*d.*, inasmuch as we had to pay the solicitors of the owners of this land, and the proprietors that went before the arbitrators for their costs.

113. The solicitors of all the owners?—The solicitors, for instance, of the trustees and of the tenants who appeared before the arbitrator. They were obliged to pay their costs in addition to the £4,220 that Mr. Hancock awarded.

114. How much was expended with regard to the costs of that bill?—Including Mr. Hancock's award, the gross amount was £5,512 0*s.* 9*d.*

115. Have you got a copy of Mr. Hancock's award?—I have a minute of it.

116. What other expenditure did the Commissioners make?—They had a further expenditure of £5,517 7*s.* 4*d.* for works for the distribution of the water supply throughout the whole township—for water-pipes, valves, and fittings.

117. Does that exhaust the entire amount they had borrowed?—Yes; that should exhaust the entire amount; in fact it exceeds the entire amount by £152 6*s.* 10*d.* The total amount spent was £42,152.

118. Do the sums you have mentioned represent the entire amount expended upon the markets and waterworks?—No; because £2,173 15*s.* 4*d.*, the produce of the sale of surplus lands and property, were also expended upon the markets, town improvements, and waterworks.

119. What rates do the Commissioners levy?—3*s.* in the pound for town rates, and they have 1*s.* in the pound for a water rate, and the rate on arable land is only one-fourth of these—which would be 9*d.* for the town rate and 3*d.* for the water rate.

120. Do they levy the 3*s.* rate under the powers of the Act of 1871?—Yes.

121. Under what Act do they levy the water rate of 1*d.*?—Under the same powers—by it and the original Act of 1854.

122. I find here by the 52nd sec. of the Act of 1871, that they levy a rate to be called the "Newry water rate," not to exceed 3*d.* in the pound in any year. Then, in case the produce of the rate in any year should not be sufficient for the purposes to which it is applicable, they may make a further levy of 9*d.* on all property rateable in Newry, except stores and mills separately valued as such; and if that is not sufficient, they may levy that 9*d.* rate on the stores and mills?—Yes; the 1*s.* water rate is put on the domestic supply, and we were obliged to put 6*d.* on the mills.

123. Is that 1*s.* rate levied under the provisions of the Act of 1871?—Yes; under the Act of 1871.

124. Can you show me any minute or resolution of the Commissioners authorizing the levy of the 9*d.* rate?—(Minute of 6th September, 1875, produced.)

125. I find that a rate of 1*s.* in the pound is levied on all property except mills and stores—that is 3*d.* and 9*d.*—under the 52nd sec. of the Act, and then they levy 6*d.* on the mills and stores?—Yes.

126. That is an additional rate of 3*d.* on the stores and mills?—Yes.

127. And the other is a special rate?—Yes.

128. Have they levied a town rate of 3*d.* since the passing of the Act?—Yes.

129. Upon what rateable property is that town rate of 3*d.* levied?—Upon all property in the town except railways, canals, and lands.

130. How much does that come to?—Property valued at £27,655 2*s.* is rated at 3*d.* in the pound—£933 is rated at 9*d.*, which embraces all the railways, gardens, and meadows.

131. Is the water rate struck at the same time as the town rate, in October in each year?—Yes.

132. What was the amount of the town rate in October, 1875?—The gross town rate was £4,185 11*s.* 4*d.*, and the gross water rate £1,266 5*s.* 2*d.*, making together, £5,423 10*s.* 6*d.*

133. What was the amount of the two rates—town rate and water-rate—struck in October, 1876?—£5,451 18*s.*

134. That exceeds the amount of the preceding year by £28 7*s.* 6*d.* How is that?—We have had a good deal of improvement in the town; there has been more property rated. I should remark that on the 1st January the arrears of the rate is taken into this year; there is a portion of that rate included in 1875; the arrears were only £4,040 2*s.* 11*d.*

135. On the 1st January, 1876, the arrears of the town rate were £4,040 2*s.* 11*d.*?—Yes; there was collected and lodged between the 1st October and the 31st December the difference between £4,040 and £4,166 10*s.* 3*d.*—the town rate struck in October, 1875.

136. I understand how that is. Your rate being struck in October, and your financial year ending on 31st December, leaves but very little time for the collection of the new rate?—Yes.

137. I find that for the year ending 31st December, 1876, arrears of both rates amounting to £1541 9*s.* 11*d.*, are in the account audited by Mr. Collot in the 14th February, 1877, described as irrecoverable?—Yes.

138. How are rates declared irrecoverable? Is the matter brought before the Commissioners?—It is brought before the finance committee; they go through the sheets of the collection item by item, and see that the collector has exercised due care.

139. Upon what grounds are those rates declared

irrecoverable?—On account of vacant property—property not occupied by anyone.

140. Besides the rates you have already mentioned, do the Commissioners levy any other—a sewer rate for instance?—No; we never had any district sewer rate in Newry.

141. Do they levy any rates under the Sanitary Act?—No; they do not.

142. Nor any cemetery rate?—No; there is no public cemetery.

143. By whom are the rates collected here?—By a collector named M'Cormack.

144. Does he collect the town rate and the water rate?—Yes; they are both collected at the one time.

145. Is he appointed annually?—No; he has held his appointment for a number of years.

146. Is a new appointment made every year?—No; there is no new appointment made every year, but a new warrant is made out and signed every year.

147. Does the collector give security?—He does.

148. In what form?—By a joint and several bond for £500 principal, with two sureties. The bond is in my office.

149. Are the sureties living?—They are both living.

150. Does Mr. Collot require to see the collector's bond when he comes round?—He does.

151. Who is your treasurer?—The Northern Banking Company.

152. How often has your collector to lodge his cash?—Weekly.

153. Is there a by-law to the effect that he must lodge every week?—Yes.

154. Is it the rule that he is to lodge in the bank when he has a certain amount of money in his hands?—He must lodge every week no matter what the amount is.

155. Is that rule complied with by your collector?—It is.

156. How do the Commissioners ascertain that it is complied with? Do they require the bank-book to be produced before the finance committee?—Once a month they have it brought up.

157. How often does the finance committee meet?—The finance committee meets every Monday.

158. Do they examine the bank-book once a month to see if that rule has been complied with?—They do not examine it once a month. A financial statement is laid before them on the first Monday of each month.

159. By whom is that financial statement prepared?—By me as town clerk.

160. Have you got the last financial statement? I wish to see the form of it?—Yes. (Form of financial statement produced.)

161. This abstract sheet was passed and signed by Mr. Collot?—Yes.

162. Will you now look to the receipt side of the abstract sheet for the year 1876 (Appendix No. 14, p. 365)?—Yes.

163. Are all the receipts of every kind of the Municipal Commissioners of Newry, as such, for the year 1876, included in that list of receipts?—All.

164. From every source?—Yes.

165. Are they entitled to receive any income from any other source—I mean as Municipal Commissioners?—No; from no other source.

166. Does that include the balance in their favour at the close of the last year's account?—Yes; it includes the net balance.

167. Which last year was £671 6*s.* 8½*d.*?—Yes.

168. It also includes the balance to the credit of property account?—Yes.

169. Which amounted to £460 12*s.* 4*d.*?—Yes.

170. The sum mentioned with respect to rates for the year 1875-76 is £2,940 8*s.* 4*d.* Does that sum represent the actual receipts with respect to the town rate and the water rate?—No; it only represents the actual receipts of town rate, and which have been lodged to the credit of the Town Commissioners.

171. Are the actual receipts of the Commissioners on account of the water rate included in the receipt side of the waterworks account?—They are.

172. Both the receipts on account of arrears and what may be called the current rate?—Yes.

173. I perceive the receipts on the receipt side of the account comprise the receipts from various sources, such as fines, licenses, &c.?—Yes.

174. I see an item of £55 received from manure sold?—Yes.

175. How is the manure sold?—It is sold by the inspector who makes it up.

176. Is it the manure collected by the street scavengers?—Yes.

177. Is it sold by public auction?—We never could manage to sell it by auction. We tried it on two occasions, but could not manage it. It is sold to farmers, as we can get buyers for it.

178. Is there a place of deposit for it in the town?—There is, but we do not deposit more than one-third of the stuff off the streets as manure. We use part of it for the purpose of filling places where the ground requires to be made up. Anything worth being preserved as manure we send to the depot.

179. Who gives the Commissioners the account of the manure sold?—The town inspector.

180. What other officers have the Commissioners besides the town inspector?—Their officers consist of the town clerk (myself), an assistant in the office, the rate collector, two town inspectors (who are also sub-sanitary officers), a staff of clerks who conduct the business in the public markets, and the engineer.

181. What is your salary as town clerk?—£175 a year.

182. Was that the salary you were originally paid?—No; the original salary was £60 a year.

183. When?—In the year 1868.

184. When was the last increase made to your salary?—About 1872; the time that the markets under this bill commenced operations.

185. You say you have an assistant in your office?—Yes.

186. What salary does he receive?—He received £70 a year up to the 31st December, 1865.

187. Was there any increase of salary given to him then?—Yes; an increase of £10 a year.

188. What other officers have you?—The town surveyor and the solicitor.

189. Is the engineer a professional engineer?—Yes.

190. What is his name?—Mr. J. L. Devenish Meares.

191. What is he paid?—£80 a year.

192. What are his duties as town surveyor?—He has charge of the waterworks, the street drainage, general surface repairs of the street, repairs of the footpaths, market repairs, and the general superintendence of all the works of the Commissioners.

193. Has he anything to do with the superintendence of the scavenging?—No.

194. What other officers are there?—There are two inspectors—the town inspector and the assistant inspector.

195. Are they under the town surveyor?—No; they are directly under the Commissioners. Of course they may be under the town surveyor as well.

196. What are their salaries?—One has 21*s.* a week, and the other 15*s.*

197. What are their duties?—They have all the street duties—the inspection under the sanitary Act.

198. Are they also sub-sanitary officers?—Yes; they are. One has £10 8*s.* a year and the other £5 4*s.* as sanitary officers.

199. What other people have the Commissioners employed?—They have a water inspector who looks after turning on the different supply cocks, and putting the water into private houses.

200. Are these waterworks under the control of the Commissioners, or the control of the trustees?—They are entirely under the control of the Commissioners within the township; from Camlough Lake to the municipal boundary they are under the control of the trustees.

201. I find by the Act that the outlet of the water from the lake, is to be under the control of the

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trustees?—It is; except under circumstances, such, for instance, as our not getting a proper supply. If that happened we could go in and take possession. We have a number of officials connected with the markets.

202. By whom is the scavenging of the town done?—By men who are employed by the Commissioners daily or weekly.

203. Who employs them?—The town inspector.

204. Are they employed by the day or by the week?—That is just as they are required. Some are employed by the day, and some by the week. We have two horses and implements for scraping and sweeping the streets.

205. At what rate of wages are those men paid?—They are paid 10*s.* a week, or 1*s.* 8*d.* a day.

206. Is the amount of their wages at the discretion of the town inspector?—No; it is in the hands of the finance committee. We have three surface men for looking after the repairs of the streets, who are paid 13*s.* a week.

207. Are they employed all they year round?—They are employed the entire year. We also have two carters.

208. Have you horses?—Yes; two horses and carts. We have also a sweeping machine.

209. Are those all the people employed by the Commissioners?—Those are all. The carters' wages are 12*s.* and 13*s.* per week respectively. I mean the men in charge of the horses.

210. I find here in the account and for the year ending 31st December, 1876, that the amount of income from the markets was £2,406 19*s.* 7*d.*?—Yes; that was the gross income.

211. On the other side you take credit for expenditure on the markets amounting to £1,023 14*s.* 5*d.*; that leaves a balance on the market account of £1,383 5*s.* 2*d.* to credit?—Yes.

212. What are the nature of the receipts from the markets?—The weighing of grain realised a large sum.

213. What are the nature of the receipts?—Principally tolls for weighing. There is no toll except for weighing.

214. Is that weighing charge fixed by the schedule of the Act of 1871?—Yes; it is fixed by the schedule of the Act.

215. What other charges are there in the markets?—That is the principal charge—for weighing and for the use of the market in some instances.

216. Is there any charge for the use of the market besides that for the use of stalls?—Yes, there is.

217. Is it for the use of the ground space?—The tolls are merely nominal. The principal charge on the grain is a weighing toll, that on the grass seed is a weighing toll, on the pork it is a weighing toll, and on the firkin butter it is a weighing toll. On the flax it is a toll for the use of the market; the flax is made up in bundles weighing one stone each and is very seldom weighed in the market. We derive some income from the rents of stores in the old market—butter crane or flax market. The toll on the eggs is for bringing them into the market—1*d.* is charged for every ten dozen brought in; on hay and straw it is a weighing toll. We have £12 5*s.* from Mary-street markets, north and south, for standing space for the dealers.

218. What market is that?—The hay and straw market. On potatoes it is a weighing toll, hides a toll for the space occupied in the market. The charge on live fowl is of the same nature.

219. Are there any tolls received from slaughter-houses?—No; there are no public slaughter-houses in the town. We have no slaughter-house toll, but the places of that kind are licensed under the Commissioners and constantly visited by the inspectors.

220. Are there fairs in the town?—Yes; we have a fair once a month. It is held on the first Monday of each month.

221. Is that fair held in the county Down side of the town?—No; in the Armagh side; it is known as Ballybot fair.

222. Are there any tolls charged for this fair?—Yes.

223. What are they for?—For passing in through the gate and using the ground.

224. Is it charged on all the cattle brought into the market, or only on the cattle sold?—The charge is made whether they are sold or not.

225. Are those receipts with respect to the fairs included in your annual account, under the head of income from markets?—Yes.

226. By whom are these fair and market tolls received?—By me.

227. What staff have the Commissioners for working the markets?—We have five permanent clerks who are paid weekly salaries.

228. Are they employed all the year round?—Their duties are to attend in the markets, and weigh all the articles requiring to be weighed, to issue tickets to the sellers, collect the tolls and rates, and superintend the work of the other men employed in the markets—the men at the scales and the porters, and to keep their time, and make up their wages.

229. What are those clerks paid?—Five of them are paid £1 a week, and one of them 12*s.* a week.

230. To whom do they account for their receipts?—To me.

231. What check have you over them?—The tickets are all numbered consecutively the same as railway tickets, and we retain the block of the tickets issued.

232. Do they keep a book?—Yes; a book is kept, and a summary of the moneys received made out on Mondays, Wednesdays, and Fridays, and lodged on the Wednesday following in each week.

233. Is there any account between you and the market collector?—Yes; he brings over the account to me every second morning which I examine and sign.

234. When these collectors hand over the receipts to you is it your duty to lodge them in the bank?—Yes, once a week—on the following Wednesday.

235. The total amount produced?—Yes.

236. Whether large or small?—Yes.

237. Do you carry that out?—Yes; I have always done so.

238. Do you lodge to the credit of the Commissioners or to your own credit?—To the credit of the Commissioners.

239. In what Bank?—In the Northern Bank.

240. There is another important item of your receipts. Who collects the water rate?—The collector. They are collected by Mr. M'Cormac, as well as the town rate. The money paid for the supply to the manufacturers is also collected by him.

241. Is your collector paid a salary or by a percentage?—He is paid 5*d.* in the pound.

242. Upon all the rates that he collects?—Yes; upon all the rates.

343. Is there any per-centage paid with regard to the market receipts?—No.

244. I find with regard to the collection of the rates that in the account last audited by Mr. Collot he rather finds fault with the collection of this year, and says there is a heavier arrear now outstanding than at the close of the preceding year?—Yes; it is something about £260 more than last year.

245. And he recommends greater diligence in the collection of the rates?—He does.

246. Look to the expenditure side of the account for the year ending 31st December, 1876. Does that expenditure side of the abstract of the accounts represent all the expenditure of the Commissioners for the year ending December, 1876?—It does.

247. Including the expenditure on the waterworks?—That is the waterworks account also.

248. The first item of expenditure is £677 5*s.* for salaries and the collector's percentage?—Yes.

249. Does that include the salaries of all the officials of the Town Commissioners, except those employed in the markets?—Yes, and except weekly payments, such

as for scavenging, &c., which are charged further down in the account.

250. I see rent of house and borough court, £41 5*s.* 10*d.*; what is that?—The rent of the house occupied by the Commissioners, in which the office is; £4 a year, which is paid to the caretaker; and for the courthouses in which the weekly borough court is held.

251. Does it include anything besides the rent of those places?—Nothing but the £4 to the caretaker. The taxes, of course, are included in it.

252. Was it upon that house this £8 15*s.* 1*d.* was expended for repairs?—Yes.

253. How is the item of £45 12*s.* under the head of the "Public Health Act salaries" made up?—It comprises the salaries of the executive sanitary officer, and the two sub-sanitary officers. One half of it is afterwards recouped by the Government.

254. The entire amount of the repayments on the other side appears to be only £5?—That is only for a portion of the year.

255. Under the head of "Cleansing" you have an expenditure of £342 18*s.* 1*d.*?—Yes.

256. Are all the streets of the town scavenged and cleaned?—Yes.

257. I mean the smaller streets—the narrow lanes and alleys, as well as the principal streets?—Yes, and flushed with water occasionally.

258. Are they watered?—Yes; watered with a hose.

259. How is that £167 8*s.* 2*d.* under the head "Paving and flagging" expended?—The greater part of the first item of £67 5*s.* 9*d.* is wages for the two men who do all that work, and look after the town generally. The other item of £100 2*s.* 5*d.* was principally expended on laying new crossings, which were made during the year 1876—most of it was for the Armagh side of the town which was very much in want of it.

260. £144 1*s.* 1*d.* is charged under the head of drainage, and the first item of it is described as being expended on a sewer in Queen-street—the amount is £16 17*s.* 4*d.*?—Yes, £33 14*s.* 8*d.* was the whole cost of the sewer, and Mr. Quinn, the proprietor of property in the neighbourhood, paid the whole of that amount. We recouped him the half of it subsequently.

261. There was also a sewer in Ruddle's-row which cost £30 15*s.* 6*d.*?—Yes. Ruddle's-row is in Monaghan-row, and was reported by the sub-sanitary officer as being in a very bad condition, and the Commissioners were obliged to lay out that money to compel the parties to make the necessary improvements in that locality.

262. Do you mean that the Commissioners got the work done?—They made the sewer to carry away the drainage so as to be able to compel the parties to do their duty.

263. There was also £43 1*s.* expended on a sewer in Catherine-street?—We were recouped nearly the whole of that. It was from the model school, and they recouped us for the expenditure. I think we got £41; we got two-thirds of the cost from the Board of Works.

264. Where does it appear to be debited?—You will see on the other side of the account, "Board of Works towards sewer from model school, £24 4*s.*"

265. Was £28 9*s.* 4*d.* expended for making a sewer in George's-lane?—George's-lane was also reported as being in a very bad sanitary state. Since the sewer was made the tenants and landlords have all drained into it, and I suppose that cost them somewhere about the same amount.

266. I find there is a charge of £495 1*s.* under the head of lighting; by whom is the town of Newry lighted, I mean at whose expense?—At the expense of the Town Commissioners.

267. Are there gasworks in the town?—Yes; the Newry Gas Consumers' Company have gasworks.

268. Have the Town Commissioners as such any property or interest in the gasworks?—They have not; the gasworks are the property of the Gas Company, which is a limited liability company.

269. Does that company supply the public lighting by contract?—They do (hands in contract of gas company.)

270. What is the contract under which the town is lighted at present?—At present it is now £2 4*s.* 6*d.* per lamp for nine months. Before the present contract the price was £2 9*s.* per lamp for nine months.

271. Is the contract an annual one?—Yes. It is made generally every August or September.

272. Does that contract include the cost of keeping up the lamps?—Yes, and the cost of lighting and extinguishing.

273. What is that item of £4 2*s.* 9*d.* to Macfarlane and Company?—It is for a lamp got for the markets, which we substituted for one that was broken.

274. I find in the accounts that the Commissioners take credit for having expended £728 10*s.* on surface repairs?—Yes.

275. Does it mean for the repairs of the streets of the town?—Yes.

276. For keeping the streets in order?—Yes.

277. The streets of course are under the care of the Town Commissioners for all purposes now?—Yes, under that Act of 1871.

278. What is the meaning of the charge of £22 11*s.* 2*d.* for coals, oil, &c., for engine?—The stones for the streets are all broken by a steam-engine, and that expenditure is for keeping up steam for the purpose of driving it.

279. Have you got a fire brigade here?—Yes; it consists principally of men in the employment of the Town Commissioners, some private watchmen and others.

280. Have the Commissioners a fire engine?—We have one fire engine.

281. It would appear to me that upon so small a charge you could not support a regular fire brigade?—No; it is not a regular fire brigade; we have practice with the engine four times a year. We got £33 5*s.* 4*d.* from the fire insurance office last year.

282. Is the public water supply available now for the purpose of extinguishing fires?—Yes; in almost every part of the town it is available for the purpose of putting out fires.

283. Will you look at the item £980 0*s.* 11*d.* under the head, "County at large charges." The first item under that head is—"Paid Grand Jury, county Down, £452 18*s.* 7*d.*," that is for the county purposes?—It consists of two levies—at the July and March assizes.

284. Have you the warrants?—Yes; they were produced before Mr. Collot.

285. I see he found a slight mistake was made with regard to it?—Yes.

286. What are the charges for the county Down? Towards what is the contribution?—The bridewell, the court houses, the gaols, and the lunatic asylum.

287. I suppose the charges with respect to the county Armagh are of the same nature?—Yes; and we have to contribute to them under the Act of Parliament of 1871.

288. Is this item of £1,023 14*s.* 5*d.* under the head of markets, expended on the markets?—£919 18*s.* is entirely made up of the wages of the clerks of the markets, the porters and scalesmen, £24 1*s.* 9*d.* for rates and insurance on the markets, repairs, £30 4*s.* 11*d.*, and books, printing, &c., £50 6*s.* 1*d.*

289. How is that sum of £1,417 18*s.* 6*d.*, under the head of "Interest and instalments," made up. It is under the head of interest and instalments, and then it is described as "Markets and Town Improvements." Is it presented in detail to the borough auditor?—It is; but the £1,300 charged to the waterworks, and the £1,400 for general purposes should be reversed. There should only be £1,300 charged to general purposes.

290. That would make the balance on the waterworks different?—It would.

291. £88 1*s.* 11*d.* is charged for pipes and fittings; what is it made up of?—The cost of the extension of mains, and of putting in some additional fire-plugs.

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292. £44 4*s.* 3*d.* is charged for law costs?—That was the costs paid to a solicitor in town for conducting the business with regard to some property belonging to Mr. Courtney.

293. What property was it?—Part of the property used for town improvements, and the charge is the costs of his solicitor in conducting the negotiations.

294. £468 15*s.* is charged as paid to Mr. Courtney for that property?—Yes; the title was not made out until recently, and the purchase-money and costs were paid out of the rates.

295. With regard to the waterworks account, how are the charges for rents and special supply fixed? Is there any rental—£339 3*s.* is debited here on that account?—There are meters on the greater portion of the property.

296. Are the rents annual rents?—They are taken quarterly. Some of them—a small portion—are made up by baths and water-closets. The railways are paying a fixed sum annually for the water used by them.

297. How do the Town Commissioners pay their solicitor—is it by costs or by salary?—By salary.

298. How much?—£100 a year.

299. Is he paid anything for expenditure besides that?—No, except money out of pocket and travelling expenses.

300. The £100 a year merely stands in the place of remunerative costs?—Yes.

301. I see that the balance to the credit of the Commissioners for last year was £855 7*s.* 5*d.*?—Yes.

302. That is after deducting the balance that is against the water account?—Yes.

303. Which for that year was £272 6*s.* 10*d.*?—Yes.

304. Were the details of those accounts submitted to Mr. Collot, the auditor?—Yes.

305. I find that in the Act of 1871—the Newry Improvement and Water Act—provision was made for the appointment of an auditor by the County Chairman here. How then is it that the accounts are audited by Mr. Collot, the Government auditor?—There was no such thing as a Government auditor at the time the Bill was introduced into Parliament. The gentleman who carried it through Parliament (Mr. Greer) is here, and he will correct me if I am wrong. The Government had brought in a Bill during the same session of Parliament about the appointment of auditor. Some difficulty as to how we should proceed arose, but at all events we fought for the power to appoint a public auditor, and we secured it by that Act; but the Local Government Board got an Act passed which compelled us to submit to their audit.

306. Was the last levy of county cess by the Grand Jury in the year 1870?—That was the last time they made a levy.

307. What was the last year for which county cess was levied in Newry for the counties of Armagh and Down respectively, and what were the amounts levied for these counties respectively by the Armagh Grand Jury?—The last year in which it was levied in both counties was 1870. In Armagh the levy for the spring of that year was 1*s.* in the pound, and for the summer 11½*d.* in the pound. In Down it was 8*d.* in the pound for the spring, and 10½*d.* in the pound for the summer.

308. Can you give me the gross amount of these levies—the amount they realized?—The amount raised in the town for baronial purposes in the year 1870 for the county Down was £955.

309. And how much for Armagh?—It was £508.

310. During that year (1870) did the Grand Juries of Down or Armagh contribute anything to the expense of the town?—The return which I now hand to you and which was used as evidence before the committee of the House of Commons in 1871 shows that the county cess levied on the town for both counties in the year 1870 amounted to £1,463, of which £1,223 was applied for town purposes.

311. Are the Commissioners here the urban sanitary authority?—Yes.

312. What are the names of the sanitary officers—There are two sanitary officers—Dr. M'Bride and Dr. Crossle.

313. Is there a consulting sanitary officer?—Yes; Dr. M'Bride was appointed consulting sanitary officer. He is paid by fees not by salary.

314. Are Dr. M'Bride and Dr. Crossle dispensary doctors?—Yes; one for each district.

315. For Armagh and Down?—Yes. A portion of the rural district is also in their jurisdiction; Dr. M'Bride is the officer for the Armagh side, and Dr. Crossle for the Down side.

316. Who is the executive sanitary officer?—I am the executive sanitary officer.

317. What is your salary as such?—£30 a year.

318. How many sub-sanitary officers are there?—There are two.

319. What are their names?—John Andrews and Edward M'Lornon.

320. What are their salaries as sub-sanitary officers?—Andrews receives £10 8*s.* a year, and M'Lornon £5 4*s.*

321. Do the officers mentioned comprise the entire sanitary staff of the Town Commissioners?—Yes; that is the whole of their staff.

322. Is there a sanitary committee in the Town Commissioners?—No, there is not. The whole body of Commissioners form a sanitary committee. They instruct in all cases of prosecution, and discharge the general duties of a sanitary committee.

323. Who makes the sanitary reports to the Commissioners?—The doctors—the sanitary officers.

324. Are those reports made in writing?—They are made in the first instance by the sub-sanitary officers to the sanitary officers, and the sanitary officers then report to the Town Commissioners.

325. Do the sub-sanitary officers report to the sanitary officers in writing?—Yes.

326. And do the sanitary officers report to the Commissioners in writing?—They do.

327. Have they a book, the block of which shows the reports made?—Yes.

328. What are your duties as executive sanitary officer? To put in force the orders and directions made by the Town Commissioners on such reports?—Yes.

329. Have you power to take action on the reports of the sanitary officers immediately, without waiting to bring the matter before the Commissioners?—Yes, previous to the introduction.

330. Had the Town Commissioners a sanitary staff under the Towns Improvement Act of 1854, before the passing of the Public Health Act of 1874?—Yes; and we were always very successful in getting things done, and we continue to serve notices for the abatement of nuisances, when it was not necessary to bring in the sanitary officer. Often we served 100 or 150 notices in a month. We only bring the sanitary officer in when it is necessary to put the law in motion to secure the abatement of a nuisance.

331. Do you continue the same practice after the passing of the Act of 1874 that you had been acting upon under the Act of 1854?—Yes; except that we took advantage of the increased powers granted by the legislature.

332. How often do the Commissioners meet to transact sanitary business. They do not, as I understand you to say, meet specially as a sanitary committee?—No; they meet on the first Monday of every month, and transact every sort of business, and there is a fortnightly meeting. They also generally meet every Monday, and any day the doctor sends in an important report, it is acted on at once if there is a quorum present to take it up. (Hands in the sanitary report-book.

333. Will you tell me how many reports were received by the Commissioners during the year ending December, 1876?—Dr. M'Bride reported on forty-eight cases and Dr. Crossle on 110.

334. What was done upon these reports?—113

notices being all that it was required to serve were served by me as executive sanitary officer. 560 notices were served by the sub-sanitary officer.

335. Those were served by them independently of the executive sanitary officer?—Yes; they were served just at once. There were 718 cases dealt with in the year 1876 under the Sanitary Act.

336. I find on looking over the sanitary report book that for the year 1876 there is a very considerable number of reports and directions concerning nuisances, but I do not find that from 1877 there is any entry of what has been done upon the reports of the sanitary officers. I find in some cases directions for "notices to be served." What has been done in these cases?—Well, you know of late the weather has been very bad and not much could be done, but in these cases the sanitary officer is merely waiting to see the result of the first notices which were served.

337. I find from several notices here that the practice of keeping pigs in dwelling-houses exists?—When we find such cases we summon the parties at once.

338. I see a great number of such notices. For instance, here is one, "Pigs kept in a small house." Is it the practice to keep pigs in dwelling-houses?—Yes, it is, but we bring the people who do it to the borough court at once when we become aware of it. Some of the pig-houses are built so close to the dwelling-houses as to be very dangerous to the health of the people, though the pigs are not kept in the houses.

339. Do you, as the executive sanitary officer, find any difficulty in carrying out the sanitary improvements?—Generally speaking we have no difficulty in carrying them out in Newry. Sometimes people of filthy habits will throw obstacles in the way by not taking action, but the inhabitants generally try to assist us in carrying out the improvements.

340. Are you obliged to take proceedings often?—We have never been obliged to take an action.

341. Are the houses of the poorer class of people here properly supplied with such accommodation as privies, &c.?—I should say there are 400 or 500 houses in which there are no means of providing anything of that sort.

342. What do you mean by that?—In the case of close courts and lanes where the buildings are close to the reres of other houses.

343. That must be a very bad state of things. It must be very dangerous to health?—No doubt it is; but some of the places now occupied as dwelling-houses were not originally intended for such.

344. How do the people get rid of the refuse and soil of these houses?—There is generally one large place attached to the premises—a place which is used by all the people around.

345. How are those places cleaned out?—There is a regular inspection of them almost daily by the Town Commissioners' men.

346. How often are they cleaned out?—I should say there are some entries cleaned out every day, and in the summer time when the weather gets warm they are flushed every day from the pipes.

347. Are they inspected every day by the sub-sanitary officers?—They are inspected either by them or by some of the scavengers who are sent by him to the lanes and alleys for that purpose.

348. Do you find that difficulty in getting the landlords or owners of houses of that sort to make the improvements that may be necessary?—There is no doubt there is some difficulty sometimes. Some of them are so very poor that they cannot make the necessary improvements. We have at present an instance of this, in the case of a lady who is the owner of three houses, and her entire income is derived from these houses. The rent she receives from them is only about 7*s.* a week. She must make the improvements, and I do not know what will be the result in her case. It is only a case in point. There is a certain portion of the town which at one time was inhabited by a very respectable class of people; the houses there are now become large tenement houses, and it is very hard to keep them in a fair sanitary state.

349. Are those houses which you describe as having once been private houses, and now occupied as tenement houses in the same condition for want of sanitary accommodation?—Yes; they were originally intended for only one family, and the accommodation was only sufficient to meet the requirements of that family. Now there are, perhaps, six or seven families in each house, and of course the accommodation is altogether insufficient. The premises in the yards of these houses are now also let off and used as dwelling-houses, though never intended as such. The only reason why the Town Commissioners have not taken action with regard to these places is, that they cannot get other and better places for the people to live in. If these were closed up the occupiers would have to go into the street.

350. Have the Commissioners ever attempted to enforce the making of the required accommodation in such places as those you refer to?—Yes, they have.

351. Have they got work done in the way of making privies or closets, and charged the people with the cost?—Yes, in such case it is always done at the expense of the people themselves.

352. Have you any means of showing the amount of work of this kind done during last year?—I do not think there was anything in this way, except in repairs during last year.

353. You said you sometimes found difficulty in getting such work done, owing to the circumstances in life of the owners of such property—because of their inability to do it?—Yes.

354. Do you ever find any difficulty in getting proper sanitary improvements or repairs done in the case of owners of property who are members of the municipal body?—No; we never had any difficulty with any of them

355. Have you ever had any occasion to take proceedings against, or to serve notice upon any owners of property who were members of the municipal body?—Well, I have no recollection of ever having done so. I never knew any instance in which work was required to be done by them in which they were not ready to do it. The Chairman of the Town Commissioners has a large acquaintance and connexion with the property of Newry, both as agent and proprietor, and he was always ready to do whatever he was called upon to do.

356. I understood you to say that the water supply of Newry is now good and sufficient?—Yes.

357. Is it available for the purpose of cleaning out the poorer parts of the town?—Yes. The supply is, perhaps, the best in Ireland, and the pressure is always good.

358. Are the public sewers flushed at regular times?—Yes; the county Armagh is entirely connected with the canal. There are valves by means of which they can take the water from the canal, with the consent of the canal company, for the purpose of flushing the sewers. On the county Down side they take the water from the pipes if necessary.

359. With respect to the condition of the town as to drains and sewers, are there main drains in the streets generally—for instance, in the principal street of the town is there a main sewer?—No; no main sewer. There are a lot of intercepting sewers.

360. Where do those intercepting sewers lead to?—Into the tidal river; and a portion of the sewage of the street runs into what is called the mill-race.

361. What is the mill-race?—A small river that passes through the town; it drives a mill.

362. Do you mean to say that the whole way down the principal street of the town there is no main sewer?—There is no main sewer.

363. How is the sewage carried away?—It is taken off in this way: some six or seven houses carry the sewage into one of the intersecting drains and bring it to the tide. Many of the others send it to the mill-race through the rere of the premises. The engineer has made a report upon the drainage of the town, and you would be able to get the information on this subject more satisfactorily by examining him.

364. Are there main sewers in the other streets of the town?—The Armagh side of the town is very well sewered, except one piece in Bridge-street, near the Newry and Greenore railway station. Some new

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cottages were built there lately. The population of the neighbourhood has increased, and so the sewerage that was once sufficient for the requirements of that place is not large enough now; it has not sufficient capacity.

365. Has the town surveyor made a report upon that?—Yes.

366. Are the other parts of the town well sewered?—High-street is sewered, and so is part of North-street. Hyde Market would want a sewer, and William-street would also want one; there is none in it.

367. Have the Town Commissioners provided any disinfecting apparatus?—No, they have not.

368. Is there any means of removing persons suffering from any infectious disease to the hospital?—No; the guardians have, but we have not. I had a consultation within the past week with Dr. Crossle concerning the case of a man who insists on remaining in his own house though Dr. Crossle says he had every symptom of approaching fever, and that his illness arose from the condition of his dwelling. He had a wife and four or five children living all together in a room of small dimensions. The Act of Parliament gives us no power to interfere in cases where the house is only occupied by one family—it does not matter what the cubic contents of the room is. Dr. Crossle was doing his best to get this man to go into the workhouse, but he could not succeed in getting him to do so.

369. Now, with regard to the lodging-houses?—There is a registry of them.

370. Are they inspected?—Either one or other of the sub-sanitary officers inspects them once every month, and in addition to that there may be an inspection of them by the police. Under a recent Act the Constabulary have power to visit and inspect them.

371. Is it the duty of the sub-sanitary officer to report on the state of the lodging-houses to the Town Commissioners?—Yes; it is the duty of the sub-sanitary officer to do so. He inspects them once every month. Of course in the case of there being anything wrong he does so at once.

372. How many registered lodging-houses are there in the town?—I think there is about forty-six.

373. Are there any registered slaughter-houses in Newry?—Yes; there are. At present we are revising the licenses. I think there are about eight of them.

374. The slaughter-houses are not in connexion with the markets?—No; they are not. They are situated in various places through the town. They do not belong to the Town Commissioners. The doctor says they are situated in a densely populated part of the town, and some of them ought to be done away with—ought to be removed. With the exception of one they are pretty well kept. They are kept in a very fair condition. This one is used by ten or twelve butchers, and it is almost impossible to keep it clean. The removal of the refuse from these places to the farms in the country is about the greatest nuisance we have. It is always removed from the slaughter-houses at night, and of course a portion of the soil drops upon the street, so that it is actually impossible to walk in the mornings in certain places in consequence of it.

375. Have you any public slaughter-houses in Newry?—I think we would have endeavoured to erect a public slaughter-house this summer but for the action of Mr. Collot, the auditor. We would have gone in for a temporary loan by which we would have recouped the expense of the erection of the slaughter-house, but he would not allow us to do this and threatened to make a surcharge if we did so.

376. Are fairs held in the town?—Yes, there are.

377. Are they held in the streets?—No; they are not held in the streets. They are held in the enclosed market places. The sheep fair is in the market on one side of the road, and the horse fair is held in the grain market.

378. Are the fairs held in the county Armagh, or in the county Down?—The fair (there is only one), is held in the county Armagh. It is known as the Ballybot Fair.

379. Is it held in the street?—No; not now; it is it to which I refer. It is held in the enclosed market. Before the passing of the Act of 1871 it was held on the street. In fact all, or almost all the markets were held in the open street, but it is not so now.

380. Has there been any proposition about making a main sewer through the principal street of the town—Hill-street?—Yes; there was a special committee appointed upon it at one time, who consulted with the engineer and discussed the subject. Mr. Meares made a report—a very extensive one—of which I can let you see a copy.

381. Have the Commissioners a day or night watch for the town?—No; the town is under the constabulary force. They are not paid by the Commissioners, and do not act as night watchmen.

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SECOND DAY.—MARCH 7, 1877.

Dr. Andrew M'Bride.

Dr. ANDREW M'BRIDE examined.

382. Mr. LAWLESS.—Are you one of the sanitary officers?—Yes; I am the sanitary officer for No. 1 district.

383. Are you a dispensary doctor?—Yes.

384. How long have you been acting as sanitary officer?—For the past four years.

385. You were acting before the Act of 1874 was passed?—Yes; in fact I am acting since 1865.

386. Do you receive any salary as sanitary officer?—Yes.

387. From the Town Commissioners?—Yes.

388. How much?—£25 a year. That is for both the urban and rural districts.

389. Are there sub-sanitary officers acting under you?—Yes.

390. And an executive sanitary officer?—Yes.

391. Do the sub-sanitary officers report nuisances to you?—Yes.

392. And do you report to the Town Commissioners?—I do.

393. And then it is the duty of the executive sanitary officer to put into execution whatever is decided to be done?—Yes.

394. Is it the duty of the sub-sanitary officers to inspect yards and places requiring inspection in the town, and to give [illegible] you as to their condition?—Y[illegible]

395. Do you ever make reports directly, as the result of your own inspection?—Very seldom. I am glad to say that I have very little occasion to do so.

396. Do you find your reports acted on by the Commissioners?—Yes.

397. Promptly and completely?—They are.

398. I have been looking over the sanitary report-book of the Commissioners, and I find your reports relating to a great variety of subjects, such, for instance, as to the state of the houses, with regard to cleanness, the existence or non-existence of privy accommodation, &c., and also the state of any cess-pools which require to be remedied. Do you know if, when you make reports, they are promptly acted upon?—The majority of them are. The people generally seem willing to do what they can.

399. What I mean is, are they acted upon by the Commissioners or their officers?—Yes, they are promptly attended to.

400. Are notices served upon the person in occupation of the premises?—That is the way it is done.

401. Have you found, in your experience, that the people are willing and disposed to act promptly when these notices are served upon them?—Yes, as a rule they are.

402. Have you found it necessary from time to time to report the same places over and over again?

—Frequently; that arises from the people's own neglect.

403. Does it arise from the fact of your first report not being acted upon by the Town Commissioners or their officers, or from a repetition of the carelessness on the part of the people?—From the carelessness on the part of the people.

404. Have you ever had occasion to complain of the neglect of the officers of the Commissioners in not carrying out the suggestions that you made in your reports?—No, never.

405. Have you ever found any difficulty in getting your reports acted on by reason of the circumstances of the owners of property. For instance, in cases requiring structural improvements, such as the making of closets?—It is very seldom there is any objection to doing whatever is necessary. The majority act immediately on notice being served.

406. Have you ever had occasion to make any reports concerning houses that were the property of members of the body of Municipal Commissioners?—On one or two occasions, but there was no occasion to do so lately.

407. Were those reports of yours in relation to property of members of the municipal body acted upon or not?—They were.

408. Were they acted on to your satisfaction?—They were.

409. What sort of accommodation does there exist here for people of the poorer class. I mean in the way of closets, privies, ashpits and cesspools?—In proportion to the number of houses I would say it is as fair as you could possibly expect. There are of course still some places that require some extra improvements.

410. Is it the case that as was mentioned here on Monday by Mr. Doherty, there were many houses which were formerly occupied by gentry, and are now turned into tenement houses—perhaps three or four families occupying one of them—and that in those houses the accommodation is very bad?—I am aware of that, but it does not exist in my district so much as in the other. Since the districts were divided I do not know so much about the county Down. My district is in the Armagh side, the other is in the county Down.

411. Is it the case that as was also stated by Mr. Doherty on Monday, there were at least 400 or 500 houses in the town without the means (you will observe he says "without the means"), of providing the necessary accommodation?—Oh yes.

412. According to your knowledge of the town—and I suppose you have an extensive knowledge of it—would it be possible to remedy this state of things otherwise than by the complete demolition of these houses and buildings?—There are several houses in which I do not know how the state of things could be remedied without reconstruction, but I believe that in the majority of cases the defects could be remedied.

413. Have you in the discharge of your duty as a sanitary officer ever reported to the Town Commissioners the necessity of building privies and water-closets in the houses for the use of the people?—In one locality I have.

414. What locality is that?—A place called Jordan's-court in Ballybot, which was built altogether against the wish of the Commissioners.

415. When was it built?—In 1865. There is a particular want of accommodation in that place.

416. Are there many people living in it?—I should say there are about twelve houses in it.

417. Is there more than one family living in it?—Yes; there are about twelve houses there.

418. You say you reported the necessity of doing certain work in that place?—Yes; so far as the Commissioners are concerned they carried it out as far as they could. Every arrangement was made that possibly could be made.

419. Were there any actual works done; for instance, did you recommend the building of privies?—In this case I did.

420. Was that done by the Commissioners?—The place was ordered to be cleared out. So far as I recollect the Commissioners were anxious to get the place closed up altogether.

421. Was the work you recommended actually done?—It was.

422. You say the Commissioners were anxious to close up the place altogether?—So far as I recollect they were.

423. Were those houses unfit for human habitation?—There was disease constantly in that locality. It was very seldom free from it.

424. Was that, in your opinion as a medical man, caused by too many people occupying the same house?—Yes; and by the want of proper accommodation. They were too low to have any proper drainage. They were badly situated, and in fact should never have been built in that place.

425. Can you state what, in your opinion, was the number of cubic feet of air available for the people living there, something very small I suppose?—Yes.

426. You say there was a great deal of illness caused there by the want of proper accommodation?—Yes; and the houses were inhabited by a class of people of not very cleanly habits.

427. People of the labouring class I suppose?—Yes; very poor people indeed.

428. How long is it since you first reported the condition of that locality to the Commissioners?—I think it was in the year 1866 or 1868; I am not sure which.

429. Have you got your report with you, or the substance of it?—I have not.

430. Did you report it then to the Commissioners as being in the state which you describe now?—I did. I find that in 1869 I reported with reference to Jordan's-court in Ballybot.

431. You have your report there?—Yes.

432. Will you let me see it? (Hands in report book.)

433. I see by this, that this is not the first report you made of the place?—Yes.

434. Because you say in it, "it is your duty to again call attention to Jordan's-court, Ballybot"?—Yes.

435. And you also say in your report, "For so far no action has been taken with regard to it, and the haggard and emaciated appearance of the children and adults too truly exemplify the evil effects of sanitary negligence. Every week, almost every day, some one is stricken with illness in this locality, and it is imperative that something should be done before the sultry season sets in"?—The place has changed hands since that time, and has passed to a new owner and some improvements have been made.

436. Who became the owner of it then?—I think Mr. Carville.

437. Since that report of yours on the 15th May, 1869, has anything been done by the owner to improve the condition of this place?—No; except as far as regards the drainage. There has been drainage made since then. Part of the drainage was made by the Commissioners' directions.

438. You say that nothing was done by the owner to improve the condition of it?—No.

439. Has anything been done by the Town Commissioners since then to improve the condition of Jordan's-court?—I believe there has.

440. You believe so?—Yes.

441. When did you inspect or examine Jordan's-court since you made the report in May, 1869?—Well, I have not been there during the last six months. I have not had occasion to go there.

442. It is within your district, is it not?—Yes.

443. In number 1 district?—Yes; I think there are a number of the houses at present unoccupied, and it is just as well they are so.

444. Can you say whether anything has been done to improve the condition of the locality by the Town Commissioners?—Certainly, there has.

445. In what way?—By improving the drainage. The sub-sanitary officer looks after the place.

446. But I mean material or substantial work. Has anything in that way been done?—I understand there has.

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Dr. Andrew M'Bride.

447. You do not know of anything of your own knowledge?—No; I do not.

448. Do you know whether the place has been looked after by the sub-sanitary officer?—Yes, it is constantly looked after. This place where the houses are built is merely an entry. Houses should never have been built there at all. The fact is, you could not improve them. You could not make them healthy, no matter what you would do.

449. Are they just as bad now as when you made your report in 1869?—They are not so bad now as they were at that time. The sub-sanitary officer looks after them frequently, in fact does so every week.

450. Is it your opinion that it is a matter of impossibility to improve the place, so as to make it fit for human habitation?—I believe it is; in fact they are mere shells of houses.

451. Are they one or two story houses?—One story houses.

452. When did you last make any report about this place to the Commissioners?—Not since 1869. As far as I recollect I did not make any report of it since 1869.

453. You say in your report of 1869 that some one is stricken with illness in the locality every day, and that it is imperative something should be done before the summer. Does not your duty as medical officer require you to visit that locality?—Some years I was there about every second day. Unfortunately, a bad type of fever got into the place, and continued there for a long time. Some of the houses were closed up.

454. Fever and other infectious disease remains there a long time?—If it is in the town at all it is sure to be there.

455. How many people are living in the place altogether?—At present I could not exactly say. At that time there could not be less than thirty, and perhaps there were more.

456. I think you say there are not so many now?—Not so many now.

457. I find you make a very good suggestion in the report of 1869. You say, "In the same neighbourhood—convenient to Mr. Lupton's mills—there are about twenty new houses being built, and I would suggest, to save the owner future trouble, and perhaps expense, that proper arrangements for sewage and water-closets should now be made. While thus particularizing, I intend this suggestion should be of general application in reference to all new buildings." With reference to the twenty houses there referred to, was your suggestion attended to? Do you know the condition of these houses now?—These houses are now known as Wilson's houses, and so far as their sanitary condition is concerned, I think there is quite sufficient accommodation for them. There are privies for each of them.

458. I suppose you very frequently find it necessary to order houses to be disinfected after illness?—Frequently.

459. Do you find it to be particularly necessary with regard to this place called Jordan's-court?—Yes.

460. Were your suggestions always acted on?—Yes.

461. Whose duty is it to see that houses are disinfected after illness?—It is the duty of the sub-sanitary officer.

462. Or of the executive sanitary officer?—It is generally reported to the executive sanitary officer, but in fact when the case requires it I do not delay action on any account. I tell the sub-sanitary officer to go and get a thing done at once. Since the town of Newry came under the Towns Improvement Act there has been a great improvement in its sanitary condition. In 1864, a year previous to my appointment as sanitary officer, we had 328 fever patients in Newry, and in 1865 we had 192; in 1866, 113 patients; in 1867 we had 60, and in 1868 we had 48. I believe, as far as I know, that that number is not now increasing. In 1872, when small-pox was prevalent in nearly all the large towns, such as Belfast, Dundalk, and others, we were nearly free from it. We had only twenty cases. Newry is wonderfully free from disease.

463. Do you believe the decrease of fever is owing to the improved sanitary regulations?—I certainly do.

464. Have the Town Commissioners here any disinfecting apparatus?—I think not.

465. Then you have no means of disinfecting houses after infectious disease, unless by using limewash?—By fumigating.

466. Have they any means of removing persons suffering from infectious disease from their houses to the hospital?—Yes.

467. Do you find any difficulty in causing that to be done—any objection on the part of the people?—Very often there is.

468. It is very often necessary to remove them to the hospital, I presume, in order to prevent the spread of disease?—It is. I always endeavour to have them removed, particularly where there are large families living in close houses.

469. Where are the hospitals available for those cases?—We have an hospital here for the treatment of any disease.

470. How many hospitals are there in Newry?—There are two, the fever hospital, and the union hospital and infirmary.

471. Are there any common lodging-houses—registered lodging-houses—in your district?—Comparatively few.

472. But there are some?—Yes; there are some. There are a great many more in the county Down side.

473. I am speaking of your side—the county Armagh side. Do you, in the discharge of your duty, visit these lodging-houses? Have you occasion to inspect them?—I do frequently.

474. In what state are they generally?—As well as you could expect. The sub-sanitary officer is very particular in having things done.

475. What do you mean by "as well as you could expect"? I suppose they are looked after?—Yes; they are looked after, and are whitewashed frequently.

476. Kept clean?—Yes.

477. Is there in each of these lodging-houses, according to your knowledge and to your opinion, sufficient accommodation for all the inmates?—In my district I believe there is.

478. I am speaking only of your district. You think there is sufficient accommodation?—Yes.

479. Have you ever known sickness of any kind to break out in these lodging-houses, owing, in your opinion, to the want of accommodation?—As a rule, it is brought by persons coming from a distance—by infection.

480. Are there any measures taken when infectious disease appears in lodging-houses to cause the other lodgers to leave the house?—Yes.

481. By whom are those measures taken?—By the owners of the lodging-houses.

482. But, supposing those owners prefer to make money by the lodgers at the risk of their lives, do the Town Commissioners interfere?—I have never had occasion to ask the Commissioners to interfere in any case of that kind.

483. In your opinion have the sanitary laws been fairly worked by the body of Commissioners?—Most satisfactorily in every way that I know of.

484. I suppose they still require to be closely attended to?—Yes.

485. And a good deal must be done yet before they are all right?—Yes. You could not expect anything else. You see the population of Newry is increasing. They have no reason to complain of the sub-sanitary officers. They appear to do their duty remarkably well, and are very attentive.

486. Is the sewage of Newry, generally speaking, sufficient?—I believe there was as much done in this way for the time as there possibly could be.

487. Are you aware that there was a proposal to improve and extend the existing system of sewage?—Yes, I am.

488. Is the public water supply sufficient for the requirements of the town?—Yes, it is quite sufficient.

Mr. THOMAS CAREY examined.

489. Mr. LAWLESS.—Are you solicitor for the Town Commissioners of Newry?—I am.

490. Did you on a recent occasion, on their behalf, apply to the Commissioners of Public Works for a loan on the security of the rates?—I did.

491. When did you make that application?—In July, 1875.

492. For what amount did you apply?—I think it was £27,000.

493. Upon what security?—On the security of the Newry town rate and Newry water rate.

494. Was there any rate of interest mentioned?—We wanted to borrow this sum at a lower rate of interest than we were paying on the outstanding mortgage.

495. For what purpose did you want to borrow that £27,000?—To pay off an existing mortgage, or portion of an existing mortgage; and the reason we asked for £27,000 was because the entire or nearly entire of that was expended for sanitary purposes, such as procuring the present splendid water supply and making sewers and drainage.

496. Did you receive an answer from the Commissioners of Public Works?—Yes, an answer refusing to give the loan.

497. Did you communicate to them or their advisers the purpose for which you required the loan?—I communicated with Mr. Banks, secretary of the Local Government Board, and subsequently with Mr. M'Clintock, solicitor to the Commissioners of Public Works.

498. Did you obtain the approval of the Local Government Board to your obtaining this loan?—We did.

499. Because it is necessary to get that before the Public Works Commissioners would give it?—Yes. I hold in my hand a case which I submitted to Mr. Hugh Law, in which is set forth the steps taken by me. Mr. M'Clintock, on behalf of the Commissioners of Public Works, submitted it to the law officers of the Crown, and they were of opinion (I hold a copy of that opinion in my hand) that the Commissioners had not, under the 37 and 38 Vic., cap. 93, sec. 43, power to make a loan for the purpose of paying off an existing mortgage.

500. If the Town Commissioners had got that loan of £27,000, and applied it to the part payment of existing mortgages, which they were paying off by instalments at the rate of six and a-half per cent., would there have been any and what saving accomplished by it?—As I calculate, there would be a saving of about £270 a year.

501. Would that £270 be then available for the improvement of the town?—I should say so.

502. Was there any other attempt made to get the money from the Commissioners of Public Works?—No, not that I am aware of.

503. Have the Town Commissioners any unexhausted borrowing powers now?—No; their entire borrowing powers are exhausted now. Under the Act of Parliament we had power to borrow £42,000, and we borrowed to the full extent of our powers.

504. Have they power to levy a district sewer rate?—They have.

505. Would the Town Commissioners, if they levied such a rate, have power to borrow on the security of it?—I do not know how that would be, because under the special Act of Parliament they had power to borrow this £42,000, and I should say that whatever moneys they borrowed by means of a district sewage rate, would have to be expended in the same way—that is on the district sewerage.

Dr. FRANCIS CROSSLE examined.

506. Mr. LAWLESS.—Are you one of the sanitary officers of Newry?—Yes; the sanitary officer of No. 2 district.

507. Does that No. 2 district comprise the portion of the town in county Down?—Yes; the entire portion of the town in the county Down.

508. You heard Dr. M'Bride state here the course that is pursued in the working of the sanitary laws?—Yes; and concur in his statement.

509. What is the general sanitary condition of that portion of the town under your care as sanitary officer?—Its sanitary arrangements are very excellent in some parts, and in other parts very poor. Our side of the town comprises the old part of the town of Newry, where many of the houses are exceedingly old, and not only old, but very old-fashioned in their way.

510. Have these houses sufficient accommodation?—Do you mean as regards space or as regards sanitary arrangements?

511. I mean sanitary arrangements?—Many of them have not. A great number of them have not.

512. It was stated by Mr. Doherty and by Dr. M'Bride, that a great many of the houses in the county Down part of Newry, were formerly occupied by gentlemen, and are now tenement houses?—Yes, that is so.

513. In that class of houses to which he referred is the accommodation insufficient?—They have at the rere of the houses alluded to a privy connected with each house, and the drainage is pretty fair. They have a privy which however is not used except for the purpose of throwing their slops into. In many cases the slops are thrown out in the landings and the staircases of the houses, and I found it necessary to report constantly in consequence of such a state of affairs.

514. Of course that accommodation which might have been sufficient for the requirements of one family is absolutely insufficient for two or three or more?—Clearly it is.

515. According to what you say these privies are not used?—So far as I could see they are used for the purpose of throwing slops into (and they are thereby rendered unfit for the purpose for which they were intended), until the sanitary authorities come down and look after it, and then it is made right for a while, but in a short time after it becomes as bad as ever.

516. Have you had occasion to report the state of these houses to the Town Commissioners?—Yes; very frequently. I should say at least every couple of months.

517. Is it the duty of the sub-sanitary officer to inspect these houses in the ordinary discharge of his duty, and to report them to you, and to give notice to the inhabitants?—I believe it is, and that duty has been very fairly fulfilled.

518. Do you find that sickness prevails in these houses?—Yes; to a very considerable extent.

519. Do you attribute that to the want of proper sanitary arrangements?—I do not think we can attribute it to that cause so much as to the filthy habits of the people who occupy them. The houses themselves are large and airy, and if the inhabitants only made some effort to keep them clean they would be the best and most healthy houses in Newry, but they are so intemperate that they often require my services as dispensary doctor. I don't think it is owing to any defect in the houses.

520. When you make these reports do you find your suggestions attended to and properly acted on?—Always. With regard to these houses they have always been most prompt in taking action.

521. Did you ever suggest with reference to that particular sort of houses, the building of further accommodation in the way of closets or privies?—I never have suggested the building of privies in connexion with this case, because I do not know why you should build them. There is already a privy in the rear and they do not use it.

522. You never have done so?—No. I do not

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Dr. Francis Crossle.

think there would be much room for the erection of further privies, and when the people would not use one privy, I do not think they would be inclined to use two.

523. Have you any such localities in your district as that described by Dr. M'Bride—Jordan's-court in Ballybot?—Indeed we have a great number of them—I mean of a somewhat similar class of tenements.

524. Can you give me the names of them?—There is a place called M'Crink's-yard which I think is about the nearest approach to Jordan's-court that we have.

525. How many houses are there in that place?—I suppose there are eight or nine altogether.

526. Are those houses provided with proper accommodation for the inhabitants or absolutely without any accommodation?—I think they are almost entirely without accommodation.

527. What do the people do with the filth from the houses?—There is a sort of large empty field, which was at one time a garden, situated behind these houses, and it is used for that purpose. It is a sloping field, and it is used for receiving the nuisances.

528. In what direction does the field slope? In the direction of the town?—No; away from the town. In the opposite direction.

529. Have you had occasion to report this place to the Commissioners?—Yes; it has been reported more than once.

530. Do you find that sickness prevails much there?—Yes, there is more or less sickness there; but I cannot say there has ever been any epidemic traceable to the nuisance. The place is kept wonderfully clean. It is well looked after by the sub-sanitary officer.

531. Are there many places of the same character in Newry?—There are a good many in our district.

532. Would it be possible to bring such places into a fit state for human habitation without completely re-constructing them?—In many cases it would not.

533. And that re-construction would of course involve the removal of the present houses?—Yes; I should say that these places are not in the main streets. They are entries off the main streets.

534. Have you had occasion as dispensary doctor to complain of the want of sufficient drainage to the houses?—Frequently.

535. Does that want consist of an absence of main sewers through the town, or of connecting sewers from the houses to the main sewers?—In some cases the great want is that of main sewers, but more particularly it is of leading drains from the houses to the main sewers.

536. Have you ever made that want the subject of any complaint to the Town Commissioners?—Yes; on several occasions.

537. And have you suggested the required remedies?—Yes.

538. Have you found that your suggestions were attended to, or were they disregarded?—They were fairly attended to, and a great deal has been done to remedy it. Everything that is done, is done well.

539. Did you ever find your suggestions disregarded?—Never, except in one case, where I had twice to report the want of drainage in connexion with houses.

540. What case was that?—The case of some houses in High-street. Mr. Hooks is the owner of the property. It is situated in the upper part of High-street. The houses are good, but they are very badly in want of drainage.

541. You say these houses with respect to which you made suggestions are the property of Mr. Hooks?—Yes. I am informed that there is some difficulty in the way of getting anything done, on account of his being non-resident in the town. He is in America, and it is not easy to find who is the responsible party. I know the Commissioners have been most anxious to get the defects remedied, but they have not been able to do so.

542. You say there are other houses in the street without drainage?—Those are the houses in question—the property of Mr. Hooks.

543. Do you say that is the only case in which your suggestions about having the necessary drainage made were not acted upon?—I cannot call to mind any other case in which prompt action has not been taken.

544. Have you ever in any of your reports recommended the erection of privies or water-closets?—Yes.

545. And have you in such cases found your recommendations complied with?—Yes, always.

546. Do you think that much has been done on the whole by the Commissioners, or those acting under them, to improve the condition of the town as regards sanitary matters?—I have been here only fifteen months, and during that time a great deal has been done. I think a great deal has been done to stamp out disease and to render more habitable the houses of the poor.

547. I suppose constant watching and vigilance will still be required?—Yes.

548. Did you hear Dr. M'Bride's statement about the decrease in the number of fever cases in the town since the year 1865?—Yes.

549. Do you concur in the correctness of that statement?—As I was saying, I am not in a position to do so, because I have only been here for about fifteen months. I have here an account of the sums of money spent in making drainage within the last twelve months by the owners of property.

550. Can you mention any case in which your suggestions were not attended to besides that case of the property belonging to Mr. Hooks?—No, I cannot.

551. Can you mention any case in which from neglect of your recommendations, you had to make a second or third report?—No.

Mr. Joseph Devenish Meares.

Mr. JOSEPH DEVENISH MEARES examined.

552. Mr. LAWLESS.—Are you the town surveyor?—Yes, I am.

553. How long have you been town surveyor?—Since August, 1872.

554. At what salary?—£80 a year.

555. Are you a professional engineer?—Yes.

556. What are your general duties as town surveyor?—I have charge of the surface repairs of the roads and streets in the town, also of the drainage, looking after plans and alterations, carrying out market improvements, and have the general superintendence of all the public works in the town.

557. Do you include in the surface works the daily cleansing and scavenging of the town?—No, merely the surface repairs.

558. Have you any people who are acting under you?—Yes; there are three surface men. I should add that the waterworks are also under my charge.

559. You mean from the point at which the Town Commissioners' jurisdiction and control begins?—Yes.

560. With respect to the state of the drainage of this town—is there a complete system of drainage?—No, there is not; but a great deal of money has been laid out on the drainage—about £3,700 during the last ten years—£3,680 was the exact sum.

561. Was that £3,680 spent in making main drainage?—Yes; main drainage through a number of the streets.

562. That expenditure was not all of course within your own knowledge; your time does not extend so far back as ten years ago?—No.

563. Have you taken that amount from the records of the Town Commissioners?—Yes, part of it. Of course I know what has been laid out since I came into office.

564. Do you know if the street drainage, so far as it exists, is good?—It is.

565. Is it the fact that, as was stated before me on Monday, portion of Hill-street, one of the principal streets of the town, is without main drainage?—Yes; it is perfectly unsewered, except by some small cross sewers; and there are some of the houses in Hill-street

which have no drainage at all. There are several of the houses which have no yard accommodation, and the ashes and everything have to be carried across the street and emptied into the river.

566. Are you speaking of houses in Hill-street?—Yes.

567. The only remedy for that state of things would, I suppose, be to make main drainage through the street?—It would be the best way. As to houses which have not yard accommodation you could not give them any for want of space, but the main drainage would carry off the refuse from the water-closets; it would be the only remedy.

568. Is such a system a public necessity in your opinion?—I think so.

569. Have you ever prepared an estimate of the cost of such a system?—I have. In June, 1875, there was a committee appointed by the Town Commissioners, and I made a report to them which dealt with drainage works in other parts of the town as well as that of which you are now speaking. It does not propose a complete system of drainage, but the place dealt with in it comprises the principal portion of the town. There are some streets in a very fair condition; this was essential work. (Hands in report).

570. Do you mean that as only a supplemental system?—No; a reconstruction of the entire system, because some drainage works were already carried out, and they are very effective. It would be impossible to have a complete connected system of drainage in Newry, because the town is cut up by the tidal river and the mill-race.

571. When there is a main drain in any street are the houses in that street connected with it by connecting drains?—Generally speaking, a great deal has been done in that way within the past year by the sanitary officers requiring the people to make connecting drains. In two or three places main drains were constructed at the expense of the Town Commissioners, and the owners of the property adjacent made connecting sewers into the main drainage.

572. Is it your duty to report to the Commissioners the necessity of having connecting drains in places where such do not exist?—That is the duty of the sanitary officer.

573. If, when the Commissioners direct them to do so, the owners or occupiers of houses make connecting drains you have nothing further to do; but suppose they refuse to do so do the Commissioners proceed to do it themselves and afterwards charge them with the cost?—In such case it would be my duty to make out an estimate of the cost, which could then be recovered from the owner, but I think we never had a case of that sort.

574. What was the amount of your estimate of the cost of the system of drainage you suggested in 1875?—£250 for the county Armagh portion, and £2,288 for the county Down, making the total estimate cost £2,538.

575. Is it your duty to see that the main drainage of the town is kept in proper order?—Yes.

576. Are the main drains flushed?—They are flushed regularly in the summer time—it is not required in the winter. There is plenty of water in them; in fact too much water in the winter time.

577. Have you anything to do in connexion with looking after the slaughter-houses?—No; except in case there was a new slaughter-house proposed to be built. I should then, of course, require to see the plans and the place where it was proposed to be erected.

578. Were you surveyor for the town at the time of the erection of the public markets?—Yes.

579. Are they now, in your opinion, kept in proper order and condition?—They are.

580. You say you have control over the water-works?—Yes. I carried out the Camlough water-works under the chief engineer. I was appointed town surveyor since.

581. In the year 1872?—Yes; in August, 1872.

582. Have you any persons under you in relation to the water supply?—There is only one turn-cock; but when any repairs are required to be done additional men, or the men employed by the Town Commissioners, are put on.

583. Has there been ever since these works were taken by the Commissioners, a full high pressure supply kept up for the town?—It is more than sufficient if proper care was taken of it; but there has been a great deal of waste in the summer time sometimes. The supply was perhaps a little short last summer, but a house to house inspection was made, and as a result there was less waste of water. The inhabitants consume between forty and fifty gallons per day each, and I need hardly say, that is an extravagant quantity. In Liverpool, by the adoption of certain means, they reduced the consumption from thirty gallons per head to ten or twelve gallons. The full quantity of 625,000 gallons per day is supplied to Newry.

584. Has that quantity always been supplied?—Perhaps once or twice there were complaints about the supply. It has to be regulated according to the level of the lake, and if the caretaker does not look after it the quantity coming down might be a little deficient.

585. Is it your duty to report any deficiency?—Yes.

586. Have you ever had occasion to do so?—No; I have not. That scarceness of water did not arise from the want of water in the lake, but from the valve not being properly attended to.

587. I see that notice was served under the seal of the Commissioners upon the trustees to the effect, that they would have to avail themselves of the powers of Act of 1871, by reason of their not having a supply of water for six hours. Was that notice given in consequence of your report?—No; I do not think I reported.

588. Was it necessary for you to be instructed to take any steps after the service of that notice?—No.

589. Is the supply of water now sufficient for all purposes in the town?—It is more than sufficient. We do not consume, generally speaking, anything like the 625,000 gallons per day.

590. Are the mains kept always full so as to be available at any time in case of fire?—Yes.

591. I suppose it is your duty to report old dangerous buildings, or anything of that kind?—Yes.

592. Do you find your reports on such matters properly attended to by the Commissioners?—Yes.

593. Is there any drainage in Upper Mill-street?—There are some very small intercepting drains.

594. Is there any drainage in William-street?—No.

595. Or in Courtney-hill?—No; the end part of it is being sewered, but is not yet completed.

596. Would the perfecting of the drainage works mentioned in your report make the drainage of the town complete?—Except very small portions of it. If it were completely carried out, it would provide for the requirements of all the town, except some small back places. An additional outlet is required in the canal to carry off the floods from the county Armagh side, which in some places have been two or three feet deep. I had nearly one foot of water in my house, which is situated very high up in Bridge-street.

597. Do you think an additional outlet through the canal would improve that state of affairs?—We will never get rid of these floods without it.

598. Mr. *Fegan* (chairman.)—During the entire of the past winter part of the county Armagh side was under water.

599. Mr. *Meares*.—I am aware of it.

600. Mr. LAWLESS (to Mr. *Meares*).—Are there any houses that remained flooded during the winter?—Yes; I may mention the case of my own house.

601. Does it remain flooded during the winter?—In some small houses there was two or three feet of water for twenty-four or forty-eight hours.

602. In your opinion would a proper system of drainage carry off that water?—Yes.

603. You suggest its outfall into the river?—Yes.

604. Mr. *O'Hagan*, Town Commissioner (to Mr.

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Mr. Joseph Devenish Meares.

Meares).—Are the culverts erected by the London and North-western Railway Company, sufficient to carry off the water there? Were they made large enough?—That has nothing to say to the drainage of the town.

605. Mr. *O'Hagan.*—Well it affects it.

606. Mr. LAWLESS (to Mr. *Meares*).—Have you made any calculation of the sums expended by the Town Commissioners on town improvements and works, and in payment of county at large charges, since the Act of 1871 was passed?—Yes.

607. What calculation have you made?—I have taken the actual cost of surface repairs and drainage, and county at large charges, during the last three years—1874, 1875, and 1876. In 1874, for surface repairs, there was £778 7*s.* 5*d.*; county at large charges, £977 4*s.* 5*d.* (that includes the two counties); and for drainage, £6 1*s.* 8*d.*; making a total of £1,761 13*s.* 6*d.* In 1875, for surface repairs, £929 11*s.* 6*d.*; county at large charges, £1,095 2*s.* 11*d.*; and drainage, £155 5*s.* 3*d.*; making a total of £2,179 19*s.* 8*d.* In 1876, for surface repairs, £728 10*s.*; county at large charges, £980 0*s.* 11*d.*; and drainage, £119 17*s.* 1*d.*; making a total of £1,828 8*s.* This would give an average of £1,923 7*s.* 1*d.* a year, for three years. The county cess, at 2*s.* in the pound, would, on the valuation of £28,000, produce £2,800, the surplus of which—after the payments I have mentioned, would, before the Act of 1871, have gone to the county. This shows an average gain to the town of £800 or £900 a year.

608. Do you mean main drainage by what you call "drainage"?—Yes, the actual drainage works carried out by the Commissioners in the streets.

609. Before that the town was paying a 2*s.* rate?—I do not include anything in that for scavenging or cleaning, which the 2*s.* rate went to pay. There were actual works carried out.

610. Has the transfer of the powers of the Grand Jury been of benefit to the town?—Yes; I think so.

611. In your opinion, as a professional gentleman, has it been of advantage?—Certainly, as regards the repairs and improvement of the streets, because they can get the undivided attention of the surveyor and the undivided application of the funds. Taking an average of the last three years, it would give a saving of much over £600 a year to the town. (The witness handed a written statement, showing, firstly, the expenditure on flagging, paving, crossings, asphalting, &c., on Newry, from 1866 to 1876 inclusive, and the sums contributed thereto by the counties, and paid by private owners and occupiers; secondly, the expenditure on streets, roads, repairs, and drainage, and for contribution to county at large charges for 1874, 1875, and 1876; thirdly, the expenditure on drainage works in the town of Newry from 1865 to the end of 1876, and the amount contributed thereto by the counties and by owners and occupiers.)

Mr. James Fegan, J.P.

Mr. JAMES FEGAN, J.P., examined.

612. Mr. LAWLESS.—Do you, as chairman of the Newry Town Commissioners, wish to make any statement about the affairs of the town?—You have got such a very full and correct explanation from the officers of the town that I don't see I can add very much to what you have already heard. I simply wish to say with reference to Jordan's-court, in Ballybot, that it is a place off the Main-street, the entrance to which is by a gateway, and it was formerly a vegetable garden. The lower end of it is a swamp, and these houses were built by a carpenter in a shed way up against the wall by two labourers. I was in them, and they contain about eight feet by ten of space. They are lighted by two very small windows, and very small step-ladders lead to the apartments above. They were not fit for human beings to live in, but they have now got into the hands of a very respectable merchant of the town of Newry, and I am informed that he is going to remove them altogether. The Town Commissioners could not prevent them from being built in the first instance. With respect to the houses in county Armagh—the old ancient houses referred to—I may say that they are good houses; but they are now in the hands of small middlemen, who let them off in rooms, and the back premises formerly attached to them were made into dwelling-houses. There was accommodation enough formerly in these houses, and there is accommodation enough still but for the filthy habits of the people who occupy these rooms. They would not remove their nuisance from the rooms into the yard, and it is quite true that they throw the nuisances on the landings. The worst case reported to you was that relating to the property of a man named Hooks. Unfortunately he is in Canada at present, and the Commissioners find difficulty in taking proceedings against him, owing to this property being in the hands of a loan company. I may say I believe the Town Commissioners are doing all they can to improve the state of affairs with the funds they have in their hands. They would wish to do more in the way of drainage, and the only way I see it could be done is that their funds should be increased by getting a loan from the Government at a reduced rate of interest. If that could be obtained the saving on interest and sinking fund would place in the hands of the Commissioners very nearly £300 a year, which would be available for drainage purposes. There is a statement that Mr. Doherty wishes me to make. Under the Act of George IV., which was adopted on the 15th September, 1828, the valuation of the town, excluding the houses under £5, was £25,793. On the introduction of Griffith's valuation their rateable value was reduced to £19,000, excluding houses under £5.

613. Was that in 1861?—No; I think it was farther back. I think it was in 1841. The consequence was that the amount of money realized by the Commissioners under the Act of George IV., would barely pay the expense of lighting the town and cleansing it, so that they had nothing left to expend on improvements. After the Towns Improvement Act was adopted the valuation of rateable property in Newry was £29,291—that includes all property valued from five shillings up. The valuation in 1877 was £30,102 17*s.*, and 1876 it was £29,663 12*s.*, so that all this statement shows we are improving.

614. Do you state as chairman of the Commissioners that you have no powers to close and shut up or prevent from being inhabited the houses in Jordan's-court, Ballybot?—I am not quite sure as to that.

615. Has any attempt been made?—I think there was a notice served.

616. You say with reference to the houses that were the property of this man named Hooks, that you found difficulty in dealing with them by reason of his absence, and because of the property being in the hands of a loan company?—Yes.

617. Can you not treat the loan company as owners of the property?—I suppose we could, but those houses referred to by Dr. Crossle, at the upper end of High-street, are portion of the property. I may also mention that there are some cellars in the town of Newry that ought to be closed up; they are not fit to be occupied by human beings.

618. Are there cellars in the town of Newry occupied by people as dwelling-houses?

619. Mr. *Meares.*—There are some but not very many.

620. Mr. *Fegan.*—There are a good many of them.

621. Mr. *Meares.*—They are not altogether underground. There would not be more than a couple of dozen of these cellars in the town altogether.

622. Mr. *Fegan.*—I may say the Commissioners under the 9th of George IV. made sweeping reforms in the cellars.

623. Mr. LAWLESS (to Mr. *Fegan*).—Are the present Commissioners doing anything towards having them closed up?

Mr. James Fegan, J.P.

624. We are doing nothing as yet though our attention has been called to them. They must have certain accommodation, whereas I think none of them have. The floors must be only a certain depth under the street and they must have ventilation and some other conveniences, but the cellars I allude to have no conveniences and there is no ventilation except at the door; there are no windows in them, or any means of ventilation except the door.

625. Are the Commissioners doing anything for the purpose of getting these cellars closed up?—I think there has been nothing done. On the whole the town is very healthy, and I attribute its being so to the river which passes through the town—a tidal river which rises once every twelve hours.

626. Are these cellars ever flooded?—I think not; they are not low enough down to be subject to floods. There are houses in Newry which have no accommodation whatever, and they throw their nuisances on the streets.

627. Do the Newry Town Commissioners employ any watch?—We do not; we find it simply impossible to do so, in consequence of the state of our funds. At the time the Act was introduced there was an inquiry made as to the cost of employing constabulary, and I think it was ascertained that to do so would cost something about £1,300 a year. We would need to have two sets of men, one for the day time, and one for the night, and a head-constable, and we would also be bound to supply a barrack. There is no use of our employing watchmen. I believe they would have no power to make arrests.

628. The town is under the constabulary without any special payment to them as watchmen?—Yes; we have three constabulary barracks in the town, two in the county Down side, and one in the county Armagh side. I am not sure whether or not we have the proper number of policemen that we are entitled to; but I think we have not. A great deal of the nuisance in the town is owing to the intemperance of the occupiers of the houses.

629. Do the Commissioners, as a body, in your opinion, exercise proper diligence to the best of their power in supplying the wants you complain of?—I think they do. As far as they have means at their disposal they do.

630. I believe that the Commissioners, as a body, are authorized to nominate two persons as members of the Carlingford Lough Commissioners?—They are.

631. Did they nominate two persons?—Yes; they nominated two members of our body.

632. Do these gentlemen, who were nominated as members of the Carlingford Lough Commissioners, continue to be members of the Town Commissioners?—One of them only has continued to be a commissioner.

633. Does the gentleman who is not now a commissioner still continue to act on the Carlingford Lough Commissioners?—He does; and he went against the wishes of the majority of the Commissioners, and we wrote both a letter to give up their appointment. At that time we considered that they could only be members of the Carlingford Lough Commissioners, while they continued to act as Town Commissioners.

634. Do you consider then that you have only half the representation on the Carlingford Lough Commissioners that you ought to have?—That is so; and it is absolutely necessary for the interests of the town that we should be represented on it.

Mr. JOHN J. O'HAGAN, J.P., examined.

Mr. John J. O'Hagan, J.P.

635. Mr. LAWLESS.—Do you, as a Town Commissioner, wish to make any statement?—Yes; I wish to say that there is a great want of slaughter-houses in Newry, and they are very badly situated; but our means are so very limited that we cannot build the slaughter-houses which we have power to do under the Act of 1871.

636. But you have power to regulate the existing slaughter-houses?—Yes; and all that can be done has been done. The people are doing what they are able to do, but the slaughter-houses are so surrounded by houses, that the nuisance which they create cannot be put down. A sum of about £600 would make a public slaughter-house. I wish to say that since the passing of the Act of 1871 there has only been an increase in the rating of 6*d.* in the pound, notwithstanding all the improvements which have been made in the town, and if they had not met with such opposition when introducing the Improvement and Water Act, the municipal taxation would not exceed 3*s.* 6*d.* in the pound; it is now 4*s.* We have also to pay very high interest on the loans. The slaughter-houses are at present situated in various parts of the town, and in the summer season the smell is absolutely intolerable.

Mr. DOHERTY (town clerk) re-examined.

Mr. Doherty.

637. Mr. LAWLESS.—Do you wish to give any further evidence?—Yes; there is just one other matter to which I desire to call your attention. The Local Government Act, 34 & 35 Vic., chap. 109, sec. 27, refers to the mode of making out the municipal voters list. You will see that the entire responsibility of constructing or making out this list is thrown on the clerk of the Town Commissioners. There is no provision in the Act of Parliament providing for the revision of these lists by any responsible party, and it puts the town clerk in a very awkward position when the lists have to be made out at a very short notice, and parties have no opportunity of appealing. I would say that there should be a revision of the municipal voters list as well as the Parliamentary voters list, or power should be given to the Chairman of the Town Commissioners to preside over the preparation of the lists, and sign them if correct.

638. That matter was left completely unaltered by the Act of 1871?—I think that some one should revise these lists, and that an opportunity should be given to parties who might wish to appeal—people who think they have a right to the franchise should be heard.

639. Have any actual difficulties with regard to this matter arisen here?—As far as I am personally concerned I think I may say there has never been any charge made against me for doing anything that was wrong, but people have complained that they were not on the list when they should have been. I was of course obliged to go by the books before me when making out the list. I had no means of making it but by taking it from the books. Since the election has been by ballot the matter becomes very difficult, for before the adoption of the ballot you could exercise supervision by a scrutiny, but now there is no opportunity of doing that. I think there would be no difficulty in making out these lists if the chairman of the Town Commissioners sat, and presided over their preparation.

Mr. Michael Denvir.

640. Mr. *Michael Denvir*, solicitor, was examined, and said that he had been requested by a Town Commissioner to call attention to the unprotected state of the Newry canal, and also to the want of night watchmen. Of course he did not expect that the Navigation Company would at their own expense put up sufficient rails or chains on the sides of the canal to protect the lives of people in the town, but if the Commissioners made a small assessment for that purpose he believed the ratepayers would not object to pay it. Two hundred lives had been lost within the last twenty years by people falling into the canal, and this might have been partly owing to the unprotected state of the canal, or the intemperance of the people. The town was altogether unprotected at night, as there were no watchmen.

641. Mr. *O'Hagan* said he did not believe the ratepayers would agree to an assessment for the purpose of erecting protection along the canal. The Commissioners did not want to have anything to do with the canal at all, and he did not believe that there was a single instance of a sober man being drowned in it.

The Inquiry then terminated.

DUBLIN.
April 24, 1877.

DUBLIN.—April 24, 1877.

(Before Mr. Corbett and Mr. Lawless, Q.C.)

Mr. John Norwood, LL.D., examined.

Mr. John Norwood, LL.D.

1. Chairman.—You are, I understand, a member of the legal profession?—I am.

2. And have you been a member of the Town Council for many years?—For ten or twelve years.

3. I am not sure whether you are an Alderman or a Town Councillor?—A Town Councillor. Perhaps it would be convenient if I now gave you a short sketch as to what the corporate property consists of.

4. Although that is not exactly to the point we are here to inquire into, it may, perhaps, be convenient we should have it shortly on our notes?—There were 311 separate holdings under the denomination classified as "ancient revenue," and in September, 1866, the income under that head was £11,495 4*s.* 10*d.* Then there is the St. George's estate, which they hold under charter. There are about seven separate holdings under that denomination, and the annual produce, according to the audit on the 1st September, 1866, was £168 0*s.* 10*d.* The third denomination is All Hallowes' or All Saints', and that estate contains 137 holdings, and the annual produce, according to the last audit of the treasurer's account, in September, 1866, amounted to £6,224 3*s.* 4*d.* The next is No. 4, St. Mary's-abbey and Thomas'-court estate, and there are sixty-seven holdings under that denomination, and the annual produce, according to the same audit, previous to the publication of this volume, was £1,392 11*s.* 2*d.* No. 5 are Royal gifts.

5. That is not land?—No, but they are part of the corporate estate, amounting respectively to £276 18*s.* 6*d.* and £461 10*s.* 8*d.* No. 6 source of income consists of ferries, and they are let on lease or demised by lease at the annual rent of £309 4*s.* 6*d.*

6. What is the date of that lease? The date of the lease is given here at page 9 of the rental as 1817?—Yes, exactly; I find they were let from 1817, at an annual rent of £309 4*s.* 6*d.*, late currency.

7. Can you tell of your own knowledge how that lease was granted?—I can tell by reference to the minutes.

8. It is so long antecedent, it is, perhaps, hardly worth entering into it. What I think the intention of the select committee was that we should inquire into the present practice, and, incidentally, into such leases as have been granted recently?—Very well. That makes a total rental, at the date of publication of this document, upon 525 holdings of £20,327 13*s.* 11*d.*, less by crown, quit, and chief rents, £426 13*s.* 4*d.*—£19,901 0*s.* 7*d.* The Water Estate is on page 10—£12,722, and in 1866 it had reached to £31,184 4*s.* 9*d.* Then there is the Wide Street estate, and the annual income of the twenty-four holdings, of which it consists, which were taken over from the Wide Street Commissioners by the Corporation is £415 11*s.* 8*d.*

9. Tell me whether these holdings are let on lease or as yearly tenancies?—They are let on lease. Some of them were let on lease before the Act of Parliament which brought them under the Corporation came into force. Some of these holdings are held on hand by the Corporation as depots.

10. Shall I find these Wide Street holdings in the rental?—Yes.

11. Mr. Lawless.—Tell us under what heading we will find it?—"W.S.," which is Wide Street. Then there is another class of estate called the Paving estates. The Commissioners of Paving, under several Irish and Post Union Acts, had a large paving-house and concern in Mary-street, opposite the Apothecaries' Hall, which was sold by auction when it came under the control of the Corporation in 1853.

12. I see that was sold by public auction for £4,100?—Yes; the Corporation also have several pieces of ground in the city, which are used as scavenging depots, for which annual rents were paid by the Corporation, and they are in the rental under the head of "P.W."

13. Chairman.—Are these rents carried to the credit of the improvement fund?—These are rents paid by the Corporation.

14. Yes, but are they paid by the Corporation to itself?—They are part of the Corporation estate, but the public has the use of them.

15. I apprehend if they pay rent from one fund it is carried to the credit of another fund?—Of course, to the credit of the improvement fund. Then there is the Circular-road estate, and that is under the Dublin Improvement Act, 1849. A certain Act was passed in the olden time for the construction and maintenance of circular-roads, and by the Improvement Act they were repealed, and the tolls abolished, and the several toll-houses were transferred to the Corporation, but they are not of much value. Their annual income amounts to £20 10*s.* Then there is the Cattle-market estate.

16. Yes, but we may pass that for the present; all information with regard to that can be given by-and-by?—Then there is the Mansion-house, and it is part of the estate, subject to a small rent; and the City Assembly-house, which the Corporation rent under a terminable lease; and the Royal Exchange or City-hall, where we now are.

17. The great bulk of the property is within the municipal limits, I believe?—Yes; the greater part.

18. I observe, however, that part of Baggotrath is outside the boundary?—Yes, it is outside; and so are Ballycolane, Clonturk, Donnycarney, Baldoyle, and Grange on the north side; and Colganstown and Ringwood on the south.

19. Very well. Let us return now to the object of this head of our inquiry as to the letting of the corporate property?—There are two descriptions of estates—houses within the city, and they are nearly all comprised under the head of dwelling-houses and tenements, and agricultural property, which we have at Colganstown and Ringwood, and at Grange, Baldoyle, and Clonturk. We have a little landed property also in the city—Stephen's-green—about twenty-two acres; and a place called Island-bridge—fifteen acres.

20. Does everything that is coloured green on the maps in this rental represent leases in perpetuity; everything coloured yellow property alienated and thus unproductive; and that coloured red terminable leases?—Yes; as I understand, their leasing powers are under the 3rd and 4th Vic., cap. 108, sections 140, 141, 142, and 143.

21. By these sections if you grant leases it must be for either thirty-one or seventy-five years?—Yes.

22. And if for more than thirty-one it must be for a building lease?—Yes.

23. Mr. Lawless.—Was there any Act passed affecting the leasing powers of the Dublin Corporation?—There were prohibitory Acts passed immediately before.

24. No; but I mean after that?—There was one which I will have to mention hereafter—an Act passed in 1864, dealing with certain leases of Grange and Baldoyle, under circumstances which I will have to detail presently; and by-laws which have the force of Acts of Parliament when approved of.

25. The by-laws are under the Municipal Corporations Act?—Yes. They have undoubtedly the force of an Act, and were passed in June, 1851, at a special meeting of the Council held on the 24th June, 1851, two-thirds of the Council being then and there present. The 55th by-law——

26. Chairman.—First of all, what was the practice previous to 1851, can you tell, as to old leases when they fell in? Were they let by auction previous to the by-law of 1851 or not?—I believe always by auction since the Corporation came into existence. The practice is, that the law agent brings before No. 3 Committee the falling out of any lease.

27. Are you speaking now of the course previous to 1851?—I always understood from Mr. Morgan that the one course was pursued since 1840, namely, that the law and land agent when a lease fell out had it notified to No. 3 Committee, and as soon a sufficient number of leases fell out to justify the expense of advertising and having an auction, an auction was called and in open Court they were sold off by him acting as auctioneer; the highest bidder being declared the purchaser, subject to the approval of the Council. There are regular notices published. They insist invariably that the last year's rent is to be paid in advance. The person declared purchaser deposits one-fourth of the purchase-money with the treasurer pending the decision of the Council as to his eligibility. As soon as he is declared the tenant the Corporation solicitor prepares the lease, and the tenant pays one year's rent.

28. Are you speaking now of the present practice?—The practice ever since 1840.

29. Then in point of fact the 55th by-law, passed in 1851, was only confirmatory of the practice existing previously?—So I always understood it.

30. Let us have that 55th by-law on the notes?—This is it—

"That no property of the Corporation shall be disposed of except by auction after public advertisement, subject however to confirmation by the Council: provided however, that if after being thus set up to public competition on two occasions, without a sale or letting being effected, the Council shall, upon a special report thereof, have the power to dispose of such property in the manner by them considered most judicious."

31. Mr. LAWLESS.—I find that by-law of 1875 was in the same terms precisely?—It was continued the same down to 1875.

32. CHAIRMAN.—The information I have got privately is that last year it was thought judicious to introduce a change—was it not?—It was. I will tell how it came about. It appears that a number of leases in the best business part of the city fall out in 1880.

33. And some few also, I think, in 1877 and 1878?—Yes. This schedule (produced) [see Appendix No. 15, p. 366] was prepared pursuant to an Order of Council of the 13th of February, 1877, and it appears that a number of leases were falling out, and many of the persons who were actually occupiers had been in possession of these holdings for twenty, thirty, and forty years, and had made their houses of business well known to the public. Many of the immediate lessees of the Corporation were persons living in England and elsewhere, away at considerable distances, and had no interest in the premises, further than the receipt of the rents reserved. The Corporation thought it would be unfair to those persons who, like Messrs. Hodges and Foster, had made business connexion for their premises, that they should remain till the lease expired, and then be subject to the competition of rivals, and they addressed His Grace the Lord Lieutenant upon the subject, explaining in a memorial the state of affairs.

34. What was the date of that memorial?—I can get it for you. It was some time in 1876.

35. Then it was some time before these proposals came in?—Yes; long before. No. 3 committee of the Corporation had an interview with the law adviser, and Mr. Burke, Under Secretary, and the result of that interview was, that the Lord Lieutenant saw the justice of not turning these people out at the expiration of their leases, and a modification of the 55th by-law was made with the sanction of the Lord Lieutenant. The modified by-law is in the following terms—

"That no property of the Corporation shall be disposed of (save as hereinafter mentioned) except by auction after public advertisement, subject, however, to confirmation by the Council; provided that if, after being thus set up to public competition on two occasions, without a sale or letting being effected, the Council upon a special report thereof, shall have the power to dispose of such property in the manner by them considered most judicious. The exception to the foregoing being in the case of a tenant who is in actual occupation, and where the lease is within a period of five years' expiration, who shall by memorial to the Council ask for a renewal of said lease, that then and in such case the Council may, with the consent of the Lords of the Treasury, grant a renewal of said lease, without offering the premises to public competition, for a term not exceeding thirty-one years, or in the event of the tenant proposing to rebuild the premises, for a term not exceeding seventy-five years, at a yearly rent to be calculated by a sworn and competent valuator to be appointed by the Lords of the Treasury, as the yearly value of the premises at the time, and upon the express condition of the tenant before the execution of such new lease expending such sum of money upon the premises as the city architect for the time being, upon his oath, may declare as necessary, having regard to the period of years for which such new lease may be granted, and for the purpose of having the premises put into such a state of repair as may, as far as practicable, enable them to be delivered up at the expiration of the term in good and substantial condition; and in the case where the rebuilding of the premises may be required on a building lease for seventy-five years, the new building to be erected under the supervision and control of the city architect, subject to the direction of the law, lease, and finance committee of the Corporation."

36. By that it appears this is not a rule of general application; but that you must make a special application to the Lords of the Treasury in every instance?—In every instance. I may mention that notwithstanding the rule here, that if the property be put up twice and not sold by public auction, that then it may be disposed of by the Corporation upon a special report in such a manner as they may consider most judicious. I have been ten years on the law and lease committee, and I never knew an instance where it became necessary to exercise such discretion.

37. What has been the course pursued by No. 3 Committee with regard to these leases under the amended by-law?—Mr. Morgan, as the law agent, issued a printed circular to all persons whose leases were about to expire, and such of them as were anxious to take advantage of the 55th by-law were requested to send in proposals to No. 3 Committee. According as these proposals came in they were submitted by Mr. Morgan to the committee. In some cases the persons wished to have leases for thirty-one years, and in other instances they wished to have building leases for seventy-five years. Mr. Morgan then reported upon them, and the committee directed, for their own information, that Messrs. Brassington and Gale, who are eminent valuators of property in the city, should report as to the value of the premises.

38. Was that valuation intended to be preliminary to the valuation by the Lords of the Treasury?—Yes, quite independent. That provision about the Lords of the Treasury was put in by the Corporation unanimously. They did not wish to take the responsibility of valuing upon themselves, and, therefore, they wished the protection of a Government valuator. They get a valuation from Messrs. Brassington and Gale, and then after discussing the matter they send forward a report to the council, generally recommending that a memorial should be forwarded to the Lords of the Treasury, founded on the proposal of the tenant, and in some instances memorials have been sent forward. The Lords of the Treasury were asked to appoint a general valuator, and they said "No; we will appoint a valuator for each case *pro re natâ*." And accordingly they have done so in one or two instances; and I will be able to lay before you the proposal and report on each case, and the letter of the Lords of the Treasury.

39. Have any new leases been granted under the amended by-law?—None yet.

40. Can you give the date when it was amended? Did you not say the application was made in 1876 to the Lord Lieutenant?—Yes, it was made in 1876. This is the reply to the memorial on the subject:—

"Dublin Castle, 7th March, 1876.

"SIR,—I am directed by the Lord Lieutenant to acknowledge the receipt of your letter of the 28th ultimo, enclosing an amended by-law of the Corporation, and to acquaint you, for the information of the Municipal Council, that His Grace is advised that there is no objection to the by-law as amended.

"I am, sir, your obedient servant,

"T. H. BURKE."

That is directed to the Town Clerk, City Hall.

41. In point of fact, then, the amended by-law was submitted on the 28th of February to the Lord Lieutenant?—Quite so; and the interview with Mr. Burke and the Law Adviser took place in the interval. Upon that letter being read on the 13th March, at a meeting

DUBLIN. *April* 24, 1877.

Mr. John Norwood, LL.D.

of the Council, it was moved by Mr. Dennehy, and seconded by Mr. Byrne—

"That this letter be referred to a committee of the whole house, with instructions to take into consideration the nature and circumstances of the property of the Corporation from the falling out of the lease, and to deal therewith by recommendations to this house from time to time, as occasion may require. Put and carried."

I have been asked by a person here, and I may state that the by-laws are not in pursuance of the 3rd and 4th of Victoria, c. 108. They are in pursuance of an Act of this Council, which entitles them to make by-laws, and when they are approved of by the Lord Lieutenant they have the force of laws.

42. I was going to ask whether since February, 1876, and the answer of the Lord Lieutenant to your application, any property had been let by auction since that date?—I think not. The last one was in January, 1875.

43. There was a property, I see, let in 1875, in Upper Bridge-street, and another in Halston-street, and in 1876 some seed offices in the Cattle-market?—Yes, there were a few holdings; one lot in 1876 in St. Andrew-street.

44. The amended by-law does not apparently in any way preclude a sale by auction?—Not at all. It is simply in regard to special cases.

45. Up to the present time have whatever leases have fallen in since 1851, and as you believe since 1840 also, been let by auction to the best of your belief?—Quite so. I never knew an instance otherwise, but since that by-law was altered there have been cases in which memorials were sent forward, and the acceptance of the terms of these memorials has been sanctioned by the Lords of the Treasury.

46. Do you mean that no leases have been yet actually made, but that proposals have been sanctioned by the Lords of the Treasury?—Yes; and I will give in the memorial and proposal of these. I may mention with regard to these proposals, that after being adopted by the Town Council upon the recommendation of No. 3 Committee the copy of the original memorial is pasted upon a board, and exhibited in the street at the front of the municipal buildings, and it remains so exhibited for one month before it is forwarded to the Lords of the Treasury.

47. The position, as I understand it, is this—any parties desiring to have leases granted to them under the terms of the amended by-law, forward a memorial to the Corporation. That memorial is referred in the first instance to No. 3 Committee, who then make a recommendation to the Town Council upon that memorial?—Yes; quite so; and the Council then order their law agent to prepare a memorial to the Lords of the Treasury, embodying the terms proposed, and the memorial so prepared by the law agent of the Corporation is posted up outside the City Hall for the space of one month, and at the expiration of that time it is forwarded to the Lords of the Treasury.

48. Is the recommendation of No. 3 Committee accepted as a matter of course by the Town Council, or is it again discussed in committee of the full house?—It is not accepted as a matter of course, but occasionally the house sends back memorials to No. 3 Committee for reconsideration.

49. When they are sent back to No. 3 Committee, who is it sends them back?—The Town Council.

50. The matter then is discussed in open Council?—Oh, yes.

51. And it is open for anyone to read the proposal when it is posted up outside?—Yes.

52. And at the expiration of a month the memorial is forwarded to the Lords of the Treasury?—Yes. The notice is posted up pursuant to the 3rd and 4th Vic., chap. 108, sec. 141, and the 6th and 7th of Vic., chap. 93, sec. 8.

53. That is the statute which directs the posting up to be made of these applications?—Yes. The terms of the section are:—

"That notice of application to the Lords Commissioners of Her Majesty's Treasury for the sale or purchase of lands shall be, after notice of the intention of the Council or Commissioners to make such application, inserted once at least in the *Dublin Gazette*, and in some local newspaper, and shall be affixed on the outer door of the town hall, or in some other public and suitable place within the borough one calendar month, and such application and copy of the memorial intended to be sent to the Commissioners of Her Majesty's Treasury shall be kept in the town clerk's office during such calendar month, and shall be freely open to access to every burgess or person entitled to vote at the election of such Council or Commissioners, or ratepayers of the borough at all reasonable hours."

(*See* Appendix No. 15, page 367. Copy of notice of memorial *re* Miss Gerty's Lease, at present being exhibited at Town Hall.)

54. *Witness.*—I told you that the Town Council referred that letter of the Lord Lieutenant's to a committee of the whole house, and the first meeting of the committee of the whole house appointed on the 15th of March, 1876, *in re* the amended 55th by-law, met on Friday, the 24th of March, 1876. The minutes of the Council state:—

"Read,—Reference to the Council of 13th of March, 1876"—

(And then the subject of reference is set forth.)

"Moved by Councillor Byrne—'That on the 3rd of April next, the day upon which the by-law will become law, the town clerk apply to the Lords of the Treasury to appoint a sworn and competent valuator for the purposes of the by-law.' Question put and carried."

"Moved by Councillor Byrne—'That the law and land agent be requested to immediately prepare a schedule of all property coming within the terms of this by-law, with the occupier's names, and all other information.'"

55. This then is the schedule referred to in that resolution that I have in my hand?—Yes.

56. And then you got an answer from the Lord Lieutenant, I apprehend, to the effect that they would not make any general appointment of a sworn valuator?—No; that answer came from London. The next meeting of the Council, *re* the amended by-law, was held on the 17th of January, 1877.

"Moved by Councillor Byrne—'That the present actual occupiers of all property, the leases of which expire within five years from the 4th of April, 1876, be invited to forward proposals to the committee for leases, to commence from the day upon which the present corporate leases expire, whether the occupier holds directly from the Corporation or not, and that said invitation be forward to the said several occupiers by the town clerk.' Question put and carried.

"Moved by Councillor Gray—'That all other parties, if any, who were in actual occupation on the day five years previous to the expiry of the Corporation leases, be also invited to send in proposals so as to give the Council the fullest possible information in each particular case.' Question put and carried."

This resolution is also on the 17th of January, 1877.

"Moved by Councillor Byrne—'That a copy of the by-law, with the foregoing two resolutions, be published three times in the usual newspapers.' Question put and carried. The committee then adjourned until three o'clock to-morrow."

The fifth meeting of the committee of the whole house, *re* the 55th by-law, was held on Thursday, the 8th of February, 1877.

"Read,—Opinions of counsel *re* the 55th by-law."

57. Had they then taken counsel's opinion on some points involved in that by-law?—Yes. It was then moved by Councillor French—

"'That the cases, with the queries and opinions of counsel—Messrs. Law, Q.C., and Walker, Q.C.—be printed and circulated amongst the members.' Question put and division taken, when there appeared—for the motion, 6; against, 6. The chairman having refused to give his casting vote the motion fell through. The circumstance to be reported to Council."

58. Upon what point had you referred that by-law to counsel for their opinion?—For their construction of it with regard to what parties were embraced within the scope of its operation. I should explain that after the 55th by-law passed, some persons who were intermediate parties between the Corporation and the actual occupiers, served notice to quit upon the actual occupiers, thinking they would get the advantage of the operation of the by-law, and in consequence of that some cases of hardship were laid before the committee. They will be brought under your notice, and there is documentary proof of them, and upon that the following resolution was moved—

"Moved by Councillor Gray—'That in view of middlemen serving notices to quit on actual occupiers of premises, the property of the Corporation, in the hope of obtaining some advantage thereby under the 55th by-law, as amended, that a special meeting of the Council

be forthwith convened, that an earnest request be made to every member to attend in his place, and that the Council be invited to pass, in the most formal manner, the following or some similar resolution, so that the determination of the Council may be made manifest, to protect, as far as in it lies, the equitable claims of actual occupiers, and in no case to allow any advantage to the middleman under a by-law not intended for such purpose.'

"Resolved—'That we the municipal Council of the city of Dublin, in special meeting assembled, hereby declare that, the intention of this Council when it amended the 55th by-law was to afford protection, on equitable terms, to the then actual occupiers, and this Council, therefore, declares that in case of any middleman so serving notice to quit or ejecting the actual occupier before the expiry of the original lease, in the hope or expectation of obtaining the exceptional favour of a lease, without public competition, under the discretionary power conferred on the Council in the amended by-law, that under no circumstances will this Council grant any such favour to any person so evicting or serving notice to quit on the actual occupier, but, on the contrary, it will decline to grant to any such person any lease of premises, either originally in his own occupation or otherwise.' Question put and carried."

On the 10th of February the committee met again.

59. Is this No. 3 Committee?—No; the committee of the whole house, which sat in pursuance of the resolution of the 13th of March, 1876, determining that all proposals should be submitted to that committee of the whole house. Well, the minutes, in continuation, say—

"Moved by Councillor Byrne—'That Councillor Rochford get a lease of the premises from City-quay to South Gloucester street for seventy-five years at a rent and outlay to be fixed, by the city architect as to outlay, and Messrs. Brassington and Gale as to the rent, and that upon the execution of the said leases, the one now in existence shall be by him surrendered; the yard portion of Gloucester-street to be then leased to Messrs. Maunsell upon like terms and conditions.' The original question put and carried."

(The *Witness* handed to the Chairman copies of the opinions of Messrs. Hugh Law, Q.C. (Solicitor-General in the late Government), and dated the 24th of January, 1877, and also the opinion of Mr. Samuel Walker, Q.C., under date the 23rd of January, 1877.)

60. Counsel agreed, I see, substantially, on the case submitted?—Yes. A meeting of the Council was then held on the 16th of February, 1877, and the minutes state—

"Moved by Councillor Gray, seconded by Councillor MacDermott. Resolved,—'That we, the Municipal Council of the city of Dublin, in special meeting assembled, hereby declare, that the intention of this Council, when amending the 55th by-law, was to afford protection on equitable terms to the then actual occupiers and their representatives, and that this Council therefore declares that in the case of any middleman so serving notice to quit, or ejecting the actual occupier before the expiry of the original lease, in the hope or expectation of thereby obtaining the exceptional favour of a lease without public competition, under the discretionary power conferred on the Council in the amended by law; that under no circumstances will this Council grant any such favour to any person so evicting or serving notice to quit on the actual occupier; but on the contrary, it will decline to grant to any such person any lease of any premises either originally in his own occupation, or otherwise.'"

61. That is precisely the resolution moved by Councillor Gray in committee?—Yes; and to this an amendment was moved—

"That the consideration of this resolution be adjourned to this day fortnight. Question put, and division taken, when there appeared—for the amendment 5; against 22. Then the original question was put, when a further amendment was moved by Alderman Purdon, seconded by Councillor Sir John Barrington,—'That we, the Municipal Council of the city of Dublin, in special meeting assembled, hereby declare that the intention of this Council, when it amended the 55th by-law, was to afford protection on equitable terms to the then actual occupiers, and that this Council therefore declares that in the case of any middleman so serving notice to quit, or ejecting the actual occupier, before the expiry of the original lease, in the hope or expectation of thereby obtaining the exceptional favour of a lease, without public competition, under the discretionary power conferred on the Council in the amended by-law, under no circumstances will this Council grant any such favour to any person so evicting or serving notice to quit on the actual occupier, unless on special cause shown and allowed by vote of Council, but that, on the contrary, it will decline to grant to any such person any lease of any premises either originally in his own occupation or otherwise.'

"Question put on amendment, and division taken, when there appeared—

"For the amendment,	8
"Against,	19

"The original question was then put and declared carried."

62. The amendment, then, only differed from the original resolution by the admissions of exceptions "on special cause shown and allowed by vote of Council"?—Yes. An application had been made by Councillor Rochford so far back as 1874, and I think it forms the subject of a printed report. Mr. Rochford is the representative of the direct lessee of the lease granted to "Precious Clarke" in 1779 for ninety-nine years, and which, therefore, expires in 1878. The name appears at page 37 of the rental. Mr. Rochford, as far back as 1869, applied for a new lease, and he and his father had been for forty years and upwards in occupation of these particular premises, and No. 3 Committee recommended, after a good deal of delay, and after the by-law was amended, that the Council should grant a lease to Mr. Rochford of these premises at the valuation put upon them by Messrs. Brassington and Gale. A memorial was sent forward to the Lords of the Treasury, and a reply came back from them enclosing a letter from the law and land agent of the Corporation, Mr. Francis Morgan, and it is necessary that I should call your attention to that communication, as it has been made the subject of animadversion.

63. When did the committee send forward leave that the leases should be granted on the terms of this valuation?—This year. The report of Committee No. 3 on the subject is as follows:—

"Your committee beg leave to report that they have received an application from Mr. Henry Rochford, T.C., for a new lease of his premises on City-quay and Peterson's-lane, of which he is occupant for many years."

The following is a copy of Mr. Rochford's application:—

"To the Right Honorable the LORD MAYOR, ALDERMEN and BURGESSES of the CITY of DUBLIN CORPORATION.

"GENTLEMEN,—I am desirous of a renewal of my lease of the holding on City-quay and Peterson's-lane, known as "Precious Clarke's holding," A R 101, the present rental of which is £23 6*s.* 2*d.* It has been lately valued by Messrs. Brassington and Gale, per order of your Committee No. 3, by a full description of same by your law and lease agent, Francis Morgan, Esq., and a map from your engineer. The Messrs. Brassington and Gale, after a personal examination of the premises on several occasions, valued the rental at £64 per annum for a thirty-one years' lease.

"I am satisfied to take a lease of thirty-one years at the rent they named, £64, or, if you grant me a lease of seventy-five years, at the same amount of rent, I will re-build as your city architect directs.

"I am, with much respect, yours faithfully,

"HENRY ROCHFORD, City-quay."

The following is a copy of Messrs Brassington and Gale's valuation:—

"VALUATION of PREMISES, Nos. 34, 35, and 36 CITY-QUAY, in the city of Dublin, the estate of the Corporation of Dublin.

"A R 101, Clarke's Holding, City-quay—By Brassington and Gale, 1875.

"We have examined these premises, as marked on the map forwarded to us, which we herewith return with this valuation. The buildings on the plot of ground extending from the City-quay to Gloucester-street, south, and along the east side of Peterson's-lane, are very old, with the exception of the forge, which is not so old as the other buildings, but which is nevertheless built from forty to fifty years. All these buildings, with the exception of the house No. 36, City-quay, are in the immediate occupation of Mr. Rochford, and used by him for the purpose of his business. The house No. 36 is in the occupation of an under-tenant. The entire buildings are of a very perishable character, and would require a constant outlay to keep them in anything like tenantable order.

"Taking into consideration the portion of this holding, and keeping in view the circumstances to which our attention has been directed in Mr. Morgan's letter of 8th inst., and also bearing in mind the dilapidated condition of most of the buildings, we consider this plot of ground, with the buildings, should produce an annual rent of £75, on a lease of seventy-five years from expiration of the present lease in 1878. The buildings are so old, and require such constant outlay to uphold them, that in point of economy it would be better, from time to time, to take down the greater portion, with a view of rebuilding; but to justify the tenant in making such an outlay as this would entail, he should have a term of at least seventy-five years.

"The annual value of the foregoing holding for a term of thirty-one years from expiration of existing lease in 1878, would be £50. This term would not be sufficient to warrant an expenditure to put the premises in permanent repair, or to induce the tenant to make any additional outlay in building. There would therefore be a necessity for a constant outlay in upholding the buildings already existing in a habitable state, which would of course lessen their value to an occupying tenant.

DUBLIN.
April 24, 1877.
Mr. John Norwood, LL.D

"The portion of the original holding lying on the south side of Gloucester-street, and extending along the east side of Peterson's-lane for a distance of ninety-eight feet, as shown on the map consists of a yard, with an old engine-house and shed. The buildings on this plot are also old. We consider the annual value of this portion, on a lease for seventy-five years from expiration of the present lease in 1878 to be £20, and the annual value for a term of thirty-one years to be £14. The term of thirty-one years in this case would also be insufficient to induce a tenant to make an outlay sufficient to put the existing buildings in a permanent state of repair, or to make any additional buildings.

"BRASSINGTON & GALE.

"11th November, 1875."

The following is a copy of the city architect's report :—

"40, Stephen's-Green, East,
"August 6th, 1876.

"GENTLEMEN,—Agreeable to your order of 17th ultimo, I communicated with Mr. Rochford, and at his request measured the buildings in his possession on City-quay, and in the lower yard in Peterson's-lane, and I have supplied him with estimates, in detail, of the cost of re-building same, which, I am of opinion, should be done, as the buildings are very old and infirm.

"The costs of the whole work will amount to a sum of £1,151 16*s.* 3*d.*

"I am, Gentlemen, your obedient servant,

"JOHN S. BUTLER."

"Your Committee now recommend the Council to accept Mr. Rochford's offer, and to approve of the memorial submitted, and direct the City Seal to be attached thereto, and forwarded to the Lords of the Treasury for their assent."

I will now state to you the order of Council upon that. The committee did not recommend a lease for thirty-one years, or a lease for seventy-five years, but they recommend that Mr. Rochford's offer, with his alternative (Mr. Rochford expressing his readiness to take either a thirty-one years or a seventy-five years' lease) be accepted.

64. That left it entirely to the Council to make their own selection between the two periods?—Yes. Well, on the 28th of December, 1876, the Council met and made the following order, on the report of the 16th of October, which I have read. It was moved and seconded—

"That this report be adopted, and that the memorial be forwarded to the Lords of the Treasury for their assent to a seventy-five years' lease."

Well, the statutable month having elapsed, and the usual notice having been posted up and published, the memorial was forwarded to the Lords of the Treasury, from whom we got a letter enclosing Mr. Morgan's letter. We received that letter upon the 6th of December. On the 8th of December, the Council held a meeting, and—

"The Town Clerk read a letter from the secretary of the Treasury submitting a letter from Francis Morgan, law and land agent of the Corporation, *in re* Rochford's holding. The letter was as follows:—

'Treasury Chambers, 5th of December, 1876.

'My LORD,—I am commanded by the Lords Commissioners of Her Majesty's Treasury to transmit to you herewith, for your information and guidance, with reference to the memorial dated the 16th of October last, copy of a letter from Mr. Francis Morgan, protesting against the proposed lease of corporate property to Mr. Rochford; and I am to request that my Lords may be favoured with the observations of the Town Council thereon.

'I am, my Lord, your obedient servant,

'WILLIAM LAW.'"

That letter was addressed to "The Lord Mayor of Dublin." Mr. Morgan's letter is as follows:—

"35, Dawson-street, Dublin, 28th November, 1876.

"To the LORDS COMMISSIONERS of HER MAJESTY'S TREASURY, Whitehall, London.

"MY LORDS,—I respectfully direct your attention to the Dublin *Freeman's Journal* newspaper of the 17th instant, containing Parliamentary notice for the Session of 1877, of 'Dublin Improvement Act Amendment Bill, 1877;' which notice describes a project (marked in red ink) for widening Peterson's-lane, from City-quay to Townsend-street, including the removal of buildings on ground forming part of the Corporation estate in the occupation of John Rochford and Son. I am to apprise you, that all that ground in the occupation of the Messrs. Rochford is portion of the estate of the Corporation of Dublin, known as their Ancient Revenue, and now held by Mr. John Rochford, a member of the Council, under lease. Ancient Revenue 101, made to Precious Clarke in 1780, to hold for ninety-nine years at £23 6*s.* 2*d.* present currency; such lease being now held by John Rochford, who has memorialed the Corporation for a new lease for seventy-five years, to commence from the expiration of the subsisting lease. I have already, as law and land agent of the Corporation, called the attention of the proper Committee to the prudence of reserving their rights over their ground in the event of the construction of a bridge or tunnel across the Liffey—due south of Peterson's-lane—a very desirable and probable public convenience. My notice was disregarded, and Mr. Rochford has lately procured a memorial to be presented by the Town Council for the assent of your Lordships to grant a new lease. I have, on the 25th instant, delivered a written notice to the town clerk, calling on him not to forward the memorial, and have also made a written report to the members of No. 3 Committee having charge of the said estate, advising them that the memorial for your Lordships' assent should be cancelled. My letter and report to Committee No. 3, have been disregarded, so I now as a ratepayer of the city of Dublin, object to the granting of a lease of seventy-five years to Mr. Rochford of ground which, when hereafter required for improvement, according to printed notice published on the 17th instant, should be repurchased at a very high price. Meantime,

"I have the honour to be, your obedient servant,

"FRANCIS MORGAN."

It was moved—"That this letter be referred to No. 3 Committee to report."

65. Can you give me Mr. Morgan's letter to the town clerk, and also his letter to the committee?—I can. I should explain with regard to that notice for the Dublin Improvement Bill, that I think that notice was being framed for lodgment according to the standing orders of Parliament.

66. Was there not a new street projected, and would not these premises have been in the line of the proposed street?—Yes. It would have gone down through Mr. Rochford's premises. However, that part of the Bill was subsequently withdrawn, and indeed the Bill has fallen through for the present. Then upon the reference to No. 3 Committee they made the following report; and forwarded the following draft reply to the letter of the Lords Commissioners of Her Majesty's Treasury, the Council having ordered on the 28th of December, 1876, that this letter be taken as read a first time, and that it be printed and circulated in the meantime amongst the members. The letter is as follows:—

"Town Clerk's Office, City Hall,
"Dublin, January, 1877.

"To WILLIAM LAW, Esq., Secretary to the Lords Commissioners of Her Majesty's Treasury.

"SIR,—I am directed by the Lord Mayor, Aldermen and Burgesses of the city of Dublin to acknowledge the receipt of your letter of the 5th of December inst., enclosing copy letter under date the 28th November, 1876, of Francis Morgan, esq., law agent to the Corporation, addressed to and requesting that their lordships may be favoured with the observations of the Town Council thereon.

"The memorial adopted by the Town Council at their meeting held on Monday, the 16th day of October last, and already forwarded to you by me on the 28th November last for consideration of their lordships, sufficiently sets forth the title and circumstances connected with the several holdings which Mr. Rochford's father and himself have for many years held under the Corporation, and wherein they have in succession carried on their business for the last forty-five years.

"Mr. Rochford's lease being within a few years of expiration, viz., 25th March, 1878, he applied by memorial so far back as 1869 to the Corporation for a new lease for seventy-five years, in order to enable him (he undertaking to do so) to rebuild the premises for the purposes of his trade, and to take a lease at a rent commensurate with the (present) value of the premises.

"Mr. Rochford renewed his application from time to time, but Committee No. 3, feeling doubtful as to their powers to grant leases under the circumstances, laid a case before the then Attorney-General (now Mr. Justice Barry), who was of opinion that until the Town Council should have obtained alteration of the 55th by-law (which has the force of statute, under the 3rd and 4th Vic., cap. 108), they could not legally grant to Mr. Rochford the lease he required. A copy of the case and opinion is herewith sent.

"As at this period many of the tenants of the Corporation were similarly circumstanced with Mr. Rochford, requiring renewals of their leases at the approaching expiration of same, for the purpose of extending and improving their respective business premises, the Corporation deemed it right to seek a modification of the 55th by-law to meet the exigencies of all such cases. The Council had, therefore, a modification of the by-law prepared, and after their sanction had been given to it, pursuant to the statute, submitted same for the approval of His Grace the then Lord Lieutenant of Ireland, who was graciously pleased to approve of same on the 7th day of March, 1876. (Copies of the old and amended by-law are herewith sent).

"Mr. Rochford renewed his application on the 13th of November, 1875. Mr. Morgan, law agent, laid before the Committee No. 3 the valuation made by Messrs. Brassington and Gale of the present annual value of the said holdings, and these gentlemen estimated the future rent fairly payable out of said holding to be £75, and

£20 for each lot respectively. Mr. Rochford agreed to expend a considerable sum, about £1,100, in rebuilding the premises.

"Committee No. 3 having finally considered Mr. Rochford's application, by an order (under date 2nd September, 1876), recommended the Council to accept his offer, and directed the recommendation, accompanied by the report of Brassington and Gale, and all other documents connected therewith, to be forwarded for the consideration of the Council.

"It is to be observed that Mr. Rochford was a tenant, holding under the Corporation for many years before he was elected a member of that body.

"The Committee No. 3, in dealing with Mr. Rochford's application, adopted identically the same course in all particulars as has been pursued in the case of every tenant of the Corporation who has applied under like circumstances for a renewal of his lease, under the provisions of the 55th by-law, as amended as aforesaid.

"The Town Council having had the application under consideration for some time, passed a resolution on the 16th day of October, 1876, 'that the said report of No. 3 Committee should be adopted, and that the memorial be forwarded to the Lords of the Treasury for their assent to a seventy-five years' lease.'

"Pursuant to the statute 3 and 4 Vic., cap. 108, it was necessary to retain the memorial in my office for one month, notice thereof being posted on the outer gate of the City Hall; this month expired on the 16th November, 1876; but before the engrossment was ready for transmission, Mr. Morgan, on the 21st day of November, 1876, served the notice referred to in his letter to their lordships. The committee declined to accede to Mr. Morgan's recommendation, inasmuch as there was no probability of the effectuation of such a project as the widening of Peterson's-lane, or the building of a tunnel or new bridge in connexion therewith, as the Port and Docks Board have in the last session of Parliament obtained an Act ('The Port and Docks Board Bridges Act, 1876,') authorizing the construction of a new bridge higher up the river, and in a different position from Peterson's-lane and Mr. Rochford's premises.

"This fact appears to the Council to justify the resolution of the Committee in declining to adopt Mr. Morgan's report.

"The Committee No. 3, on all occasions in which matters connected with this application came before them, considered the several reports with the utmost care and attention.

"I have the honour to remain, sir, your obedient servant,

"WILLIAM J. HENRY, Town Clerk."

67. When was that letter adopted by the Town Council?—On the 26th of January, 1877, and it was forwarded to the Lords of the Treasury as the reply of the Corporation.

68. When was it forwarded? Under what date?—It was directed to be forwarded on the 26th of January, 1877, and I take it it was forwarded immediately afterwards.

69. It is dated January, 1877, without any date being given—that is why I ask the question?—I perceive now that that is so. Then the next I find with regard to that holding is at a meeting of the Council, held on the 9th February, 1877. (Reads):—

"Letter read from Lords Commissioners of Her Majesty's Treasury, granting lease for seventy-five years, at a rent of £64 per annum, to Henry Rochford, esq., T.C., and proposal from Messrs. Monsell and Mitchell for portion of said premises."

The letter from my Lords is as follows:—

"Treasury Chambers, 6th February, 1877.

"MY LORD,—Adverting to the Town Clerk's letter of the 27th ultimo respecting the renewed lease of certain property proposed to be granted to Mr. Rochford, I am directed by the Lords Commissioners of Her Majesty's Treasury to signify to you their approval of the lease being granted to the above-named gentleman for a further term of seventy-five years from the day of expiration of his present lease, viz., 25th March, 1878, of the premises now occupied by him, and known as Nos. 35, 36, and 37, City-quay, Dublin, being portion of the corporate property, at an annual rent of £64, and on condition that the lessee expends a sum of not less than £1,155 in rebuilding said premises, in accordance with the city architect's plans, as stated in the memorial from the Corporation, dated 16th October last, and as recommended in the report from the Commissioner of Valuation for Ireland of the 18th ultimo."

70. Brassington and Gale's valuation recommended a thirty-one years' lease only, at £64. How came the Lords of the Treasury to approve of a lease at that, the lower rent, for the longer term?

Dr. *Norwood.*—That was after they had got a valuation from Mr. Ball Greene, Chief Commissioner of Valuation in Ireland; we did not know of that valuation. The letter concludes thus—

"The formal sanction of this board will be obtained by two of my Lords being made parties to the deed a draft of which must be forwarded to their solicitor at this office for perusal."

I suppose the fact was that the interest on the £1,155, or whatever was supposed to be the interest on an expenditure of the kind, was considered in the lease.

71. But Brassington and Gale proposed that he should pay £75 for one portion, and £20 for the other, upon a lease for seventy-five years, and that he should expend the £1,155 besides.

Dr. *Norwood.*—No. 3 Committee wish to lay everything before you, and this is the only case in which any question was ever raised about the matter. A letter, dated 8th February, 1877, was received from Messrs. Monsell and Mitchell. These were gentlemen who had been occupying portion of the premises, which you will see in the small schedule. I think it is the portion that Brassington and Gale valued at £20.

72. The whole that Rochford and Son hold is put down in the rental at a rent of only £23 6*s.* 2*d.*, and in the proposal of Messrs. Monsell and Mitchell for the part occupied by them in Peterson's-lane their rent is stated to be £23 6*s.* 2*d.* also. Therefore, I presume these people paid H. F. Rochford the full rent he paid to the Corporation?—That is what they say. Their letter is as follows:—

"73, Townsend-street, Dublin, 8th February, 1877.

"GENTLEMEN,—Referring to our former proposal (22nd January, 1877), to take a lease of the premises in Peterson's-lane, at a rent of £45 per annum, we have since learned that the stables and loft included in the said proposal, and not in our former tenancy, are not the property of the Corporation. We now beg to propose to take a lease for a term of seventy-five years, at a rent of £40 per annum, of the premises we occupied from 1868 to 1875, including the stables and loft, and we also undertake to expend the sum which your architect thinks necessary for improvements, taking into consideration the locality and the requirements of our business.

"We are, gentlemen, your obedient servants,

"MONSELL, MITCHELL & Co."

"Moved by Councillor Dennehy, seconded by Alderman Harris—'That the letters just read be referred to the committee of the whole house, with instructions to inform the Lords of Her Majesty's Treasury, that as the memorial with reference to the new lease proposed to be granted to Mr. Henry Rochford, transmitted to the Council, was accompanied by a report of Messrs. Brassington and Gale, in which the letting value of the said premises on a seventy-five years' lease, was stated to be £95 per annum, this Council would not be justified in leasing the said premises to any tenant at a less rent, and that said memorial did not affix £64 a year, or any other sum, as the value of the said premises, but merely prayed that their lordships would appoint a sworn valuator to fix a fair amount of annual rent, to be approved of by your memorialists, to be reserved as a standing rent in such new lease, and that the Lords of the Treasury suspend all further action in this matter until the decision of the Council be laid before them.' Question put, when amendment moved by Councillor Byrne, seconded by Councillor Dockrell—'That this letter be referred to Committee No. 3, to have the necessary lease executed, in pursuance of the by-law, at £95 per annum, the valuation of Brassington and Gale, as set forth in their report.' Question put on amendment, when the Lord Mayor ruled it out of order. Original question put, when the Lord Mayor declared it out of order also.

"Moved by Councillor Byrne, seconded by Alderman Gregg—'That these letters be referred to the committee of the whole house for consideration and report, the committee to sit to-morrow at half-past two, and that the press be invited to attend.' Question put and carried."

I may mention that up to the period when Monsell and Mitchell sent in their statement, Committee No. 3 had never heard of these gentlemen before as connected with the premises. On the 10th February, the committee of the whole house met, and I now read from the minutes—

"*In re* Rochford's holding. Moved by Councillor Byrne—'Councillor Rochford to get a lease of the premises from City-quay to South Gloucester-street for seventy-five years, at a rent and outlay to be fixed, by the city architect as to outlay, and by Brassington and Gale, as to rent, and that upon execution of the said lease, the lease now in existence shall be by him surrendered. The yard portion South of Gloucester-street to be then leased to Messrs. Monsell and Mitchell upon like terms and conditions.' Question put, when amendment moved by Councillor Dockrell—'That the committee adjourn to Saturday next, at half-past two o'clock, to receive any memorial Councillor Rochford may send in.' Question put on the amendment and division taken, when there appeared—for, 8; against, 13. Amendment declared lost. Original question put and carried."

73. That leaves the question of rent and outlay open in both cases?—It became necessary, Monsell and Mitchell having got a lease.

74. Is that communicated to the Lords of the Treasury in reply to their letter?—No; nothing more has been done that I remember, and so the matter remains.

75. So that there has been then no reply to the

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Lords of the Treasury?—Nothing was done, because Mr. Rochford served notice upon the Lord Mayor, on the part of the Corporation, stating that he would take steps to enforce specific performance of their agreement, or the agreement which he alleged as set forth in the memorial to the Lords of the Treasury.

76. Is that how the matter stands now?—Yes.

77. The Corporation would give no lease at £64, but would they at £95?—Yes.

"For seventy-five years, at a rent and outlay to be fixed, by the city architect as to outlay, and by Brassington and Gale as to rent, and upon the execution of the said lease, the one now in existence shall be by him surrendered."

78. Yes, that was the resolution passed, but you say nothing was done upon it because of Mr. Rochford serving notice to compel specific performance of the recommendation forwarded to the Lords of the Treasury, which, as sanctioned by them, he contends, would give him the whole at £64?—On the 31st March, 1877, committee No. 3 met.

79. Is Mr. Rochford a member of No. 3 Committee?—Yes. I read from the minutes of the committee:—

"Read notice of Henry Rochford, esq., in reference to his holding on City-quay, calling on the committee to grant him a lease within one week from the date of notice, pursuant to letter from Lords Commissioners of Her Majesty's Treasury—'Whereas the Lords Commissioners of Her Majesty's Treasury have signified their approval of a lease being granted to me for a further term of seventy-five years from the day of expiration of my present lease, viz., 25th March, 1878, of the premises now occupied by me, and known as Nos. 35, 36, and 37, City-quay, Dublin, at the yearly rent of £64, on condition that I should expend £1,155 in rebuilding said premises, in accordance with the city architect's plans, as stated in your memorial, dated 16th October, 1876. And whereas the arrangement so agreed on had been previously agreed to between you and me, subject to such approval, I hereby inform you that I am ready and willing to carry out said arrangement and agreement on my part, and to do all things that may be reasonably required by you for that purpose, and I hereby require you, within one week from receipt by you of this notice, to furnish to me or to my solicitor, Mr. John Lawless, of 6, Upper Ormond-quay, Dublin, a draft lease carrying out said arrangement and agreement, or in the event of your refusing or declining to carry out said arrangement and agreement to state that you will do so, and will not require me to furnish or tender to you for execution the engrossment of a lease, prepared in pursuance of the said arrangement and agreement before filing a bill to enforce specific performance of the same, as I am advised to do in the event aforesaid.'"

The order of No. 3 Committee upon that is, "Refer to law agent to report." The law agent has been ill ever since, and there the matter remains.

80. Has there been no communication with the Lords of the Treasury since you received that letter?—We sent the letter which I have read to you.

81. Since you wrote that they have said they would be prepared to sanction these two leases to Mr. Rochford at £64, and upon receiving that on the 9th February last, you also received this application from the sub-tenants, Messrs. Monsell and Mitchell, and you came to the resolution just read. Has no further communication taken place between you and the Treasury to let them know how matters stand now?—No, because we are awaiting the reply of Mr. Morgan.

82. You are placed in rather an embarrassing position. I suppose the recommendation to amend the by-laws emanated from No. 3 Committee in the first instance?—It emanated from No. 3 Committee, because Mr. Morgan for many years was anxious that the by-law of 1851 should be completely repealed. No. 3 Committee did not recommend that course, because the 55th by-law was a protection to the public and to the Corporation, and enabled them to deal fairly with all parties concerned, and they thought a modification, dealing only with the cases with which it now deals, was a fair way of dealing with the matter, and quite sufficient for the exigency of the case.

83. But, as a matter of fact, that emanated from No. 3 Committee?—Yes; and by the Council it was considered and modified in the same way, and sent to His Grace the Lord Lieutenant.

84. Were there any other gentlemen, interested in these leases falling in, upon that Committee?—There are, I think, only five members of the Corporation who hold corporate property; and, with one exception, they don't hold directly.

85. Then, they would be interested as occupying tenants?—There are only three who are interested in the 55th by-law. One of them is Alderman Manning, another is Councillor Rochford, and the third Alderman Harris. Alderman Harris, I may mention, holds in succession to his father, who occupied the premises which Alderman Harris now occupies for forty years, and long before he was a member of the Council. The late alderman was a member of the Council for two years, and the present alderman has only been a member since his father's death. Alderman Manning also was in occupation long before he became a member of the Council. It was the same way with Councillor Rochford. Councillor Dockrell, who now holds directly from the Corporation, came into possession of the premises by purchase, and before he was a member of the Council; and after the premises came into his possession the lease expired, and it was renewed upon revaluation also.

86. He then has had a direct renewal of it from the Corporation?—Yes.

87. Can you refer me to that holding on the rental?—Yes; it is 47 and 48, Lower Stephen-street.

88. He got a lease, I see, in 1872, for seventy-five years?—Yes. The original lease was to John Holmes.

89. There were two holdings, and they are both entered under one number (460). "To Thomas Dockrell, under lease for seventy-five years, at the rent of £20." I remarked this, when looking over the rental before coming into court, because it struck me as very peculiar. These two houses were let before upon a thirty-one years' lease, to John Holmes, one at £33, and the other at £31, and now the same two houses have been let to Mr. Dockrell for £20.

90. Alderman *Harris.*—The thirty-one years' lease was not a building lease. The houses may have been old and dilapidated; still the rent is very low.

91. Mr. *Curtin* (City Treasurer).—These houses were not set up to auction, as they were in a dilapidated condition, and it was almost impossible to get a bidder for them at all.

92. CHAIRMAN.—Was Mr. Dockrell a member of the Town Council in 1872?

Dr. *Norwood.*—He was.

93. And was he sub-tenant or assignee of these holdings?—Yes, he had been for some time; I may, I think, just as well include every case in which any members of the Town Council are mentioned.

94. You said there were five members who held corporate property. You have mentioned four. Who is the fifth?—Mr. Dolan. He is assignee of a lease of premises in Thomas-street, formerly held by Sir John Power. He is the mere assignee of the lease.

95. There was a lease I see granted to him in Michealmas, 1874, for twenty-eight years?—Not to him, sir, but to a man named Nowlan.

96. Then he is you say, merely the occupier under Nowlan, at £46 5*s.* 4*d.*?—And I observe I had already underlined the case for inquiry, seeing that the Poor Law valuation of the house is £80.

97. Mr. *Curtin.*—When the premises were originally let in 1791, the property was of very little value compared with what it is now. This valuation is not the valuation made in 1791, but very recently. The original lease has a clause for perpetual renewal, and Mr. Nowlan obtained a renewal, pursuant to the covenant therein, and although the premises may be valued at £80 the original rent must be preserved in the renewal.

98. But I observe that the lease is not to James Nowlan, but to Patrick Dolan?—I had better explain that commutation lease.

99. What I drew attention to is the renewal to the Town Councillor himself (lease produced by Dr. Norwood.) Was that lease made with the sanction of the Lords of the Treasury?—Yes; and it was changed from a lease for lives into a lease for years, and it was considered expedient to do so for this reason.

There being a number of leases for lives of persons at a distance, the Corporation found great difficulty in ascertaining the existence of some of the lives as the parties were in Australia, America, and elsewhere. They therefore determined to grant what were called commutation leases; that is to say, leases for a term of years, to be calculated by a sworn actuary, equal in value to the lease for subsisting lives for the youngest life in being. This lease to Mr. Dolan is in pursuance of that, and although the premises are valued at £80, the rent could not be increased as he is entitled to the benefit of the old lease. That is the explanation with regard to Mr. Dolan.

100. Are these then the only five members of the Corporation who are interested in corporate property, either as direct lessees, assignees, or sub-lessees?—There is another. Mr. Gavan who has the premises in Thomas-street also.

101. John Gavan?—Yes; he is the occupier under William Jones, who is tenant to the Corporation for ninety-nine years from 1805, so that the lease will not expire until 1904.

102. He is merely the occupying tenant, and the lease does not expire for nearly thirty years. Were not all these others directly or indirectly interested in that new by-law?—Mr. Dolan was not.

103. No, because he had got his lease granted before?—Mr. Dockrell was not, because he had got his lease before the amendment of the by-law. And I have sent for the minute-book of 1872, as to that point.

104. I should like to have some further explanation as to Mr. Dockrell's lease, because while Dolan's lease is a renewal on the old terms, Dockrell's lease is very peculiar for it is a renewal at less than half the rent of the premises before, and the lease is for a longer period. It is also at less than half the Poor Law valuation?—Mr. Dolan's lease could not be otherwise than on the old terms, as it was a commutation lease. With respect to Mr. Dockrell's the premises were in a state of ruin, and we felt that we should have a guarantee for his expending money on them, as they were in the middle of or immediately contiguous to his own property. I have now the minute-book of 1872, and in reference to Mr. Dockrell's holding, I will now read a minute of No. 3 Committee's proceedings, under date 27th April, 1872:—

"Ancient Revenue Nos. 335 and 368—Holmes' holdings, Nos. 47 and 48, Lower Stephen-street. The period of six months during which these holdings have been let subject to redemption will expire on 27th May next. As I do not expect them to be redeemed, I request that the city surveyor shall prepare a new map showing the present state of both holdings, in order that you may direct the mode for reletting, and that the city architect shall also examine them and report if they are capable of being repaired, and the probable outlay required to sustain them for thirty-one years, or if the ground should be relet for seventy-five years for rebuilding."

105. Who is that signed by?—Mr. Morgan, the law agent, and the order of the committee is, "adopt report." The next minute on the subject is on the 27th July, 1872, as follows:—

"Law agent's report.—Public lettings of Corporate property. Adverting to my report of the 4th instant, and pursuant to your committee's minute thereon, I caused the following lots of corporate property to be advertised. Dublin Corporation Estate—Lettings by public auction at the City Hall, Cork-hill, Dublin, on Saturday, 20th day of July, 1872, at twelve o'clock, noon. The three following portions of the Corporation estate will be set up to the highest bidding, subject to printed conditions and the approval of the Town Council, on lease for seventy-five years, from 25th March, 1872, with covenant to erect new buildings according to the outward plans to be approved of by Committee No. 3, on giving security for the value of the old materials to be used in rebuilding. Lot No. 1—The plot of ground with the old house known as No. 47, on the north side of Lower Stephen-street, containing about twenty-one feet in front and rere, and about ninety-three feet in depth, with right of passage to the rere through a gateway adjoining the house No. 49, Lower Stephen-street. Lot No. 2—The plot of ground with old house, known as No. 48, on the north side of Lower Stephen-street, containing in both front and rere about twenty feet, and in depth about eighty-three feet, with right of passage to the rere through same gateway. Lot No. 3—Plot of ground with old house, known as No. 57, on the south side of Fleet-street, containing in front about eighteen feet, and in depth about forty-four feet, &c. And same were accordingly set up for public letting on the 20th inst., in the presence of the Lord Mayor and two other members of your committee, on the printed conditions. The two lots Nos. 1 and 2 were separately set up, and Mr. William Burke, of Dominick-street, stucco plasterer, was the only bidder for them at the yearly rent of £12 each; and for lot No. 3, the plot of ground containing the old house No. 57, Fleet-street, Mr. John Hogan, of Winetavern-street, timber merchant, was the only bidder at the yearly rent of £5. I do not recommend any of these biddings to be reported for confirmation."

The house in Fleet-street was unroofed, and the Corporation having repaired it subsequently, relet it to a tenant. I take it that John Holmes or his representative must have been ejected from the houses in Stephen-street for non-payment of rent. Well, the next entry in reference to the subject is this—

"The ground 47 and 48, Lower Stephen-street—the late John Holmes' holdings, A R. 335 and 368—Mr. William Burke, who had on the 20th instant bid £12 a year each for both of these lots, called at my office on the 25th instant, accompanied by his solicitor, Mr. Colclough, and stated he would accept leases for each of these lots at £15 a year each, provided that Mr. Dockrell, T.C., who had occupied the stables in the rere as under-tenant of the late John Holmes, would accept a sub-lease of same portion from him, Mr. Burke, at £12 a year. Mr. Burke signed a letter to that effect, which I forwarded to Mr. Dockrell, who replied by letter declining that proposition. Mr. Burke has this day called at my office and proposed to take a lease of both lots at £15 a year each. He signed letters of proposal, and deposited £7 10*s.*, a quarter of the last year's rent—£30—for both lots. Mr. Burke has lately erected a well-built new cottage, in which he resides, in Upper Dominick-street. I believe him to be an industrious tradesman, and recommend his proposals to be reported to the Council for acceptance, as these lots have been twice set up to public auction. Order.—'Refer the whole matter of both these lettings, and all reports and lettings to the Council, with a recommendation that none of the biddings be accepted, and that the premises be again set up to be let by public auction.'"

This minute of No. 3 Committee, under date 27th July, says:—

"Read letter from Mr. Dockrell relative to the letting of 47 and 48, Stephen-street, and documents submitted by him. Also report of law agent relative to lettings held on the 20th instant."

"To the Members of No. 3 Committee.

"41, George's-street, Dublin, 26th July, 1872.

"Gentlemen,—Having received from Mr. Morgan the letter which I enclose, I called upon the Lord Mayor, who informed me that Mr. Morgan stated it was with my sanction and consent that the ground of the two houses, 47 and 48, Lower Stephen-street, were again put up to auction last Saturday. I deny most positively that I ever gave any such sanction or consent at any time to Mr. Morgan. On the contrary, when he called on me, and stated that as I was a member of the Council he was directed by the committee to put up these two lots again to public auction, and he hoped I would attend and bid, or send some one to bid for me, I positively refused, and I again repeated my refusal on his second visit, as I felt annoyed at being treated unhandsomely, and in a different manner from anyone else, as I thought having been declared the highest bidder, and having signed the agreement, and paid a deposit, I understood the matter would have been reported to the Council, by whose decision I was prepared to abide. I take exception to the course Mr. Morgan has thought proper to pursue in this matter, by making a statement to the committee he was not authorized by me to make. I will ask you kindly to investigate it, and will, if necessary, be prepared to support this statement in your presence, or in any other way you suggest.

"Yours faithfully,

"Thomas Dockrell.

"P.S.—I may also state, that previous to my attending the sale I asked the opinion of a competent person, to make up my mind as to the fair value of the ground (considering that it will require an outlay of nearly £1,000), which sum I bid."

106. That refers to another auction. The first auction which you read about was evidently subsequent to that one to which Mr. Dockrell refers?—Evidently. Now here is Mr. Burke's letter, and Mr. Morgan's letter. The latter is as follows:—

"City Law Agent's Office, 35, Dawson-street, Dublin, 25th July, 1872.

"Thomas Dockrell, Esq., T.C.

"Dear Sir,—Mr. William Burke, who on Saturday last, 20th instant, bid £12 a year each for the above holdings, including the portion occupied in part as your stables, has just called here with his solicitor, Mr. Colclough, and written the enclosed letter, which please read and return to me this day with a few lines stating whether you will accept a sub-lease of your portion from Mr. Burke, or take a lease of both lots from the Corporation for seventy-five years, at £15 a year each.

"In the meantime, I am, dear sir, yours very truly,

"Francis Morgan.

"I also enclose with this, for your inspection, the map as prepared from a recent survey."

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"City Law Agent's Office, 35, Dawson-street,
25th July, 1872.

"SIR,—I hereby propose to become tenant to the Corporation of Dublin for numbers 47 and 48, Lower Stephen-street, at a rent of £15 a year each, for a term of seventy-five years less six months.

"WILLIAM BURKE, Temple-cottage,
"Upper Dominick-street, Dublin.

Francis Morgan, Esq., Law Agent, Dublin Corporation."

107. Mr. Dockrell declined to accede to that proposition?—Yes. He wrote the letter of the 26th July, which I have read; and writing again on the 27th he says:—

"41, South Great George's-street,
"Dublin, 27th July, 1872.

"TO THE MEMBERS OF NO. 3 COMMITTEE.

"GENTLEMEN,—In writing to you yesterday I was not aware that Mr. James Booth became tenant to the Corporation in 1848, for the ground on which the house No. 50, Lower Stephen-street stood, at a rent of £10 a year, which is allowed to have the same privilege of right of passage through the lane as those which I bid for, at the same rent, £10 a year each, although property in that street has depreciated in value fully twenty per cent. since 1848.

"Yours faithfully,
"THOMAS DOCKRELL."

There is a further report from the law agent under date 3rd August, 1872, as follows:—

"Ancient Revenue 335 and 368—Late Holmes's holding—47 and 48, Lower Stephen-street.

"Adverting to my report of the 27th ult., and to the committee's minute thereon of the same date, I have further to report that I had by letter of the 29th ult. apprised Mr. Thomas Dockrell, T.C., of the substance of your committee's minute of the 27th ultimo, and returned to Mr. Dockrell his written forms of agreement, dated 29th June last, and his cheque in favour of the city treasurer for £5 deposit, one-fourth of his biddings of £10, made on the latter date for both the above lots of ground on building leases for seventy-five years. The two forms of agreement and cheque have been sent back to me, with a letter from Messrs. Molloy and Watson as solicitors for Mr. Dockrell, herewith submitted, stating that Mr. Dockrell will reserve to himself the right to act as he may be advised. I have also apprised Mr. William Burke, who had bid £12 per year for each of said lots at the auction, and subsequently proposed £15 a year for each, of your committee's decision of the 27th ult. Mr. Burke called at my office yesterday, and signed a receipt for his deposit money £7 10*s.*, which I have returned to him at his own request. I have further to report that on the 2nd inst. I attended to inspect the above holdings, accompanied by Mr. John Glyn, clerk of Corporation works, with a view to ascertain whether of the two front houses Nos. 47 and 48, Lower Stephen-street should be taken down, and their materials piled at the expense of the Corporation previous to the ground being again advertised for reletting on building leases, or whether the old materials would repay the expense of removal. Mr. Glyn upon that occasion stated to me his opinion that the judicious expenditure of about £300 on permanent outside repairs on the front of both houses, including new dry slating of each would render them sufficiently staunch to be let on lease for thirty-one years. I have, therefore, since conferred with Mr. J. S. Butler, city architect, who concurs with Mr. Glyn in opinion generally as to the extent and efficacy of such outside repairs, namely, that No. 47 being in better order, that No. 48 will cost £100, and No. 48 being more dilapidated will cost £200. I have no doubt that if put in repair No. 47 would relet at from £30 to £36, and No. 48, do. do., at from £28 to £32, and that the stables at the rere as late in the occupation of Mr. Dockrell as under-tenant of the late John Holmes, would relet separately at from £10 to £12 a year on lease for thirty-one years. According to the opinion of the Right Hon. Abraham Brewster obtained in 1862, the Corporation can with the consent of the Council legally apply the borough fund in repairing and sustaining tenements similar to the above coming into their actual possession upon the termination or eviction of leases."

108. Mr. Morgan's report is therefore to the effect that these premises would, by the expenditure upon them of £300, relet for from £70 to £80 a year for thirty-one years?—Yes. Mr. Morgan continues—

"I therefore advise the exercise of that power by your committee directing the city architect to furnish specifications of the outside repairs necessary to sustain each of the two front houses Nos. 47 and 48, Lower Stephen-street for thirty-one years, and also to state the probable expense of such repairs, and that same be made with the sanction of the Council by contract after public advertisement; or with greater certainty or celerity under the direction of the clerk of works; and that your committee may fix such sum—not less than £10 per year—for reletting the two stables in the rere of Nos. 47 and 48, as lately in the occupation of Mr. Dockrell in case he shall propose to accept a lease of same for thirty-one years from 25th March last, rent to commence from the 1st June last. Mr. Dockrell's tenancy (being for six months pending redemption) having expired on the 27th May last, since which he has remained in charge as caretaker for the Corporation. But if your committee shall not recommend the houses to be repaired and relet for thirty-one years, I adhere to the opinion expressed in my report of the 6th June, last that the ground comprised in each of the above lots is worth £15 a year each on building lease for seventy-five years, with the rights of passage.

"NOTE.—Mr. Dockrell has constructed a strong gate, fastened on the inside across the common laneway under the house 49, Lower Stephen-street at a distance of about sixty-three feet from the front or flagway, and so enclosed the southern portion of the laneway and passage to the rere of the houses 47 and 48. If Mr. Dockrell shall not become tenant to the Corporation, that gate must be removed thirty feet southward, or a constant passage given through it. '*Order*—Report read.'"

109. It stood thus then—Mr. Dockrell had bid £20 a year on a preceding occasion for the two houses—then Mr. Burke bid £24 at the second auction, and he subsequently offered £30?—Quite so. In his report of the 4th July, Mr. Morgan says—

"I have to report that the following lots of Corporation property advertised to be let by auction on Saturday the 29th June, were put up on that day to public competition in the presence of the Lord Mayor and several members of your committee—Lot 1, No. 47, Lower Stephen-street. Lot 2, No. 48 same street."

He adds—

"Mr. Thomas Dockrell, T.C., was the only bidder for lots 1 and 2, for which he offered £10 a year each. There was no bidder for lot 3 (Fleet-street house). I don't recommend the bidding for lots 1 and 2 to be reported for confirmation without being again advertised for public auction and for this reason—Having regard to the frontage, and the depth, and the right of passage of lots 1 and 2, I believe each of them worth at least £15 a year. Mr. Dockrell, the only bidder being a member of the Council, I think it better to test their value by another auction, and I feel bound to report that since the auction Mr. Dockrell has expressed to me his perfect willingness to have these lots set up once more without the least possible delay. As there was no bidding for lot No. 3 that too will be advertised. I therefore request your committee to fix a day for another letting by auction."

110. Well, we have had it from you that the committee ordered another letting, and at the second auction Mr. Burke—the only bidder—offered £12 a year for each. He subsequently, it appears, went to Mr. Morgan's office, and offered to give £15 a year each, provided Mr. Dockrell accepted a lease of the stables, which he had held, at £12 a year. Then, again, when Mr. Dockrell declines, he says he will give the £15 even without that, but Mr. Morgan recommends the expenditure of £300 on the premises, which, he says, would then let for £70 or £80 a year. Now we have the history of the transaction up to that time.

111. Let us hear shortly what next occurred?

Mr. *Norwood.*—Under date the 7th September, 1872, the following report from Mr. Morgan appears in the minute-book—

"Lettings—Stephen-street. I have received notification from the town clerk that upon Monday last the 2nd inst., the Town Council made an order to grant a lease to Mr. Thomas Dockrell of two lots of ground—late John Holmes' holding—47 and 48, Lower Stephen-street. A. R., 335 and 368, for seventy-five years for building at a rent of £10 each lot. I request that I may be at liberty to submit a draft case to counsel, on behalf of the Corporation, to find whether a valid lease can be granted by the Council and accepted by Mr. Dockrell, he being a member of the Council. '*Order.*—Adopt report, Solicitor-General to be consulted.'"

112. Let me have that minute of the Council's proceedings on the 2nd September, 1872. Mr. *Norwood.*—Here it is.

"Read report from committee No. 3 *in re* the lettings of the premises Nos. 47 and 48, Lower Stephen-street. 'Your committee beg to report that on the 29th June your committee, pursuant to advertisement, held a letting of corporate property by public competition. Amongst others the old houses Nos. 47 and 48, Lower Stephen-street, were advertised to be let on lease for seventy-five years from 25th March, 1872, with covenant to erect new buildings, according to outward plan, on giving security for the value of the old materials to be used in rebuilding. Your committee met in the Council Chamber, City Hall, and Mr. Dockrell bid a rent of £10 a year for each lot. Your committee finally declared him the highest bidder, and directed the offer to be reported to the Council. On the following Saturday, 6th July, your law agent reported as follows—

Then follows the recital of the whole proceedings you already have.

"Your committee having considered these documents, passed the following resolution, referring the whole matter, both of these letters and the re-letting to the Council, with a recommendation that none of the offers be accepted, and that the premises be again set up for letting by public auction. 'Moved by Councillor Byrne, seconded by Councillor Dennehy, that the letting of these premises, made on the 29th June, to Mr. Dockrell, at £10 a year each, be confirmed by the Council.' Question put and carried."

113. What? Was there no discussion?

Mr. *Norwood.*—There might have been an hour's discussion.

114. Mr. *Dennehy,* T.C.—It should be mentioned that Mr. Dockrell had to lay out £1,600 on building on these lettings, and that would make the rent higher than it would seem at first. Mr. Dockrell erected some fine buildings there, and these are a great improvement to the locality, which wanted it very much.

115. Mr. *Norwood.*—The Council having, on September 2nd, 1872, accepted Mr. Dockrell's proposal, it came before committee No. 3 on September 14th, 1872, and Mr. Morgan then reports minutely on the whole matter. He refers the report to Mr. Dockrell, the plans to be submitted to the city architect for approval, and on his reporting favourably, Mr. Morgan to give possession on Monday. Mr. Morgan adds :—

"Since my report of the 7th instant, the Town Council have constantly called my attention to the 5th and 6th Vic., cap. 104, not included in my collection, which, by sections 1 and 7, removes all doubt, and declares a lease does not come within the meaning of the extract. I have, therefore, avoided the expense of sending case, as directed on the 7th instant, for the opinion of the Solicitor-General on that question."

And on the order of the Committee we adopted the report, and that appears to have concluded Mr. Dockrell's business.

116. CHAIRMAN.—Even if they objected to let to Mr. Burke at £15 for each house, no notice appears to have been taken of the other suggestion that the Corporation might lay out £300 on the premises and receive £75 a year rent?—There seems to be an objection on the part of No. 3 Committee to undertake works of rebuilding of that character.

117. It would be satisfactory we should have on our notes any explanation the members of the Council can offer on these facts, for at present they stand thus :—First of all, these premises were put up to auction, when Mr. Dockrell, holding certain stables which formed a portion of the premises, bids £10 a-year each for these two houses—47 and 48. His offer, on Mr. Morgan's report, was not accepted by the Corporation—Mr. Morgan at the same time informing the Corporation he was willing they should be put up to auction again. There seems to have been a misunderstanding between Mr. Dockrell and Mr. Morgan on this point, and Mr. Dockrell seems to have thought himself ill-treated in having the premises put up to auction a second time. Mr. Burke was the highest bidder at this second auction at £12 a-year, and Mr. Morgan again advising that this should not be accepted, Mr. Burke came again to him and said, "I will give you £15, as you will not take the £12 I bid, provided Mr. Dockrell pays £12 for the stables." Mr. Dockrell declined to have anything to do with them, upon which Mr. Burke offered the £15 a year for each lot without further stipulation. Then Mr. Morgan, for the first time recommended that offer be accepted. Subsequently Mr. Morgan goes into the question with the city architect as to what outlay on the premises would be required to put them into tenantable condition. He reports the result of that to the Corporation, which is to the effect that if £200 were laid out on one house and £100 on another, they will probably fetch at least £70 a year; and he recommends the Corporation to adopt that course, or failing that to accept Mr. Burke's offer of £15 each for the two. The matter is referred to the Council, the go-by given to both these recommendations of Mr. Morgan without any explanation, and Mr. Dockrell's offer of £10 a year each is accepted without note or comment or reason assigned. Therefore, I think it would be advisable for any member of the Corporation who can do so, to throw light on this. Perhaps either Mr. Dockrell may be able to do so himself, or Mr. Dennehy on his behalf.

118. Mr. *Dennehy.*—You see there is a difficulty in dealing with the question; because, in the first place, whilst the Corporation has a discretion with respect to the disposition of property, they may not wish to state what the reason may have been that would influence them. We all know in our own private arrangements we might select one in preference to another, and there may have been reasons why the Corporation in their discretion selected Mr. Dockrell, whom they knew to be a man of wealth and position in the city, in preference to a gentleman of whom they knew nothing. And then again the Corporation, or No. 3 Committee that have charge of the property, have always objected for very valid reasons to make any outlay on the property they could avoid, for it is very questionable if such outlay might not be illegal. I know of no law or by-law that authorizes such. Under the 3rd and 4th Victoria, the Corporation can dispose of property in two ways :—First, on leases of thirty-one years on houses; and second, on building leases for seventy-five years. They have in my long experience usually, when they found premises in a state of dilapidation and decay, set them on a building lease, with the view of the party building upon them; or they have put them up for letting at a low rent, being satisfied to take a low rent, provided the party would make a large outlay on the premises—a substantial improvement of the premises. But they have avoided, in all cases, letting their property to a party who might promise to make an outlay and who, after he had absolutely got possession of the property would not do so. In my experience it has frequently occurred that they have made a letting of houses in so bad a state to a party, that they had no security or guarantee, or anything beyond his signing the lease and binding himself to make a certain outlay on the premises. They have afterwards had to take back those concerns, and lose of course for the time the property had been in occupation; and hence it is that in the exercise of their discretion they have invariably given a preference to a tenant that they had a perfect knowledge was a solvent one, particularly as under the by-law, although it was imperative on the Corporation to put up the premises for letting by auction, they were not bound without consideration and investigation to accept the highest offer; and where the premises are put up a second time for letting and where the tenant has not been accepted, the discretion is given by the by-law to the council or its committee to make a suitable arrangement. In this case, in my mind, the question is confined to this one issue—was the setting to a man of the position of Mr. Dockrell, a wealthy citizen, who was ready to make an outlay of nearly £2,000 on the premises and who did it, a proper setting?

119. CHAIRMAN.—There was no guarantee in his bond to lay out such a sum.

120. Mr. *Curtin.*—There was no guarantee in his bond to do it. £400 was all the money to be laid out, but it was incontrovertibly the best arrangement that could be made.

Mr. *John Byrne* (a member of the Council), having arisen to speak——

121. CHAIRMAN.—Are you the gentleman who proposed this lease to Mr. Dockrell?

Mr. *Byrne.*—Perhaps I did. The premises have been set up for auction on two separate occasions. On the first occasion Mr. Dockrell was the only bidder; on the next occasion Mr. Burke was the only bidder. I made some inquiries about Mr. Burke. I found he had taken a piece of ground in Dorset-street, and I found he had put on it a wooden house; and I did not think that was the house we wanted in Stephen-street, and I thought that Mr. Dockrell was a better man and I voted for him.

122. CHAIRMAN.—That is then, I suppose, the explanation which you and Mr. Dennehy wish to offer for the preference given to Mr. Dockrell at the lower rent. Now, Mr. Norwood, will you kindly proceed?

123. *Witness.*—Then the only remaining member who held under the Corporation is Mr. Dennehy himself, and he holds premises, at £9 7*s.* 8*d.*, under a lease made in 1741 for lives renewable for ever. Mr. Dennehy holds that in right of his wife, and I do not think there can be any corruption alleged in that case.

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I have got here a schedule of all the lettings of corporate property since the present Corporation came into being. Mr. M'Evoy has called my attention to a letting in 1844 in Kennedy's-lane, and of that I could speak of my own knowledge. Luke Butler is the lessee—that gentleman is dead many years; Henshaw and Company are the occupiers. A lease was made in 1844 for thirty-one years, expiring in 1875, at £20 a year, and the valuation is £24.

124. Mr. *M'Evoy.*—Now?

Witness.—Now, the same as in 1844.

125. CHAIRMAN.—It was not let on a building lease, and there is no reason to assume the valuation increased in amount. How is it that, the lease having expired in 1875, there appears to have been no fresh letting?

126. Mr. LAWLESS.—Were Henshaw and Company sub-tenants to Butler?—They were sub-tenants to Butler.

127. CHAIRMAN.—When that lease of 1844 was granted, was Luke Butler a member of the Corporation?—I think so.

128. Mr. *Byrne.*—He was an alderman.

129. Mr. LAWLESS.—Do you know, Mr. Byrne, had he been in occupation of those premises before 1844?—No; my recollection does not carry me so far as that.

130. CHAIRMAN.—What we want to find out is what was done with these premises at the expiration of Butler's lease in 1875?

Witness.—They were let to Henshaw and Company at the auction. I have got here—

"Letting by auction pursuant to advertisement."

(I read from the minute-book of Committee No. 3, under date 30th December, 1875.)

"The Committee attended in the Council Chamber at one o'clock, and put up the following lots:—No 1; building known as 16, Kennedy's-lane, on lease for seventy-five years—tenant to build new house four stories high, at cost of not less than £500, in twelve months. Bidder, Alfred Henshaw—£10, &c. Order: Declare Mr. Henshaw, the highest bidder, tenant at £10."

That letting must have been reported to the Council afterwards; and has, I take it, been confirmed by the Council.

131. Mr. LAWLESS.—Has the lease been made?—It is not executed yet. In 1844, Messrs. Brian Murphy and Son were in occupation of Kennedy's-lane.

132. So that at the time of the lease of 1874, you may say, Mr. Butler was in occupation?—He was in partnership with Mr. Murphy. He was in occupation on the 1st January, 1844, as a partner of Mr. Brian Murphy, as ironmonger and hardware merchant.

133. Mr. *Dockrell.*—I understand there have been inquiries in connexion with two lots of ground I took from the Corporation. If there is any further explanation you require, I am quite prepared to give you evidence. I am quite prepared to satisfy you the transaction was *bona fide*. I have expended £2,000; the houses were in a tottering state—falling down. There was an auction here. I bid along with others. I was declared the highest bidder. Mr. Morgan got me to sign an agreement that I would take out the lease and pay the year's rent in advance, and I did so; and to my very great surprise subsequently, Mr. Morgan thought of calling a second auction.

134. CHAIRMAN.—We had all that, Mr. Dockrell, but as you are now here, I should like to know whether at the time your bid was accepted at the auction by the Corporation, there was any undertaking given by you to the Corporation to lay out £2,000 on the premises?

Mr. *Dockrell.*—My impression is, I was bound to lay out money. I am quite satisfied of it; but I can satisfy you I have laid out £2,000 on the premises.

135. The question is:—Why did the Town Council grant you a lease of the two lots at £20 a year, when they had previously refused another man at a rent of £30 a year?

136. Mr. *Byrne* (to Mr. *Dockrell*).—Did you not submit your architect's plans to the city architect?—Yes.

137. Mr. *Norwood.*—And here I have an abstract of Mr. Dockrell's lease. The conditions of the lease to Mr. Dockrell in 1872 were these:—

"That he should within two years take down the old buildings erected on said premises, and in their place erect some building or dwelling-house, so as to make same worth double the annual rent, under penalty, in the event of such buildings not being erected, of double the rent being put on said premises."

He was to pay £40 a year instead of £20, if he did not put up premises which in the opinion of the city architect would double the value of the premises; and he was to insure the building for £400.

138. CHAIRMAN.—That is not equivalent to an outlay of £2,000, but we may take it as a matter of fact that Mr. Dockrell, as he has stated, has laid out £2,000.

Mr. *Dockrell.*—I can satisfy you with documents if necessary.

139. CHAIRMAN.—Now, here is another lease I should like explained. (Reads from rental.)

"Christian Brothers' Schools, St. Mary's-place. W. H. Bairdwood, Lessee. Lease for 999 years, at £20 a year, dating from 1852"?

Mr. *Norwood.*—That appears to be a lease dated 27th May, 1853—a year's rent in advance, to be paid by Bairdwood. (Reads from Lease).

"To hold from 29th September last, 1852, until the termination of 999 years; yearly rent of £20; tenant to erect new buildings on said premises worth at least £400, under penalty of double rent, to be computed from 29th September last; insurance to be effected, &c., against fire in sum of £400."

140. There is no recital of its being a charity school; there is no inducement of that sort set up for granting a lease for 999 years. Can you get me the Poor Law valuation of that, for it is omitted from the rental?

Mr. *Byrne.*—It is only a plot of ground.

141. Do you think the schools were on it at that time?—Mr. *Byrne.*—No, the schools were built since. It was a piece of waste building-ground. My notion is that £20 a year was the full value of it as building-ground.

142. It is the valuation, not the supposed value, I want to know. *Witness.*—It could only be done of course by leave of the Lords of the Treasury.

143. Mr. *Dennehy.*—I might mention to you, Mr. Chairman, that the arrangement with reference to the schools was in strict accordance with the law; for, whilst the Corporation are confined to twenty-one years' leases for houses, and seventy-five years for building-leases, they have under the 141st section, the right in case of application from a party for the erection of a school, or the erection of any religious house, to apply to the Lords of the Treasury to give a larger lease—and they have done so in this case. The application was made to the Lords of the Treasury stating this was for a free school intended for the education of poor children.

144. CHAIRMAN.—Can you show me that? What struck me was, that in the lease there was no recital of its being for a charity school?—*Witness* (having referred to *Thom's Official Almanac and Directory* for 1856).—The buildings are not valued, being a charitable institution.

145. Now, there is a letting, I see, 15, Blackhall-street, in 1868, for thirty-one years to the executors of M. Cassidy, at £20 a year, for which the Poor Law valuation is £26. We know, as a matter of fact, that Griffith's is considerably below the letting value; and yet this was let so recently as 1868, at a lease for thirty-one years, at £6 below the valuation. Was that put up to auction?—Mr. *Curtin.*—That must be a mistake of the compiler's or the printer.

146. I want to know if it was let by auction?—*Witness.*—Oh, that I cannot tell you off-hand.

147. Mr. *Dennehy.*—It is not to be taken as a general principle that the letting value of houses in certain parts of Dublin is at all equal to the Poor Law valuation. In many of the inferior streets the letting value is less than the valuation. We had a case the other day, in Bridge-street, in which the party in occupation

was anxious to get a renewal of his lease, and the valuation was £18, and he would not give more than £14 for it. In the east end, north-west, and south-west of the city, the actual valuation is less than the Poor Law valuation.

148. Mr. *Byrne.*—That very rarely happens.

149. *Witness.*—I find these premises in Blackhall-street were let by public auction to Matthew Cassidy during his lifetime. He died; and his widow, as executrix, not having got the lease in 1868, got it in 1870, at the same rent he had bid by auction.

150. CHAIRMAN.—I see that certain offices called the "seed offices" have been re-let in 1870, 1874, and 1876 at less rent than was paid for them under the previous lease of 1865?—Mr. *Curtin.*—These are not let on lease at all; they are let quarterly. Tenants had taken them in the first instance and held them for about twelve months, and not having found them of use to them they surrendered their tenancies. They then remained in the hands of the Corporation, the greater number of them for some time; and as soon as committee No. 2, who have charge of the markets, could get a low rent they accepted it, sooner than leave them idle, no other party coming into competition. These offices changed hands repeatedly since 1865. In point of fact, at the present moment some are unoccupied; because, as I said before, the parties who took them said they were of no material use after a time.

151. On the same page I find a letting—Ancient revenue, 455; No. 11, Queen-street. Peter Byrne seems to have got a lease there in March, 1870, for twenty-one years, at £25 a year; whereas, as far as I can make out, it was formerly £30 a year. I suppose the former tenant, Margaret Magee, surrendered her lease. Can you state of your own knowledge whether it was let by public auction?—*Witness.*—Well, that is the decided impression on my mind. There is a letting on the preceding page, in 1862, for thirty-one years, of 4, Blackhall-street.

152. Yes; to Patrick O'Driscoll. That was let in March, 1868, for thirty-one years, at the yearly rent of £30 10*s.* It appears to have been let when this rental was printed to Richard Joseph Devitt?—He was an alderman of the Corporation; that is why I called attention to it. (Reads.)

"Indenture made 19th March, 1869, between the Mayor and Aldermen of Dublin and Patrick O'Driscoll."

He was tenant to Devitt. Devitt died, and then, I suppose, the occupier surrendered the premises. There was a lease made in 1863 to Mr. Devitt.

153. CHAIRMAN.—Mr. Devitt being an alderman?—He was not an alderman until afterwards. (Reads.)—

"Indenture made on 10th December, 1863, to Mr. R. J. Devitt, of Cope-street."

And it appears he was a Town Councillor at that time.

154. Mr. *Byrne.*—He was; and he was the highest bidder at the auction.

155. CHAIRMAN.—Yes; but at £35 a year.

Witness.—Yes, the valuation being £26. Then it appears that Mr. Devitt died; and then on 19th of March, 1869, a lease of the same premises was made to Mr. P. O'Driscoll, of No. 4, Blackhall-street, for thirty-one years, at rent of "£30 10*s.* in each year, except the last year of the term for which no rent is to be paid"; and there was insurance against fire for £350.

156. Can you tell me how it came to be let at a reduced rent to Patrick O'Driscoll? Was it let by auction?—I think, if I remember rightly, it was by auction. If I mistake not I was present at the auction to O'Driscoll in 1869.

157. Mr. LAWLESS.—Had he been carrying on business there?—Yes.

158. Mr. *Curtin.*—In 1867, Peter O'Driscoll was tenant to R. J. Devitt.

159. Mr. LAWLESS (to *Witness*).—Do you know what rent O'Driscoll paid to Devitt first?—No. The Poor Law valuation was £26.

160. CHAIRMAN.—Again I see (page 15)—

"School-house-lane; Ancient Revenue, 454; lease for seventy-five years, granted in March, 1869 to Michael Derham, at rent of £3 5*s.*, the previous rental having been £6 0*s.* 10*d.*"?

These must be the schools: Derham was the parish clerk.

161. Mr. *Curtin.*—It was for a long time unoccupied and unproductive, and Derham got it on the condition that he intended it for the purpose of building on it; and he never fulfilled the conditions of his lease—in fact he is out of the country. The matter was in the hands of the law-agent for some time.

162. CHAIRMAN (to *witness*).—I want to know the circumstances under which it was let to Derham at a rent so much lower than the rent before.

Witness.—I can only say I find the premises were let by auction at £3 5*s.*

163. You were going to tell us, a short time ago, of certain other proposals, under your amended by-law, which have been recommended for sanction to the Treasury, and of which, I believe, some have been approved. Will you now do so?—Here is one—25 Suffolk-street. Here is a report from No. 3 Committee:—

"Your Committee beg leave to report that they have had before them the proposal of Messrs. Callinan and Son, for a new lease of their holding, 25, Suffolk-street, for seventy-five years from 25th March, 1879."

164. What was the rent they were then paying?

Mr. *Byrne.*—£17 14*s.* 11*d.*

165. *Witness.*—The premises had been valued by Messrs. Brassington and Gale, who reported as follows:—

"We have inspected the premises, No. 25. Suffolk-street, in the occupation of Messrs. Callinan and Son, and have to report the front house in very bad order, requiring to be taken down and rebuilt. The premises are commodious, and in a rising situation, being in the vicinity of the best portion of Grafton-street. Taking all circumstances into consideration, we are of opinion that an annual rent of £110 would be fair and reasonable to a tenant who would take down the present front dwelling-house and rebuild a concern suited to the requirements of his business, and the situation of the premises. Should it be determined to retire the street a few feet from the present front, a moderate deduction should be made from the valuation we have set down.

"BRASSINGTON and GALE.

"21st September, 1874."

Here is their proposal, and here is the memorial (reads)—

"The memorial of the Right Honourable the Lord Mayor, Aldermen, and Burgesses of Dublin (the Municipal Corporation of the city of Dublin), in Council assembled, on the, &c., 1876, humbly showeth—That by lease A. R., 151, the Right Honourable the Lord Mayor, sheriffs, commons, and citizens of the city of Dublin (the Municipal Corporation of the city of Dublin), as instituted in the year 1780, granted to Elms Healy a piece of ground situate on the south side of Suffolk-street in said city, comprising the dwelling-house and concerns now known as No. 25, Suffolk-street, in the parish of St. Andrew, and city of Dublin. To hold from the 25th day of March, 1780, for the term of ninety-nine years, at and subject to the yearly rent, receiver's fees, and money in lieu of capons, equal to £17 14*s.* 11*d.* present currency, as by a copy of said lease with map of said ground annexed, to which your memorialists respectfully will appear. That under the provisions of the Act 3rd and 4th Vic., cap. 108, sec. 12, all the rights and estate theretofore vested in the Dublin Municipal Corporation, as previously constituted, became vested in your memorialists. That Messrs. Thomas Callinan and James Callinan, trading under the name and firm of Callinan and Son, china and glass merchants, have, for many years past, occupied said house No. 25, Suffolk-street, in carrying on their said trade therein, and that said Callinan and Son are now entitled to hold said premises until the expiration of said lease of 25th March, 1879. That said dwelling-house and premises are now very old and require to be rebuilt. That said Messrs. Callinan and Son have laid before your memorialists a proposal bearing date 28th September, 1876, signed by Messrs. Brassington and Gale, of the city of Dublin, valuators, having great experience of property in Ireland, and who have certified, in writing, their opinion of the value of the said ground in Suffolk-street, known as A.R., 151, as fairly worth the annual rent of £110, upon lease for seventy-five years from 25th March, 1879, subject to erection of suitable new building thereon. That said Messrs. Callinan and Son have also procured from Mr. John S. Butler, architect to your memorialists, a plan of the outward elevation and dimensions of a new house suitable to the situation at a cost of £1,609, and said Callinan and Son have also laid before your memorialists their proposal to erect a new house according to said plan and in consideration of your memorialists granting them a lease of said ground for seventy-five years from March, 1879, at the said yearly rent of £110 sterling. That your memorialists have approved said plan, and of said amount of new lease of said ground

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to said Callinan and Son for seventy-five years from expiration of the present lease, 25th March, 1879. Your memorialists, therefore, pray your Lordship's assent to the grant of such new lease, or that your Lordship will immediately appoint a competent sworn valuator to fix the proper rent to be reserved in such new lease, and in all similar cases of new lettings by your memorialists of holdings or leases within five years of expiration.

"And your memorialists will ever pray."

Then they give the valuation, and they give Messrs. Callinan and Son's proposal which is in the form specified in the memorial, and with the undertaking to pay the rent and erect the buildings. An order was then received by the town clerk to have the city seal affixed to this and a similar memorial, and to transmit them to the Treasury. Accordingly that was done, and the memorials were transmitted; and at adjourned meeting of Council a letter was read from the Lords Commissioners of Her Majesty's Treasury sanctioning granting of leases to Mr. John Campbell of Trinity-street, and Messrs. Callinan and Son of Suffolk-street. The letter was as follows :—

"Treasury Chambers, 23rd January, 1877.

"MY LORD,—Adverting to the letter addressed to you from this department on the 12th ult., relative to the proposals contained in two memorials from the Corporation of Dublin, dated 16th October last, for the renewal of the leases of certain corporate property, I am directed by the Lords Commissioners of Her Majesty's Treasury to signify to you their approval of a lease being granted for a period of seventy-five years from the 29th September, 1877, of No. 9½, Trinity-street, Dublin, to Mr. John Campbell, vintner, at a yearly rent of £63; and also of a lease for a term of seventy-five years as from the 25th March, 1879, of the premises known as No. 25, Suffolk-street, Dublin, to Messrs. Callinan and Son, at an annual rent of £110, subject, however, to the following condition, viz.:—That before the execution of the said new leases the tenants comply with the 55th by-law of the Corporation by rebuilding (according to the city architect's plan), at a cost of not less than £785 and £1,600, respectively, in the cases of the two leases above mentioned. The formal sanction of this Board will be obtained by two of my Lords being made parties to the deeds, drafts of which must be sent to their solicitor at this office for perusal.

"I am, my Lord,

"Your obedient servant,

"WILLIAM LAW.

"The Lord Mayor of Dublin
"(Care of the Town Clerk)."

Then this letter was inserted on the minutes, to be referred to Committee No. 3 to carry out.

166. The Treasury then in this case accepted your own, or rather Brassington and Gale's valuation of Messrs. Callinan and Son's premises?—Yes; and upon reference to No. 3 Committee, it was ordered that the law-agent carry out the business.

167. In the former case of Mr. Rochford, it is a question though whether you are going to carry out the recommendation of the Lords of the Treasury. Have there been any other cases in which these proposals have been forwarded to the Lords of the Treasury for their sanction?—I do not know. At all events these are samples of the manner in which leases of corporate property are granted.

The inquiry was then adjourned to the following morning.

April 25, 1877.

APRIL 25, 1877.

(Before Mr. CORBETT and Mr. LAWLESS).

Mr. JOHN BYRNE, T.C., examined.

Mr. John Byrne, T.C.

168. CHAIRMAN.—Was it not you, Mr. Byrne, who proposed that these premises should be let to Mr. Dockrell?—Yes. The house built by Burke, and referred to yesterday, is only value for £8 a year. If you turn over to Stephen-street, you will find that the houses Nos. 47 and 48, are now valued at £98 for public taxation.

169. Which had been let to Mr. Dockrell at £20?—Yes; the ground.

170. We have been already told that he laid out £2,000 on this place?—Yes. The taxation of the city for public property is something over 9*s.* in the pound, and £98 at 9*s.* will add considerably to the public rate as compared with what it would have yielded if let to Burke; and, therefore, the public rates have indirectly benefited in consequence of our preference to Mr. Dockrell, and that is a consideration I hold which should actuate us.

171. Was any opportunity afforded Burke to see if he would undertake to lay out the same amount of money that you required from Mr. Dockrell?—No; we came to the conclusion without asking any question, that it was most unlikely.

172. That does not alter the fact that you proposed to let to Mr. Dockrell premises for which £30 a year was offered, without giving the person who offered that sum the option of laying out on the premises the same amount as Mr. Dockrell?—It does not alter the fact; but it qualifies it, when we have had buildings erected on these premises which pay £98 as compared with £30.

173. Of course you have every reason, and a very valid one too, to take into your consideration the benefit to the rates; but what I mean to convey is, that in considering that matter you did not give Mr. Burke an opportunity of offering to make a similar outlay.

174. Mr. LAWLESS.—What trade is Burke?—A plasterer.

175. And what is Dockrell?—He is a wholesale ironmonger and looking-glass manufacturer, doing a very extensive business.

176. Would any buildings Burke in the course of his trade might erect be of the same value as those erected by Mr. Dockrell?—Not a third of the value.

177. CHAIRMAN.—We know that all you required from Mr. Dockrell was that he should lay out on the place what would bring the value up to £40 a year, and what was there to prevent Mr. Burke doing the same?—But Mr. Dockrell laid out £2,000, and the consequence is that the city taxation is benefited seventy or eighty per cent. more than it otherwise might be, and that is always an element for us.

Mr. John Norwood.

(Mr. JOHN NORWOOD'S examination continued from previous day).

178. *Witness.*—I wish to have one matter recorded on the notes, and that is the reason why the Corporation referred those leases which were about to fall in to a committee of the whole house, upon which sixty members sit, was because there were some members of No. 3 Committee who were interested as sub-lessees.

179. CHAIRMAN.—We have already the names of those five gentlemen?—I don't think the five were on that committee.

180. Three of them were, and there were five members who held under the Corporation as lessees, and three of these were, I understand, more or less interested in the alteration of that law?—Yes. In 1872, when the lease was made to Mr. Dockrell, he was then a member of No. 1 Committee, and not of No. 3 Committee.

181. What you wish, I suppose, is to give what you have just stated as a reason why all these lettings were referred to a committee of the whole house?—Quite so; and it is quite accidental that any particular members sit on No. 1, 2, or 3 Committees. There is a regular rota, and each year a member goes from No. 1 to No. 2 Committee, and then to No. 3 Committee, and so on, in order that all may have a turn.

182. Did it not transpire yesterday that those three gentlemen happened to be on the committee at the time the alteration was made in the by-law?—But the alteration of that by-law was a matter that was under consideration for several years.

183. When we adjourned yesterday you were good enough to undertake to ascertain the facts connected with that letting to Fitzsimons, after Gill had made a higher bid for it—that is on Baldoyle?—Yes, on what is called the Town Parks. I have all the information for you.

184. Now, suppose we go to that other case reserved yesterday evening in reference to the lettings made to George Austin. Look at pages 23 and 24 of the rental Nos. 7, 11, and 13. The point I wish to draw attention to is, that the gross rateable value of the three lettings was £122, and they were let to him at rents amounting to £70. In re-letting do you always take into consideration the Poor Law valuation?—Oh, no.

185. Is it not always an element for consideration?—It is an element.

186. And is it taken into consideration? For instance, up to last year your property was always let by auction, and was it not always an element for consideration in deciding whether the highest bidder should be accepted?—It was an element, and also the fitness of the person. I own a large quantity of house property, and I would rather let a house at a less rent to an eligible tenant than at a higher rent to an ineligible.

187. The question that arises here is that these premises are let to Mr. Austin at a rent of £70, while their gross rateable value was £122. We all know that the Poor Law valuation is below the actual value?—If you were present at the auction here you would see it is an open court. The person who presides is the third person in the room, whoever he may be.

188. What do you mean by the "third person?" Is it the third person who enters the room?—Yes; the third Town Councillor that comes in takes the chair, and the town clerk and law agent are both present, and the law agent takes the bidding. He writes out the conditions of sale first, and then takes the bidding. The intending purchasers bid, and these bids are all taken down as you see, and then No. 3 Committee report to the house, and let them deal with the matter in open council. Very often it is not desirable to place on the minute-books the reasons for not taking a tenant, but nothing can be fairer than the way in which the lettings are disposed of. I find this entry on the minute-book—

"May 17th, 1851. Proposal from Mr. George Austin to become tenant for the house No. 7, St. Andrew-street, at £23 per year on lease, with the usual conditions, and offering to surrender up the house should his proposal be acceded to."

189. Mr. LAWLESS.—Which of the holdings is that?—No. 7. He evidently had been the previous tenant, because he offers to surrender up the house should his proposal be acceded to. The order made upon that was, that "same be referred to the law agent;" and then I find, as bearing on the question you asked a few minutes ago, a memorial from Mr. Alley for a reduction in the rent of certain lands he holds, and as an element of consideration is given Griffith's valuation, which is the foundation of the Poor Law. Again, under date of June 7th, 1851, on the same committee-book—No. 3—I find the following entry—

"Read letter from Mr. George Austin, amending his offer of last date from £23 to £27 per year for that house. Resolution—Resolved—'That same cannot be accepted.'"

That was the order made. Again, on June 14th—

"Mr. Austin having declined to give the £30 a year for his house, No. 7, St. Andrew-street, of which he is now in possession. Resolved,—'That the offer of the house No. 7. St. Andrew-street, to Mr. Austin, at £30 per year, was made with the desire of accommodating him as the tenant in possession, and that offer not being accepted, this committee do not consider themselves any longer bound to him, and that the law agent do now take the usual steps.'"

190. CHAIRMAN.—That was for an auction?—Yes.

"Order, –That a copy of the foregoing be sent to Mr. Austin."

191. Does not that show that the rule is not an invariable one of putting the premises up to auction?—He was evidently the tenant in possession.

192. Yes, evidently; so that in some instances you gave the option to the tenant in possession without putting the premises up to auction?—Yes.

193. Mr. LAWLESS.—Does it not appear from that that the Corporation offered those premises to Mr. Austin at £30 without putting them up to auction?—Yes; but that was before the by-law was amended.

194. CHAIRMAN.—You said yesterday that your impression was that the rule of putting them up to auction was always followed, but it would now appear that that was not the invariable practice?—Then I find again on June 21st, three days before the by-law came into operation that there was a letter read from Mr. George Austin accepting the terms at £30 a year. (Letter read.)

195. Mr. LAWLESS.—Was Mr. Austin in the Corporation at that time?—No; he never was in the Corporation. He was a member of the North Poor Law Union Board of Guardians and a very active member on that board, and I may add a very officious one too, as considered by some. A more unpopular man with the majority of the Corporation could not well be conceived, for he held very strong political views opposed to the majority.

196. CHAIRMAN.—We want to know now about the premises Nos. 11 and 13, St. Andrew-street?—Mr. Austin holds premises in Trinity-street, as tenant to Trinity College; and they abut on Mr. Singleton's premises who is tenant to the Corporation. I find under date the 22nd February, 1851, that the sub-committee in Mr. Austin's case received from him the following letters. [Here followed two long letters from Mr. Austin, read by Mr. Norwood, but which it is unnecessary to transcribe as part of his evidence.]

197. *Witness.*—Mr. Austin was sub-tenant to Trinity College of part of Nos. 11 and 13. Evidently the Corporation, for the purpose of widening the street or some other purpose, were in treaty with Mr. Austin for the portions of the premises he held under Trinity College.

198. I suppose they held under long leases from the Corporation, which were about to expire?—I suppose so. You know it is under a gift from the Corporation that they hold their premises at Trinity College.

199. Then did George Austin offer forty guineas a year for the Corporation portion of the premises Nos. 11 and 13 and the part of the house in Trinity-street?—Yes.

200. And was that an offer from him in consequence of a communication from a committee of the Corporation?—Yes.

201. Mr. LAWLESS.—Do you know whether the Poor Law valuation set down in the rental for those two numbers, namely, £50 for No. 11 and £40 for No. 13, represents the value of the Corporation portion exclusively?—No; I think it represents the whole. There could not be a separate valuation. Evidently the object of this negotiation was to get a complete house from the Corporation. Finally it was resolved by the committee that they recommend the letting of Nos. 11 and 12 at £20 each, and No. 13, Trinity-street, at £12.

202. CHAIRMAN.—And the letting to Mr. Austin was finally agreed to on those terms, I presume. It is clear this, mixed up as it is with the holding under Trinity College, is not a test case. I will now take the schedule of proposals, and go through it *seriatim*. We had yesterday from you that certain proposals had gone forward and were so far accepted as to be recommended to the Treasury for acceptance?—I went through Callinan's and Rochford's proposals. I hope you understand that with regard to Mr. Rochford's claim the Corporation have not refused to do anything further; but he served notice of a bill to compel specific performance.

203. I quite understand the position with regard to Mr. Rochford. You told me yesterday that if you went through the list of proposals you could tell the position of the Corporation at this moment regarding them?—I could. Hodges and Foster have made a claim in respect to the house 104, Grafton-street.

204. That being at present let at £31 1*s.* 6*d.*, the Poor Law valuation being £135, they have proposed to take it at £200 for a thirty-one years' lease?—Yes.

205. And has there been a valuation made by Brassington and Gale?—Yes, this is their valuation.

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The valuation of Brassington and Gale is the proposed rent under the lease.

206. There is a proposed rent of £200 a year, and the name of Brassington and Gale appears in the observation column. I want to know whether or not the valuation of Brassington and Gale is independent of the offer, or whether the offer is based on Brassington and Gale's valuation. I don't want you to state in open court, unless you think proper, what Brassington and Gale's valuation is. I suppose, irrespective of the occupier, you get the valuation of Brassington and Gale for yourselves; but is that valuation communicated to the parties beforehand as a basis for their offer?—Oh, not at all.

207. Has any decision been arrived at by No. 3 Committee regarding these claims or have they been to any extent accepted by that committee?—None. They have all been sent to the whole house.

208. Then all these proposals in this document, "1877, No. 68," are under the consideration of the committee of the whole house, having been sent forward without observation by Committee No. 3?—Yes.

209. In every case where the name of Brassington and Gale is put into the last column, has that valuation been obtained, or is it in course of being obtained?—If the valuation is there it has been obtained.

210. And have no cases been sent forward recommended for acceptance by the Lords of the Treasury, except those mentioned yesterday?—That is so.

211. That is Mr. Rochford's case, Mr. Callinan's, and Mr. Campbell's which was included with Mr. Callinan's, and which is not in this table?—Yes. It was in the original table, but it was struck out because it was then disposed of. (*Witness* produces copy of proposal.)

212. I infer from this that the offer of the tenant is communicated to Brassington and Gale?—No. The law agent says to them, "You will please value this house for a lease of such and such a term."

213. In their valuation they say, "If a lease was granted for such and such a rent, it would be fair," but I observe that the rent fixed by them happens to be the same as was offered by the party. That would look as if they had been cognisant of the valuation?

Alderman *Harris*.—The offer is made subsequent to the valuation of Brassington and Gale.

214. CHAIRMAN.—But there must apparently have been some communication between the valuator and the person offering.

Alderman *Harris*.—The case of Alderman Manning explains how it is done.

215. CHAIRMAN.—Then may I take it that either the valuators are cognisant of the offer made by the persons tendering the proposal, or *vice versa*?

Alderman *Harris*.—Before the proposal is sent in at all Brassington and Gale are asked for their valuation, and the valuation they make is the offer of the tenant. It was not until Alderman Manning received that valuation from Brassington and Gale that he made his proposal. With the offer there is forwarded the valuation.

216. Dr. *Norwood*.—I find that the proposal of Hodges and Foster has been referred to the law agent for a report.

217. CHAIRMAN.—Dr. Norwood, when Alderman Manning made his proposal to give £203 a year for the premises 103, Grafton-street, was he cognisant of the valuation put upon them by Brassington and Gale?

Dr. *Norwood*.—It would appear from the date that he was not, and I assume that the valuation was put in subsequently.

218. CHAIRMAN.—And cannot you say whether or not Brassington and Gale were cognisant of the offer made by Alderman Manning when they made their valuation?—No. Here is George M'Master in the list of the house 97, Grafton-street.

219. Yes; but that is going to another case. He proposes to take certain premises under a new lease, from the 25th March, 1880, at a rent of £80. That proposal is dated 30th October, 1876. On the 19th December, 1876, Mr. M'Master requests Brassington and Gale to make a valuation of the premises, and says he will pay them the usual fee on their valuation. On the 22nd December, 1876, Brassington and Gale make their valuation, and they say that £80 would be a fair and reasonable rent to charge for the premises. Now what passed between the 20th December and the 14th February you don't perhaps at present know, but on the 14th February, Mr. M'Master writes at the foot of his proposal "I propose to increase the original rent to £90." Can you tell me or not, whether between the 22nd December and the 14th February, when Mr. M'Master amends his offer, this valuation of Brassington and Gale had been before the committee, and whether they had in any way communicated with Mr. M'Master thereon?—There does not appear to have been anything done between the two dates.

220. Then you cannot account for Mr. M'Master raising his offer to £90?—I don't find anything at all on the books to explain it.

221. Is Mr. M'Master here?—No.

222. I merely want to find out this case now as an illustration of the circumstances under which these proposals are made?—Here are two proposals—one from the London Union Assurance Company, and the other from Guinness, Mahon, and Company, for the premises 17, College-green. A thirty-one years' lease at £200; or a seventy-five years' lease at £170.

223. Guinness and Mahon, 17, College-green, appear to be land agents and tenants to the London Assurance Company, the original lessees. The lease expires on the 17th September, this year. They are now paying £130 a year, and they have put in a proposal to take a renewed lease for thirty-one years, at £200 a year. That proposal is dated 23rd September last year; but it does not appear to have been put forward for valuation?—Yes; they sent in two proposals—one to take the premises for a seventy-five years' lease, and the other for a thirty-one years' lease.

224. The offer before me is for a thirty-one years' lease, and there is no valuation on that?—They gave a proposal for a thirty-one years' lease, as they believed the house did not require to be rebuilt. The committee decided otherwise, and Guinness and Mahon submitted that in that case the rent should be reduced £10, and stated that the rent fixed was more than double the rent of the premises adjoining. Brassington and Gale say they have, in accordance with the instructions contained in Mr. Morgan's letter of the 26th September last, examined the house and premises 17, College-green, now in the occupation of Messrs. Guinness and Mahon, for the purpose of giving their opinion as to the value of the ground to be leased on a lease for seventy-five years:—

"Taking into consideration the position and extent of the holding, and the conditions under which the proposed new lease is to be granted, as set forth in the annexed proposal, we are of opinion that £175 is its full and fair value for a lease of seventy-five years from 29th September, 1877."

225. That shows that Brassington and Gale's valuation is laid before the tenant, and he makes his proposal, basing it on that valuation. The proposal is dated 23rd September, 1876, without any rent stated, but "at such a rent as shall be fixed by a sworn valuator." Then Brassington and Gale's valuation is made upon Mr. Francis Morgan's request, and then these gentlemen submit that the valuation put upon the premises by Brassington and Gale is £10 too high, and they send in at the same time an offer of £200 a year on the thirty-one years' lease without rebuilding. This illustrates the practice completely, because it appears, these two proposals being sent in, they are both submitted to Mr. Morgan for his report. Then Mr. Morgan makes his report, which is entered on the minutes, reciting the offers made, and recommending that if it is let on a building lease the committee may fairly take a sum between the valuation of Brassington and Gale and their offer. He also refers to the offer to take the premises on a thirty-one

years' lease at £200 without rebuilding, and he says, on consideration, looking to the improvement of that locality as the best building site in Dublin, he thinks it would be better to let for the seventy-five years at £170, in order to have a new building erected. He, therefore, recommends the committee to accept £170 for the seventy-five years' lease rather than £200 for the thirty-one years' lease without rebuilding, and that if the committee are not satisfied to consult the city architect thereon. In regard to all these proposals, they are all submitted to Mr. Morgan to report to the committee?—Quite so.

226. Do you know whether or not that was afterwards submitted to the city architect?—Yes; his report is here.

227. By that I see that on the 12th December, 1876, he says:—

"GENTLEMEN,—Pursuant to your order, I have inspected the house 17, College-green, and have to report that it is in very good repair, and in a perfectly tenantable order."

He then goes on to mention a building in the rear-yard which should be taken down and rebuilt. Under date 3rd March there is another letter from Mr. Morgan, in which he refers to his report of the 11th November, and says:—

"I decidedly adhere to my former opinion, that a new lease would be preferable for seventy-five years."

That was after having Mr. Butler's opinion before him, and he adds that it would be better to give the building lease at £170 than the thirty-one years' lease at £200?—I may state from my own knowledge that Guinness and Mahon have agreed to accept the lease at £170.

228. Is that course pursued in every one of these cases?—In every one.

229. First Mr. Morgan reports upon the proposal and if necessary the opinion of the city architect is taken?—Yes; and then all the papers are transmitted to the committee of the whole house in pursuance of the order of council for them to deal with.

230. That applies then to all the property in the town about to fall in between this and 1880. There is also the Ballycoolane property which will fall in about the same time, and it is mentioned that these four occupants intend to apply for renewals. Have any offers been made by them since this list was printed?—Not yet.

231. Will the same course be pursued in these cases as in the cases of town property?—Yes; and it has been pursued in the case of Colganstown and Ringwood. In Miss Gerty's—the Ringwood case—the memorial has been sent to Mr. Morgan. (See Appendix No. 15, page 369, for report of No. 3 Committee on Miss Gerty's proposal.)

232. I see there is a proposal about Colganstown from Mr. Bartholomew Colgan. I suppose he is the occupying tenant?—Yes.

233. I call attention to that case, because the difference between the new rent and the old rent is very trifling. The acreage is 191A. 3R. 23P. or nearly 192A. It was let for sixty years at £344 15*s*. 10*d*., the Poor Law valuation being £282. It is now proposed to be let for thirty-one years at £371 19*s*. That shows how very much the real letting value was above the Poor Law valuation at that time, and I believe it is still more now as the value of land has increased. When did Bartholomew Colgan send in the proposal for a new lease for this land, the lease for which expired last month? I see by the table he sent in a proposal for a new lease at £371 19*s*. in lieu of the old lease at £344 15*s*. 10*d*.?—Here is Mr. Morgan's report.

234. You now produce a report from Mr. Morgan with respect to this holding on the 22nd December, and in that report I see, Mr. Morgan refers to the valuation of Brassington and Gale, which he has had made of these premises, putting a very much higher value upon them, including building, than the offer of Mr. Colgan, and therefore he goes into a string of reasons why the Corporation should hesitate before accepting the offer, and that he would like to have a further opinion taken before any conclusion was come to, and that report seems to have been adopted?—Yes. Then on the 3rd March, 1877, Mr. Morgan further reports—

"I may state that Messrs. Moore and Colgan have offered only £371 19*s*. for a thirty-one years' lease, while Messrs. Brassington and Gale have valued the annual rental at £434 14*s*. 3*d*."

The committee upon Mr. Morgan's report declined to accept the offer, and Mr. Moore having died between the time of the offer and the final decision upon the matter, upon the 22nd March, 1877, Mr. Morgan further reported that he had not received any amended offer or communication with regard to reletting of the lands, and he advised that they should be advertised to be relet by auction. Moore was the joint tenant with Colgan.

235. Is that then how the matter lies at present?—Yes.

236. And is the intention now to put it up to auction?—Quite so.

237. As to Ballycoolane, do you say there has been as yet no application?—None.

238. Has it been signified to you that the occupants intend to apply, and if they do may I assume the same course will be taken as in the case of Colganstown and the other lands?—Quite so.

239. I think we have sufficient now to illustrate the course pursued by the Corporation in these matters?—You have got their dealings with leases outside the operation of the by-law, and you have their dealings with leases under the operation of the by-law.

240. If there is anything you wish to explain about the Baldoyle estate I would be glad to hear it. I shall read again carefully the evidence taken before the select committee as to Baldoyle, and it seems indeed to have been very fully gone into by them upon the examination of Mr. Morgan?—And there is a very voluminous report from Mr. Morgan on the subject.

241. I will just ask you this. Has the council had under consideration the advisability of selling the lands of Baldoyle?—They have; but they have taken no action up to the present. The whole matter was brought before the council by a report from No. 3 Committee founded on a memorial addressed by the Roman Catholic clergy and the inhabitants of the neighbourhood, asking for improvement in the dwellings at Baldoyle. Mr. Butler having recommended the erection of such buildings, the Committee took the matter into consideration, and suggested for the consideration of the council—

"The desirability of preparing maps and rentals of the portion of the Baldoyle property under the town, and with the permission of the Lords of the Treasury to have this portion of the property sold, and city debentures taken up and cancelled with the proceeds of the sale."

That report was dated 6th March, 1875, and no action has since been taken.

242. Was there not a very strong report before that from Mr. Morgan in April, 1874, as to the absolute necessity of rebuilding some of the cottages in Baldoyle, and drawing attention to the wretched state of some of the dwellings, and the need of prompt action; whether the property was retained by the Corporation or put up to auction?—Quite so. Mr. Morgan then reported as to the erection of cottages in 1862 and 1863, at a cost of £1,038; the construction of new roads and sewers and footpaths, retaining walls, and other repairs. (See Appendix No. 15, page 368, for Mr. Morgan's report of April, 1874.)

243. But in his opinion then was not considerable further outlay necessary in order to have decent dwellings for the tenants?—Quite so. He suggested that £2,000 should be given to provide additional dwellings.

244. Was not that recommendation confirmed by Mr. Butler?—Quite so; but the Corporation have taken no action on the suggestion either to rebuild the property or to sell it.

245. Do not all the leases of Baldoyle date from

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1855, and expire in 1886, so that they have nine years yet to run, except that there are sixteen lots containing nearly ninety-eight acres, which are held by twelve tenants quarterly?—Yes. It should be stated that one of the reasons which induced the Corporation not to take action on Mr. Morgan's report of 1874 is that the borough fund is so greatly burdened with the demand upon it.

246. Is it on the sixteen lots of land that are let to quarterly tenants that the cottages are in such a wretched state, or is it on the whole property?—No. These houses are in the town proper. Baldoyle is a small fishing village, and these are some of the cottages in it.

247. Of which the rental was subsequently reduced under powers conferred by an Act of Parliament?—What occurred was this: The Corporation promoted a bill seeking power to reduce these rents, which had been agreed to be paid at auction, and the Lords of the Treasury then issued a commission, and Mr. Justice Fitzgerald held an open court to hear the evidence on behalf of the tenants seeking the reduction, and on behalf of the Corporation, and finally he reported recommending the reductions, and these reductions were embodied in the schedule of the Dublin Improvements Act Amendment Act, 1864, and that schedule shows the names of thirteen out of sixteen tenants, the quantity of their acreage, the original rent which they agreed to pay at auction, and the reduced rent. Three of the tenants did not join in applying at the time that the other thirteen did, but subsequently the Corporation dealt with them on similar terms as those mentioned in the Act of Parliament.

248. Is not Patrick Butterly, who held three of these holdings, your caretaker on the estate?—Yes; he collects the weekly rents.

249. The reduction in his case appears to be less than in the other cases?—The reduction is merely the result of the evidence laid before Mr. Justice Fitzgerald.

250. Did that outlay refused in Mr. Morgan's report take place subsequent to the reduction of the rents?—The outlay was between 1856 and 1867, and the reduction of the rents took place upon the coming of the Act into operation, namely, upon the 29th July, 1864. The outlay was upon the portion of the property held in the hands of the Corporation, the village proper.

251. To return to Fitzsimons' case, now we are on Baldoyle, you could, perhaps, tell me now how it was that James Fitzsimons was accepted as tenant for No. 40 of these townlands in preference to Thomas Gill, who apparently had made a higher offer?—In the minute-book of the law and lease committee, it is recorded "That the bidding for the undermentioned lots be not confirmed," and two of these were Nos. 30 and 40, Thomas Gill's lots. This was on the 14th February, 1857. Thomas Gill had two fields, containing about four acres, and here are the advertisements for the letting by auction. (Advertisements produced.)

252. This is, I see, the advertisement for letting by auction the lands of Baldoyle?—Yes; upon the 24th January, 1857, they were set up for sale by the city marshal, who acted as auctioneer.

"Read the conditions of letting as printed on the paper, which are the usual conditions."

253. But to come to the point. Was it not the case that Thomas Gill was the highest bidder for lots 30 and 40?—I see that on the 26th January, 1856, the committee resolved to accept certain proposals to become tenants to the 6th January, 1857. Among these there does not appear lot 30 or 40, but it says the remainder of the lots were reserved. The town and lands were divided into forty-five lots, nineteen to let, twenty-six were reserved.

254. I find Thomas Gill described on the rental as the tenant of lot 30, and James Fitzsimons as the tenant of lot 40, and on the form which you showed us yesterday which contained the biddings, Gill was put down as bidding a higher rent—I think 10*s.* an acre—than James Fitzsimons, and I want to know how the Corporation accepted James Fitzsimons' offer in preference?—Here is the bidding taken by the city marshal on the 24th January, 1857:—

"Lot 30, Thomas Gill, 3A. 3R. 37P., rent per annum, £2 10*s.*, subject to drainage works."

255. That must be £2 10*s.* per acre?—No, it is here as per annum.

256. That cannot be, for he is entered on rental at £9 19*s.* rent?—The lots were put up in January, 1857, and Thomas Gill was the highest bidder for these two lots, but the committee, on the 14th February, reported that some sixteen of these biddings, including lots 30 and 40 be not accepted. "That the bidding taken from Thomas Gill be not accepted," and upon 7th March, 1857, the secretary reported that he had written in accordance with the orders of the committee to Thomas Gill, who had bid for lots 30 and 40; that Gill had accepted the amended proposal of the committee for lot 30, subject to drainage works, and that he had declined what they asked for lot 40. Then it appears to have been let to Fitzsimons.

257. I want to know how that could be done, when Fitzsimons actually offered less?—On the 9th May, 1857, offers were submitted for several of these lots not sold before, and among these was No. 40, in the town of Baldoyle. A proposal was forwarded from James Fitzsimons, at £1 8*s.* per acre, and the order was:—

"That Mr. Morgan be authorized to let this lot at £2 per acre, until 7th March, 1878, if manured."

And accordingly we find now that James Fitzsimons is tenant of this 8A. 3R. 5P., at an annual rental of £13 3*s.* 4*d.*

258. It was let then at 30*s.* an acre; the tenant, I suppose, to manure?—Yes.

259. There is no doubt but that at the time of the auction James Fitzsimons did not bid as much as Thomas Gill, but whether what he gives for it is better than he offered then is in doubt. Certain offers were refused, and an offer was made on the part of the committee to the tenants, including the man whose biddings they declined. He accepted the offer for lot 30, but refused it as to lot 40, which was consequently not let then. But in May following subsequent offers were made by other persons, and amongst them was the offer from James Fitzsimons of 30*s.* an acre, and it was let to him. I think that is the history of the transaction so far as we seem to be able to get it?—With regard to the collection of the rental of the Corporation, the treasurer informs me that the losses during the last ten or twelve years have not amounted to anything more than one per cent.

260. Does that apply to the whole estate, and not to Baldoyle merely?—To the whole estate.

Alderman Harris.

Alderman HARRIS examined.

261. You are one of the gentlemen named yesterday as a member of No. 3 Committee, if I remember rightly, and the lease of whose premises is falling in in 1880?—Yes.

262. In Suffolk-street I think your premises are situated, are they not?—Yes.

263. The premises in question are, I believe, Nos. 19 and 20, Suffolk-street, "Ancient Revenue 154" in rental, occupied by James Waller and L. Harris, the original lease for ninety-nine years, having been granted to Mr. Nugent Booker?—Yes, I am the occupier of one of those houses, No. 19, Suffolk-street.

264. You are not occupying the two houses jointly with Mr. Waller then?—No; I only occupy the house No. 19.

265. The two houses though are bracketed together in the rental?—Yes; and they are held under a lease granted to Mr. Nugent Booker, who is now represented by Mr. John Rigby, as the official owner in the lease by the Corporation.

266. And you are a sub-tenant of Mr. Rigby's,

then?—Yes. You asked Dr. Norwood a question yesterday with reference to the Poor Law valuation being any criterion as to the value of property, and I wish to say that I think that in this portion of the city of Dublin it is no criterion whatever as to the value of house property in this neighbourhood.

267. Do you say that you consider that in this particular part of the city where you are living the Poor Law valuation is no just criterion of the letting value of property?—None whatever.

268. Will you give me your reason for saying that?—One of my reasons is that of the house I am at present occupying, the Poor Law valuation is £42—it is a miserable, wretched place, but still the rent payable on it is £100 a year, and has been so for the last forty-one years.

269. You are paying £100 per annum for that which is rated under the Poor Law valuation at only £42?—Yes.

270. I perceive that the two holdings are rated together at £96 a year, and were let to Mr. Booker in 1781 for £21 2*s.* 1*d.* What rent does Mr. Waller pay?—I don't know what Mr. Waller pays, but I should imagine his rent was much higher than mine.

271. Is his house at least as valuable as yours?—Oh, much more so. It has a smaller frontage, but the rere is very extensive. Another instance bearing on this subject you will find in the case of the house 21, Suffolk-street, which was also let originally to Mr. Nugent Booker, about the same time. The Poor Law valuation is £135 for the two houses occupied by J. Johnson and A. Whitaker. For instance, the house No. 21, Suffolk-street the rating is £65 per annum, and I have reason to know that the shop is, at the present time, let to a first rate tenant at £150 a year—and that will therefore give you some idea of how much below the actual letting value the Poor Law valuation is in this particular neighbourhood. But the point with reference to which I desire specially to call your attention is the amended 55th by-law, or rather the altered 55th by-law.

272. Have you made any application for a renewal of your lease under that by-law? You are not, I observe, included in this schedule?—No; it is a matter of indifferenee to me whether I get a renewal or not. It is on the question of principle that I am working the thing out to the end.

273. Then although you wish to give evidence on the subject, you have not yourself made any proposal to the Corporation?—No proposal whatever to the Corporation. This 55th by-law originally provided that all property of the Corporation should be put up to public auction, and after a good deal of anxious consideration from the law officer and other gentlemen in the Council, they got this by-law altered, and the intention of the Corporation was that the by-law should be so altered as to protect the interests of the occupying tenant. It was worded in such a way—though perhaps there could be no improvement in the wording—that the effect of that by-law has been, instead of protecting the occupying tenant, to draw down upon the occupying tenants the cupidity of the middlemen, and he says—"Now, here it is open for me to get a renewed lease from the Corporation, provided you have the lease which I hold over you, and unless you give me a large sum of money, I shall not yield up to you the lease, and therefore you are in the position that you may go out into the street, and I will take up the premises."

274. Mr. Norwood stated, in the course of his evidence yesterday, to the effect that, in consequence of such an advantage being taken by some of the middlemen, a resolution had been passed by the Council informing them that under no circumstances would the Council grant a lease to a middleman if they found that notice to quit was given by him in the way you describe to the occupying tenant?—Yes, that is quite correct. It is the anxiety of the Council to uphold the occupying tenant, but many of those gentlemen—the middlemen I allude to—calculate upon the fact that there may be a very wonderful alteration in the constitution of the Corporation before the expiration of their leases, and that they will be enabled by that means to bring influence enough to bear to obtain a reversal of that resolution, which, being only a resolution, can be rescinded at any moment, and thus gain the advantage not only of the premises in their own actual occupation, but of any premises they happen to hold a lease of. For instance, in my own lease, although we are now only yearly tenants, I believe we have the right to hold the premises up to the end of the lease; but our landlord, believing that he has a right now to give notice, although it never was his intention to have done so until the amending of this by-law, has given us notice to quit, as he has also received notice to quit for the premises he occupies as a Corporation tenant.

275. Who is your landlord?—He is Mr. Rigby, who holds the premises 24, Suffolk-street.

276. Is he there as tenant to Alderman Roe?—Alderman Roe was the original lessee, but now he is the occupier of both places. The same thing arises in the case of Messrs. Forrest, of Grafton-street, and Messrs. Ogilvy and Seale. Messrs. Ogilvy and Seale are sub-tenants of Messrs. Forrest, who hold a lease under the Corporation.

277. Are not Messrs. Forrest the occupying tenants of the house 100, Grafton-street?—The houses 100 and 101, Grafton-street, are occupied by Messrs. Forrest, and No. 99 by Mr. Ogilvy.

278. By Messrs. Barklie, is it not?—By Barklie and Co., trading as Ogilvy, and No. 98 is occupied by Mr. Seale. Mr. Seale has one of the houses and Mr. Ogilvy another. They are both sub-tenants of the Messrs. Forrest, and Messrs. Ogilvy have made a proposal to purchase for £5,000.

279. Do I understand you to state that Messrs. Forrest and Sons have given notice to quit to Messrs. Ogilvy?—Well, I am not aware that they have actually given notice to Messrs. Ogilvy. I won't go so far as to state that; but I have reason to know that Messrs. Ogilvy have received intimation over and over again from Messrs. Forrest that at the expiration of the term for which they hold, which is about eighteen months prior to the expiration of their lease, that they will require possession of those premises. That they have done, and Messrs. Ogilvy and Seale made a proposal to the Corporation, when this matter was first brought about, for the purpose of trying to get a renewal of the lease from the Corporation. When the matter came up for the consideration of the Council, on a recommendation from No. 3 Committee, Messrs. Forrest served a legal notice upon the town clerk, or upon the Corporation of the City of Dublin, warning them that they should not deal with Messrs. Ogilvy and Seale, as they had been advised, having taken eminent advice, that they were the parties who would be in a position to get a renewal of the lease of the Corporation, and that they would so insist upon their rights.

280. As far as I understand what you now contend is, that this by-law has been so worded that there is no security that the occupying tenants will be the parties who will be benefited, although they were undoubtedly the parties intended to be so benefited?—None whatever, except they happen to be in the fortunate position of being the holders of leases which would revert to the Corporation. The effect of the by-law has been taken advantage of to militate considerably against the occupying tenant, and I will tell you the reason why. If all those premises had been put up for auction it would not have been the object of the middlemen, because their interest runs out so very quickly, to interfere with the occupying tenant. They also would be in this position, that the same game could be played—the same tactics pursued against them as they would be pursuing against their neighbours. For instance, supposing Mr. Rigby wished to turn me out of the house of which I am occupier, I could do the same thing to him. When it came to be a matter of

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auction, I could run him up and perhaps have his house; but if he is in the position of being able to get a lease, and to have occupied and held his own premises, he would be in a much better position than if the premises were put up to another auction. The same thing would apply to Messrs. Forrest.

281. It is surely perfectly competent to the Corporation now to amend this by-law with the consent of the Treasury?—Yes; but the only question I would ask you to consider is, whether the balance of advantage is on the side of allowing the places to go up for auction or to hold to this by-law; because although this question has been applied more vigorously to this portion of the property than to any other, if you turn to page 1 of the rental you will see the Oxmanstown estate, which comprises about 150 separate tenements, and let as long ago as 1682, on lease of 199 years, to one William Ellis, an ancestor of Viscount Clifden, whose property it now is, comes under the same category. You will find that there the Poor Law valuation is £3,086, and an innumerable number of tenancies will fall into the Corporation in 1881.

282. Has anything been arranged to be done with regard to that property?—Nothing whatever at present—not at least with regard to the reletting of that property. I do not think there has been a single application from that neighbourhood at all.

283. As far as you believe no application has been received for a renewal with regard to that property; and has no course been considered in reference to it by the Corporation?—No; nothing is done except as it comes in.

284. The by-law, you will observe, is not obligatory on the Corporation to entertain a proposal even from the occupying tenant. The words are: that the council *may*, with the consent of the Lords of the Treasury?—Yes; but it leaves the door open to a great deal of pressure and favouritism. I need not tell you it leaves the question open.

285. That is what you want to represent—that the operation of the by-law is dangerous to the occupying tenant at the present moment?—It is.

286. That, in other words, it is not calculated to give security to or to benefit those persons for whose security it was intended, and it may operate very prejudicially to their interests?—Yes. I am induced to give evidence on the point now, simply because the very first matter that was opened up and came before you was Mr. Rochford's case, and in that case he was a member of the Town Council. As has already been explained to you his holding is in two parts. The northernmost portion is in his own occupation practically, and the southernmost portion which had not been in his occupation, had been in the occupation of Messrs. Monsell, Mitchell, and Co.

287. Which the Corporation apparently were not aware of?—Which at the time they were not aware of. Of course it took some considerable time to get this amendment of the by-law—some two or three years before it was able to be carried out. The consequence was that any person in the Corporation must have known that such was in contemplation. It is only fair, however, to Mr. Rochford to say that Messrs. Monsell, Mitchell, and Co., were not his tenants at all. They were simply the tenants of the person who held under the lease of Mr. Rochford himself, and at the time Mr. Rochford demanded possession the lease of the sub-tenant had expired. But it came to the knowledge of some of the members of the council that Messrs. Monsell, Mitchell, and Co., had been in occupation of these premises, and they certainly complained that they had been put out with some degree of harshness and hardship, and when they found that the matter was likely to be investigated, and that they would be likely to get a lease of this portion of which they were in occupation, they came forward and made a proposal. That was a good illustration of exactly what might have taken place in a great number of instances in which men were thrust out by the sub-tenants for the purpose of placing themselves in a position to get a renewal of the lease, and there was a great deal of controversy about it backwards and forwards.

288. Mr. *M'Evoy.*—I wish to hand you, sir, a newspaper containing the discussion in the Town Council at the time, in which Alderman Harris took part, and a decision was arrived at by the Lord Mayor's own vote. If Mr. Rochford had refrained from voting, the matter could not have been decided as it was, as the council were evenly divided.

289. *Witness.*—Subsequently to the memorial having been forwarded, the report of No. 3 Committee was brought forward as the reply that should be sent to the Lords of the Treasury. It was moved by Councillor Dockrell, that the report of No. 3 Committee, which you heard yesterday, should be sent forward. An amendment was moved by Councillor Gray, which he suggested as an addition to the original motion, and seconded by myself, to the effect, that in view of the representations which had been made by Messrs. Monsell and Mitchell, the Treasury should be communicated with, and informed of the fact. Well, the amendment was put, and eleven voted for and eleven against it; and the Lord Mayor voted against the amendment—thereby not allowing any further time to be given or that they should be communicated with. The original resolution was then put and adopted, and sent forward as the reply of the Corporation, and one of the members having left, the voting became, including the Lord Mayor, twelve to ten.

290. What were the terms of Mr. Gray's amendment?—The amendment was as follows:—

"The Council trust that the above explanation of the special question referred to by Mr. Morgan, viz.—the suggested connexion of the clause of the Dublin Improvement Bill with the memorial for Mr. Rochford's lease, and its approval by the Council will prove satisfactory to your lordships. The Council, however, think it right to add that the following letter of Messrs. Monsell and Mitchell, late sub-tenants under Mr. Rochford, has since been received, and pending the re-investigation of the whole matter by the Council, request that the Lords of the Treasury will delay the consideration of the memorial."

291. The object of that clearly was, that in consequence of the application of Messrs. Monsell, Mitchell, and Co., the decision upon the memorial should be deferred?—Yes.

292. Then Mr. Rochford, as we heard yesterday, has given notice of his intention to demand a specific performance of the original acceptance of his proposal by the Corporation?—Quite so.

293. Now can you give any explanation of the fact that we heard yesterday that the Lords of the Treasury had assented to a lease being granted to Mr. Rochford for the longest period—seventy-five years—at the rent that was fixed for the shortest period—thirty-one years—at a rent of £64, if I recollect, instead of £95. It must have arisen, I should think, from some misapprehension?—It may have been first of all, a misapprehension, but, although a misapprehension may have existed in the first instance, after the reply of No. 3 committee, it struck me as an example of the grossest carelessness on the part of the officials in London. I think it must have been carelessness, and that is a very important point, because all the meaning of the Lords of the Treasury having a veto is to see that the Corporation will act justly in the discharge of the trust which is confided to them. And here we took a great deal of trouble, and there was a great deal of reluctance manifested to allow the thing to go forward, at £95 a year, which many considered under the value, inasmuch as for the smaller and less valuable portion of it several men were willing to give £40 a year. We considered it a gross undervalue in any case, but then for the Lords of the Treasury to take upon them, out of the way, as it were, of their authority, to still further reduce the value, seemed to us inexplicable. We considered that in sending the memorial forward we did our duty to the Lords of the Treasury, and of course, believed they would not attempt to alter the rent fixed by us.

294. And to impose a lower rent?—Yes; lower than

was represented to them. It was not ingenuously but ingeniously done in the first instance, because the application that went forward had no right to go forward, in which it was first stated that Mr. Rochford was willing to take a thirty-one years' lease, and afterwards a seventy-five years' lease. This was a peculiar case, in which the larger amount was charged for the longer term, and it was stipulated there should be a large outlay. When the letter of reply of the Corporation was sent specially, saying that they agreed to give a lease to this gentleman for seventy-five years at £95 per annum, I cannot conceive by what reason, except gross carelessness, or that the officials in London did not read the letter at all, anything contrary to that could have been approved.

295. From what I remember of the proceedings yesterday, my impression is that when you received that notification from the Lords of the Treasury, sanctioning a lease for seventy-five years, the Corporation replied that they were not prepared to grant a lease at a lower rent for the premises than that fixed by Messrs. Brassington and Gale, which was £95, and you had no communication further from the Treasury?—I think you are mistaken. I think, if my recollection serves me, that we had a meeting on the 10th of February, at which this matter was brought forward, and we refused to ratify that letter, and it ended by Mr. Byrne's moving that the letter be referred to a committee of the whole house for their consideration and report. Alderman Gregg seconded the motion, and it was agreed to, with the addition that the members of the press be invited to attend, and on the following day the committee meeting took place.

296. I cannot conceive that the Lords of the Treasury would purposely propose to put on a lower rent than that agreed to by the Corporation?—They did so, though. Since then it made many of the members much more particular in dealing with corporate property. As far as I remember of what occurred yesterday, it was stated that there has been nothing done upon that, and there never has been any report made to the Lords of the Treasury since that time, and the matter now lies in abeyance. The resolution was that Mr. Rochford be invited to send in a proposal for the premises in his occupation, and that Messrs. Monsell, Mitchell, & Co., in like manner should be invited to send in a proposal for their part of the premises, and I think the matter rests there. Mr. Rochford sent a reply threatening an action, and I believe that was all that was received from him. The reason I am anxious you should have this matter clearly before you is that you may see how the Town Council may do a great deal of injustice under this by-law. This is a letter of Messrs. Monsell, Mitchell, & Co., addressed to the editor of the *Freeman's Journal*, on the subject of their case:—

"THE CORPORATION LEASES.

"To the Editor of the *Freeman*.

"73, Townsend-street, January 29th, 1877.

"SIR,—You will permit us to trespass on you in reference to a matter, personal to us, which occupied a good deal of the time of the Town Council on Friday last. Mr. Morgan (the Corporation solicitor), had written a letter to the Corporation objecting to the renewal of the lease of the premises in Peterson's-lane to Mr. Rochford on legal grounds. We wrote on the 22nd instant, proposing to take a lease of these premises at the rent of forty-five pounds (£45) per annum. We had previously held them at the same rent from 1868 to 1875 (though Mr. Byrne stated that "we only got in as sub-tenants three years ago"), when we were compelled to give up possession at very great inconvenience and expense, having to remove about 400 tons of goods to other premises, and this under great pressure as to time, having had to work at the removal some days from 5 A.M. to 11 P.M. Mr. Dennehy stated that "Mr. Rochford had nothing whatever to do with putting us out." This is not true, as both Mr. Rochford and his solicitor well know.

"It was also urged against us by Mr. Dockrell, that our proposal was sent in at the eleventh hour. This is quite true, but it was only at the eleventh hour that we heard the lease was about to expire, and the premises to revert to the Corporation. Now sir, as ratepayers, we must object to the decision of the Council in this matter, as being contrary to the 5th by-law which says, that "no property of the Corporation shall be disposed of except by auction;" and also as being against the interest of the ratepayers, as though we were prepared to pay £45 per annum for these premises, yet the offer of a member of the Corporation for £20 per annum is accepted in preference. It is stated that he proposes to expend £450 on the premises, but even this proposal is not at all equivalent to ours for a lease of seventy-five years. Had we obtained a lease of the premises (though it is not quite correct what Mr. Dockrell says, "that no tenant could occupy them without rebuilding them" as any one can see), we would in our own interest freely and willingly make such improvements as our business would require, and we consider that what we have already done to our premises in Townsend-street, shows that we are at least improving tenants. We forbear to make any comment on the conduct of a member of the Corporation voting, and as it turns out, carrying the motion by his vote, on a subject in which he had a personal pecuniary interest. We had thought that the etiquette which obtains in public assemblies would have restrained such a proceeding. We regret occupying so much of your valuable space, but it is incumbent on us to correct statements that have been made and to explain matters fully to the public.

"We are, sir, your obedient servants,

"MONSELL, MITCHELL & Co."

Witness.—That is a very good illustration, and it refers to Mr. Rochford voting on the case in which he was interested. The whole letter shows you how the matter stands. There is another case of a man in Suffolk-street, No. 18; he has certainly only been a yearly tenant, and his case is another illustration of the hardship of the rule.

297. What do you say was the other case of hardship?—It was with regard to No. 18, held by Michael Barnes, who paid a large sum of money for the interest in the lease and the good will of the business.

298. When he came in as occupying tenant?—No; but there was a dissolution of partnership between himself and his partner, and the partner having got premises elsewhere, they entered into competition for those premises. Mr. Barnes was declared purchaser of the premises and stock at a very large price, and shortly after that he was served with notice by the middleman.

299. How long ago is that?—Since the passing of the by-law, within the last twelve months.

300. Is there in the schedule of proposals any application for these premises either from the middleman or Mr. Barnes?—I don't see any.

301. Do you know whether Mr. Barnes desires to get a renewal of his lease in 1880?—I know he is very anxious to get it.

302. Do you know whether any communication on the subject has passed between him and the Corporation?—I am not aware.

303. Or whether any application has been made by the middleman?—I do not know.

304. Do you only draw the inference from the notice served on Mr. Barnes, that the middleman wishes to get the benefit of the by-law?—You see the way the by-law is framed the only person who can get the benefit of it is the leaseholder; and the middleman is the leaseholder without being the occupier.

305. Then would you wish to revert to the old practice of letting by auction?—That would be a very extreme course. I scarcely think the Corporation would go back to that.

306. Then the object of your evidence apparently is to show that some revision of the by-law is necessary?—Yes, otherwise it will operate prejudicially against the parties whom it was intended to benefit. There is another point which I wish again to bring under your notice, namely, the valuation of the premises. From the evidence already given you will see that the letting value is far more than the Poor Law valuation.

307. There can be no doubt but that the Poor Law valuation is infinitely below the actual value?—Yes, and it is no criterion whatever of the value of the property in that particular portion of Dublin. There are some houses in Grafton-street which realize a rent of £100 a year, and they are only valued at £42 per annum. There are also premises in Grafton-street which did belong to a member of this Council, the Poor Law valuation of which is £110 a year. They are in almost the worst part of the street, yet they were let for £200 a year, and £1,200 fine was given for them, not by way of good will of the premises, for they were empty at the time, and available for any business.

308. What number was that?—That was No. 61,

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Grafton-street. Messrs. Ogilvy, of 99, Grafton-street, have proposed to purchase, and pay down the money at the present time for their holding in Wicklow-street.

309. Is not their proposal to purchase the Grafton-street premises at £5,000?—The Grafton-street premises were valued at £135 a year, and the Wicklow-street premises at £60 a year, making together £195 per annum. They offered for the chief rent that sum of £5,000, to be paid down at once; and considering that the Corporation would be able with that money to extinguish debentures, the amount at the present time would be equivalent to upwards of £5,600. If you take that as chief rent, at four and a half per cent. it would be equal to £250 a year. Besides, Mr. Ogilvy has undertaken to lay out £1,800 on the rebuilding of the Grafton-street house; and taking that at six per cent. for the building, it would amount to £350 a year for these premises.

310. The £5,000 would be for the fee?—Yes.

311. The acceptance of that offer would not further benefit the Corporation afterwards, except to the extent of the improvement in the rateable value?—It would in this way—that with the purchase-money we would extinguish debenture bonds; for all the money that comes in for the sale of real property goes to reduce the debt of the Corporation.

312. Yes, that is clear; but what I say is; the subsequent expenditure on the premises in rebuilding would only benefit the Corporation what they would get for the increased rate on the valuation?—Quite so; but I only wished to give you an approximate of the value of property in the neighbourhood, taking it at the lowest, when this man is willing to pay for his holding a rent which would, including the rebuilding, amount to between £300 and £400 a year.

313. It is abundantly clear that the Poor Law valuation is infinitely below the actual letting value in the city?

314. *Witness.*—What I want to point out is that Messrs. Brassington and Gale's valuations are somewhat erratic. In making their calculations they do not seem to have followed a consistent scale, for some of these houses are too highly rated, and the rating of others is too small.

315. Alderman *Manning.*—I want to explain. Messrs. Brassington and Gale are only called in by our law agent to base a claim upon the occupancy. The Lords of the Treasury are the final arbitrators, and they can send their valuator to the premises. The occupying tenants want no obligation—they only want what a stranger would get. Messrs. Brassington and Gale, or other valuators appointed by the Government, then of course value the property according to its position.

316. CHAIRMAN.—The question arose as to whether Messrs. Brassington and Gale's valuations were submitted to the gentlemen making proposals for new leases, and subsequently it transpired that there was no doubt their valuations were submitted to the parties whose proposals were based upon them?

Alderman *Manning.*—Yes. In some instances we, the occupiers, were obliged to call in Messrs. Brassington and Gale, and pay them for their valuation, which was afterwards presented to the Corporation.

317. CHAIRMAN.—It is not a question for us who the parties are that were called in to value. I suppose the occupiers call in the gentlemen in whom they have most confidence?—In many cases they left it to the law agent to call in who he thought was most suitable.

318. I think it is foreign to our inquiry to enter into that matter. We have it on the notes very clearly, that in the first instance a valuation is usually made by Messrs. Brassington and Gale.

Alderman *Manning.*—Yes; and the premises are then revalued by the valuator for the Treasury, if it is thought necessary.

319. Alderman *Harris.*—We think the valuation sent forward by the Treasury is not always the most reliable one. In the very first case you will see the Treasury agreed to give a lease for £30 a year less than the other valuation.

320. CHAIRMAN.—But it is not your view, Alderman Harris, that Messrs. Brassington and Gale undervalued?—I believe in many cases they did undervalue. In the cases of Messrs. Callinan and a man named Campbell you asked, Mr. Chairman, whether any proposals had been sent in by the tenants previous to the valuation of Messrs. Brassington and Gale. I am aware that there had. In one case the tenant proposed to give £60 a year, and in the other £95 a year.

321. CHAIRMAN.—I should have thought that the better course would have been that the tenants should be asked to make their proposals in the first instance irrespective of any valuation on the part of the Corporation. They, the tenants, could get anyone to value the premises on their own behalf if they liked. Then the Corporation, before expressing any opinion on the proposal, could get a valuation on their own behalf. That would guide them as to whether or not they should forward to the Lords of the Treasury the original proposal; or, if they thought it should be amended, they could send it back to the parties to increase their offer.

Alderman *Manning.*—That has been done.

322. CHAIRMAN.—I think it is a mistake to submit the valuation made on behalf of the Corporation to the occupying tenants before they send in their proposals, or for the Corporation to accept a valuation obtained by the tenant.

Alderman *Harris.*—I think so, too.

323. Alderman *Manning.*—The occupying tenants have no objection to give the fair value, the same as a stranger would give. They only want to prevent the holdings being put up to public auction, when perfect strangers would come in, and as has been often done before, a course similar to the following would be adopted: A stranger, having bought a house at a high value, would go back to the occupying tenant and try to re-sell it. When they found they could not do that, they didn't pay the rent, and we had to take the premises off their hands.

324. CHAIRMAN.—Alderman Harris wishes to show that the object which the Corporation had in view when adopting the 55th by-law is sought to be set aside by the middlemen.

Alderman *Manning.*—Well, I think the Corporation will not encourage the middlemen. I believe the middlemen may be entitled to some compensation for money spent, but I hope the Corporation will not oppress the tenant in occupation.

Mr. Thomas Dockrell, T.C.

Mr. THOMAS DOCKRELL, T.C., examined.

325. I wish to come forward and give you an explanation as to my lease, into the particulars of which you inquired yesterday. I see the statement was made that £400 only was to be expended by me on building. There is no such clause in my lease. On the contrary, I was obliged to submit plans of the buildings, to be approved of by the Corporation. These plans are at present in the custody of the Corporation. They were approved of, and I carried on my building, which cost me £2,000.

326. CHAIRMAN.—The property in question was let to you at £20 a year, when there was a bid from Mr. Burke at £30 a year?—Yes.

327. Can you tell me whether, when your offer to take the premises at £20 a year went forward to the Corporation, you bound yourself, or undertook to lay out, any amount of money, and what amount, in rebuilding the premises?—According to the clause in the lease, I was bound to erect premises of double the value of the rent, and the covenant says that if I did not so erect the new buildings I was to pay double rent.

328. What I want to know is, whether you made any proposal to that effect to the Corporation at the time you bid the rent of £20 a year for the two lots?—I did; and submitted the plans which were approved of by the city architect. The plans were drawn by Mr. Carson

of Harcourt-street, and having been approved of by the city architect, were afterwards approved of by the committee.

329. I want to know whether in the meantime, between the time your bidding was first rejected and the time your same bidding of £20 a year for both lots was accepted, you made any proposal to expend so much money on the premises?—My bid was not rejected. That is the point we are at issue about. A public auction was called in this Council chamber. I attended and bid, and my offer was the highest—£10 a year for each house. Immediately afterwards Mr. Morgan called on me to get me to sign an agreement that I would take out a lease, and to pay a deposit. I paid a deposit, signed the agreement to take out the lease, and then Mr. Morgan, without any notice to me, thought proper to call a second auction and have the property put up a second time.

330. CHAIRMAN.—He did not do so, but he recommended the committee to do so.

Mr. *Dockrell.*—I was not aware that the committee consented to it—Oh, yes! Mr. Morgan stated that he had called upon me, made me aware that the property would be again put up to auction, and that I consented to it. I contradicted that, and made a declaration to that effect—that Mr. Morgan never intimated to me his intention. I thought it a most extraordinary proceeding, because I considered when I had signed the agreement to take the lease and paid the deposit, I was bound to get the lease. I then threatened to take proceedings to compel the Corporation to grant me the lease. They were conferring no benefit or advantage on me in granting me the lease at the rent I offered. If you look at the rental, you will see that Booth's premises which are immediately adjoining mine, were let at exactly the same rent, £10 a year for rebuilding, some years previous. Booth's premises are in the same street, and within three houses of mine. I refused to attend the second auction.

331. Between the time the lots were put up to auction the second time and the time your original bidding of £20 a year for both was accepted by the Corporation, on the motion of Mr. Byrne, had you made any further proposal contingent on that rent being accepted, pledging yourself to lay out any specific sum of money?—Not at all; simply because I had, in the first instance, submitted the plans, and bound myself under printed conditions Mr. Morgan got me to sign.

332. When did you submit the plans and pledge yourself to a certain outlay? Was that at the time of the auction?—No; but immediately after I signed the conditions. I got Mr. Carson to draw out the plans, for I contemplated compelling the Corporation to conclude their contract with me; as after I had signed the agreement and paid a sum of money on deposit, contrary to what I might expect, and contrary to common justice, they called a second auction. I could not understand such a proceeding; I was bound to them, had paid my deposit, and had been declared the highest bidder.

333. The plans were not drawn out then till after the second auction. Are you a town councillor?—Yes.

334. And have you been for some time?—Yes.

335. Can you tell me what the practice has been with reference to these lettings by auction? It evidently was contemplated by the by-law that the Corporation need not accept the highest bidder because it says, if the property has been twice put up to auction, and the Corporation don't accept the rent offered, that then they shall be at liberty to take a reasonable rent?—Oh, yes; but they had accepted me.

336. But you see it was contemplated that they need not accept the highest bidder?—Yes.

337. Alderman *Manning.*—The highest bidder need not be accepted; but if the matter went so far as it did in this case—the deposit being accepted by the law agent, and the agreement signed—it was not contemplated that we could go behind it.

338. CHAIRMAN.—Has any other case arisen in which the party who paid the deposit has been finally accepted as tenant, though there was a second auction after the deposit was made?

Mr. *Dockrell.*—I never knew it. The payment of the deposit and the signing of the agreement are looked upon as conclusive of the contract, and of the acceptance of the offer. Mr. Morgan had no right to come to me, ask me to sign an agreement, and get a deposit unless I had been accepted as tenant.

Alderman JOSEPH MANNING examined.

Alderman Joseph Manning.

339. CHAIRMAN.—Can you, as an old member of the Corporation, inform me what is the practice with regard to the acceptance or non-acceptance of the highest bidders at these lettings by public auction?—The practice I have always seen adopted was this—If a matter is put up to public competition or auction, the highest bidder in the room generally gets it, unless the law agent of the Corporation, or some members of the Corporation sitting here as a jury, object to the sum offered, and they allow the property to be put up again. This has been done frequently, but in a case like Mr. Dockrell's it has never, to my knowledge, been done. It has never been done in a case like that, where the matter had been perfected to a certain extent by the law agent, the agreement signed, and deposit paid. I have never known an instance of the Corporation going behind the back of a person like Mr. Dockrell, under such circumstances, and putting the property up a second time to auction. I saw two men in this room compete for a house in St. Andrew-street until the occupier was outbid and let the premises go. The house was knocked down to one of them at what was considered a fair and reasonable offer, but subsequently the occupier came in and offered to give £10 a year more rather than be disturbed. The question was raised whether we could accept the offer, but it was ruled we could not as the occupier was in the room at the time the premises were knocked down, and had let them go from him by his own default.

340. Were you one of those present and voting when the question arose as to whether Mr. Burke's offer should be accepted or not?—No.

Mr. DOCKRELL's examination resumed.

Mr. Dockrell.

341. *Witness.*—The matter was brought before the public very prominently at the time by Mr. Morgan, in a letter in the *Freeman's Journal*, to which I replied and perfectly satisfied the public. I got no advantage, I took no advantage, and to show you I hold no advantage I may tell you that within the last two months I have taken premises adjoining at exactly the same ground rent, on the undertaking that I will build. The premises suited me, being Nos. 45 and 46, Lower Stephen-street, immediately adjoining Nos. 47 and 48.

342. Have you taken Nos. 45 and 46 from the Corporation?—Oh, no; the agent is Mr. Fetherstone, solicitor, Clare-street.

343. What was the valuation of the premises you hold from the Corporation before you rebuilt them, and what is their valuation now?—The premises for which I pay £20 a year to the Corporation were, when I got the lease, valued at £45 a year. Since then I rebuilt them at an expenditure of £2,000, and their present valuation is £98.

344. What was the value of the other houses you have taken—Carroll's and Nolan's—Nos. 45 and 46?—They are valued at £44.

345. And for these you are to pay £20 a year?—I pay £30 a year, because they have a larger frontage than Nos. 47 and 48; but having regard to the ex-

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Mr. Dockrell.

tent of frontage, the ground rent is exactly in the same proportion as that I pay the Corporation.

346. Have you laid out any money on Nos. 45 and 46 yet?—Not at present. With regard to repairing the houses Nos. 47 and 48, Mr. Morgan, backed up by the opinion of the city architect, at first represented that they were in such a condition that they could not be occupied, and that in fact the tenants had gone out of them. As to the letting itself, I beg to say I was under no compliment to the Corporation in any shape whatever. I came to the auction to bid and I was actually declared the highest bidder.

Mr. John Martin.

Mr. JOHN MARTIN examined.

347. CHAIRMAN.—Are you assistant to the town clerk?—Yes.

348. Are you at present acting as town clerk?—Yes.

349. Will you tell me, as nearly as you can, what are the salaries and duties at present attached to these offices—that of the high-constable, who is also billet-master, and that of the officer of commons, who is also the mace-bearer—now, first as to the high-constable?—The high-constable has £100 a year. I shall read as to the high-constable and billet-master's duties the return dated from his office in William-street, the 1st July, 1862. (This is in meeting of special committee to report on the duties of the officers, and the salaries of the officers of the Dublin Corporation.)

350. Has there been any change in the salary since then, and are the duties of the billet-master the same as in 1862?—There is a later report.

351. Mr. *Barlow*.—There is another one, but it is only the old one reprinted.

352. This, then, it appears, is the latest information on the subject?—Yes.

353. If I read the following extracts from the report you refer to, you can tell me if any of his duties are omitted. The first is a letter from Francis Dowling, high-constable and billet-master, to Alexander Farquhar, then the town clerk:—

"SIR,—In answer to your circular requesting an account of the nature and extent of my duties as high-constable and billet-master, with my present salary, and date of my appointment, I have to say that my duties as high-constable are—To wait on the Lord Mayor every day at the Mansion-house and receive his commands, to accompany his lordship on his rounds through the markets, opening commission courts, levees, balls, and on all public occasions; to provide military bands for his lordship's banquet; to visit all public places of amusement, and see that no improper exhibition is opened in Dublin, &c. My duties as a billet-master are—To issue billets to all soldiers and recruits who may not have barrack accommodation, and sign their routes. It is not so much the quantity of business in this department that I would draw attention to, as to the length of time required; I am obliged to attend the billet-office every day, and frequently to a late hour in the evening, as it is uncertain at what time and in what quantities billets for troops, recruits, &c., may be required. The date of my appointment is August, 1848, at which time my salary was fixed at £10 a year; in 1851 it was increased to £50, and in 1858 it was further increased to £75, so that on the average my annual salary was £54 per year. My predecessor had £100. Since my appointment the business in the billet-office was largely increased in consequence of the Indian and Crimean wars.

"I have the honour to be, sir, &c.,

"FRANCIS DOWLING."

Now can you tell me the date when the salary was raised to £100 a year?—In 1863, the following year.

354. Were there any fresh duties added to those he held before, which led to the increase?—No, I never heard of any. His predecessor had £100.

355. But this committee who were appointed on the 3rd of March, 1862, to inquire into the duties and salaries of the officers made, it seems, a recommendation—or an order, as it is called here—that the high-constable's salary be included in schedule, and the increase was not recommended. The following year, you say, it was increased to £100 per year, and further on I see—

"Councillor Tarpey (the present Lord Mayor) gave notice—'That the case of Francis Dowling, high-constable and billet-master, be recommended, with the view of adding £25 per annum to his salary.'"

That was on the 21st of August, 1862. So that, in fact, that recommendation was included on the part of the committee, and his salary was so increased in the following year?—Yes.

356. Now, I had better go through the officers here reported on with you, so far as they are included in this inquiry. We next come to the water-bailiffs. At page 78 of this committee's report, I see a report from Messrs. Byrne and Reilly, water-bailiffs, stating what their duties are and their salaries. I will just read the duties, and you can tell me whether they remain the same now. (Reads)—

"The officers have charge of the plant with which the coal, salt, and potato ships are supplied, consisting of beams, scales, tubs, &c. The officers act as arbitrators between buyer and seller; they report upon offences, and summon offenders before the police magistrates; they issue summonses for river and shipping acts, when such are contrary to the law; they attend before the Lord Mayor when disputes arise between buyer and seller, when such disputes are not submitted to arbitration; and they are actively engaged in minor duties. The salary of the officers is £200 per year each."

Mr. Lalor.

Mr. LALOR examined.

357. CHAIRMAN.—You are, I believe, secretary to Committee No. 2?—Yes.

358. Have not a good many of the duties specified in that report as attached to the office of water-bailiff ceased to exist?—Quite so. The present duties of the water-bailiffs are:—

"To attend the sword on all public days, one on waiting Sundays, to invite part of his lordship's company for collar days, the aldermen and sheriff's peers for waiting Sundays, to summon all boards of aldermen, general and post assemblies, and to attend each market day, and whenever his lordship thinks proper to walk, to invite the captain of the guard, and the minister that preaches on waiting Sundays."

359. Surely, they are not now required to perform these duties?—No, but they are their duties. Then, these officers have charge of the plant with which the coal, salt, and potato ships are supplied, consisting of beams, scales, tubs, and so forth. (*Witness* then enumerated the duties set forth in report of No. 2 Committee, already read by Chairman.) That being a report of the Committee, they add a great many more things not the water bailiffs' duty. (Reading from continuation of report):—

"The officers are bound to attend the office in person, and they severally remain on the quay, or are there from sunrise to sunset, and consider it their duty to attend the Lord Mayor when his lordship attends at the river in his official capacity; also to protect the citizens from fraud in the irregularity of weights or other frauds that may be committed on the quays or river, and to bring the defaulters before the Lord Mayor; to indorse all processes before execution; and to have at all seasons of the year a sufficient supply of the plant."

In addition to the above duties, one of the water-bailiffs acts as inspector of the weigh-houses on Burgh-quay, Eden-quay, and City-quay. He has also charge of the life-buoys placed along the river. He superintends the making and repairing of all the plant. The salary of each of them is still £200 a year. Mr. P. J. Byrne is still in office; he was appointed in 1843. Mr. J. Murphy was appointed in February, 1873. In the first instance, on probation, he got £100 a year, which was afterwards increased to £200.

360. What document are you giving these particulars from?—The report I made for the Lord Mayor for the purpose of giving the duties of all the officers attending my department. For these inquiries I got together a variety of information, and abridged it. Portions of these details are taken from the original report and portion taken from older sources.

361. Mr. *Martin*.—Was not Mr. Murphy in office from 1867?—Yes.

362. CHAIRMAN.—What is meant by "attending the sword"?—In the good old time, before the introduction of the metropolitan police, there was a very divided jurisdiction; the Earl of Meath had a jurisdiction; the Lord Archbishop of Dublin had a jurisdiction; and they used to occasionally meet and obstruct each other, and then these were the Lord Mayor's footmen.

363. That is not the case now, you know?—No; but if the Lord Mayor required them to perform this duty they should do so.

Mr. MURPHY (Water-bailiff), examined. Mr. Murphy.

364. CHAIRMAN.—Are all ships coming into the river with coals, salt, or potatoes, supplied with scales, &c. ?—Not every one of them. All coal ships are supplied by us. For the last twelve months we supplied 1,812 ships laden with coal.

365. Did you supply ships laden with salt or potatoes ?—There were not more than ten or twelve of those altogether. On account of that there are four large steam cranes erected on the quays now, and they discharge the cargoes, which does away with our duties. The salt comes into port now in blocks, a great number of which are weighed in our weigh-houses. I supplied myself for the last twelve months 1,812 ships with plant; and I superintended the discharge of these 1,812 ships, and I had to supply all the beams and weights.

366. Did they pay you ?—No, the collector, Mr. Charles Palgrave, collects all these fees in the Custom House, and it forms a portion of the borough fund to close on £5,000 a year.

367. Mr. *Curtin.*—You mistake; it only comes to about £2,200. Mr. Palgrave is the collector, and his duty is to pay into the city treasurer's office the amount he collects; and in the aggregate, or at least on an average, the yearly amount does not exceed £2,200.

368. CHAIRMAN.—Is not £144 7*s.* 2½*d.* of this amount in respect of the fees payable to the water-bailiffs ?

Mr. *Lalor.*—It is; the Lord Mayor does not get any portion of this now. Under the old system, when the water-bailiffs were paid their fees in respect of the duties performed by them, in the last quarter the fees amounted to £387 between them. Then in lieu of all these fees they get a fixed salary of £200 a year.

Mr. MURPHY'S examination resumed. Mr. Murphy.

369. CHAIRMAN.—Do you and your colleague act as arbitrators between buyers and sellers in the cases of dispute, which are not otherwise submitted to arbitration ?—Yes; there are disputes about the quality of the coals, and about the weighing of the coals, and we act as arbitrators.

370. Are you engaged upon the quays ?—Yes, on the quays, as well as supplying the plant.

371. What number of hours a day are you so engaged ?—From about nine in the morning until six in the evening.

372. Are you engaged every day ?—Every day in the year.

373. Are you both engaged ?—Sometimes Mr. Byrne has not been able to attend; he is an old man of eighty.

374. CHAIRMAN.—(Reads):—

"The officers are bound to attend the office in person, and they severally remain on the quay, or are there from sunrise to sunset."

Are you the inspector of the weigh-houses ?—Yes.

375. And have you charge of the weighing of the coals, &c. ?—Those are extra duties; I receive no extra salary for that.

376. Have those been added to your duties recently ?—They have.

377. Mr. *Lalor.*—There is a cooper employed in the yard to make and repair the tubs, and Mr. Murphy sees they are properly done.

378. *Witness.*—I have effected a saving of £80 a year to the Corporation by superintending the making of the tubs.

379. Mr. *M'Evoy* here suggested the examination of Mr. Tedcastle, coal merchant, Dublin, who he said was not in attendance as he did not wish to give evidence without being summoned.

380. CHAIRMAN.—Can you give me the nature of the evidence of Mr. Tedcastle ?

Mr. *M'Evoy.*—I think it will be shown that there has been a great change in the matter of dealing in coals. The coal merchants now get in their coals from their steamers or large ships and do not require these tubs and scales.

381. *Witness.*—There are only two steamers of Mr. Tedcastle's, Mr. M'Evoy, that do not use our tubs. They pitch the coal on the quays, and do not bring it in to be weighed inside.

382. Mr. *M'Evoy.*—Here is another person present who can give evidence on these points in Messrs. Tedcastle's absence—Mr. Altman.

383. CHAIRMAN.—Very well, if he has any material evidence to give bearing on the water-bailiffs' duties I shall be happy to hear him.

Mr. ALBERT ALTMAN examined. Mr. Albert Altman.

384. CHAIRMAN.—Have you been able to form any opinion as to whether or not the duties performed by the water bailiffs in supplying this plant to the coal ships is as much required as it was some years ago ?—It is certainly not required.

385. Why ?—They provide their own weights.

386. Who supply their own weights ?—Messrs. Tedcastle have their own weights, and bring in nearly all their coal in their own steamers.

387. Are Messrs. Tedcastle the largest coal merchants in Dublin ?—They are reputed to be.

388. Do you say they do not avail themselves of the weights supplied by the water-bailiffs ?—I know as a matter of fact they do not.

389. Is it not required that they should be supplied to all persons discharging coals on the quays ?

Mr. *Lalor.*—The rule is, if merchants discharge their cargo into their own stores, they are bound to use the Corporation weights. If they wish to avail themselves of the Corporation scales, the Corporation are bound to give them; but you cannot force a man to make use of a convenience for which he has to pay.

390. Mr. *Murphy.*—It is only in the case of two steamers which discharge without weighing that Messrs. Tedcastle do not use the scales.

391. CHAIRMAN (to *Witness*).—Is this what you mean to say—that in consequence of the large quantity of coals now coming into Dublin by steamers, and Messrs. Tedcastle, the largest coal merchants having taken to bring in their coals by their steam vessels they do not require the services of the water-bailiffs ?—Not to the same extent as formerly.

392. What is your business, Mr. Altman? Are you a coal merchant ?—No; I am a salt merchant. The Corporation have three ouncels or weighing machines, on Eden-quay, Burgh-quay, and City-quay; and there have been some disputes recently concerning the accuracy of these weighing machines. It is not believed they are accurate to the same extent as formerly. I tested the accuracy of these machines. On the 20th of March I had a cargo of salt. I loaded a dray with block salt, and went with the drayman to see that nothing escaped on the road from one weigh-bridge to the other. The first sets it down as 35¾ cwt.; I come to Burgh-quay, and it is 36 cwt. in the gross; on City-quay the gross is 30¼ cwt. Again, in the tare:—the first man says 8 cwt. 0 qrs. 14 lbs., the next 8 cwt. 1 qr., and the next 8 cwt. 1 qr. 14 lbs. They all disagree in the tare.

393. Mr. *Murphy.*—That has nothing to do with us, Mr. Altman.

394. *Witness.*—Oh, it has; you are the supervisors.

395. Mr. *Murphy.*—We are not.

396. CHAIRMAN.—Was not the last duty imposed on you, Mr. Murphy, to see to the weighing on these quays ?

Mr. *Murphy.*—To check the blocks, that's all.

397. *Witness.*—Mr. Murphy has stated he goes round and superintends the discharging of cargoes. I have brought in thirty cargoes of salt and have been at the discharge of every cargo of my freight, and Mr. Murphy's presence has never been seen from morning till night.

398. Mr. *Murphy* (to CHAIRMAN).—That is an untruth.

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Mr. Albert Altman.

399. CHAIRMAN (to *witness*).—How long have you been in trade as a salt merchant?—Five years.

400. Have you availed yourself of the plant supplied by Mr. Murphy?—It is not our duty; it is the duty of the captain of the vessel, and he generally does it.

401. Have the captains of vessels bringing in your salt generally availed themselves of the plant supplied by the water-bailiffs during those five years of your experience?—Sometimes; they say they have not the proper tubs for salt, which causes inconvenience, and causes a lot to be spilled.

402. Have you complained in consequence of that to the water-bailiffs?—I have gone over on three different occasions, and they said they could not help it—that they had no others.

403. Was that within the last twelve months?—One occasion was within the last twelve months.

404. Was Mr. Murphy the person you then saw in the water-bailiff's department?—No.

405. Did you never see Mr. Murphy or Mr. Byrne on the quays?—I have seen Mr. Murphy occasionally; but it is only within the last twelve months, I think, I knew him as a water-bailiff at all.

406. Until you saw him, how could you tell whether or not he was on the quays?—Because, knowing him since then, I have a distinct recollection he never came on board any vessel of mine.

407. Do you speak positively, however, from the time you knew him by sight?—I speak positively of the thirty cargoes I brought in.

408. Have those been brought in within the last five years?—Yes.

409. Can you say you never saw him on board those vessels?—Yes.

410. Nor his colleague Mr. Byrne?—Yes.

411. Mr. *Lalor* (to *witness*).—Have the cargoes been discharged on the quays?—Yes.

412. Mr. *Lalor*.—Not in the Custom House?—For the last two years in the Custom House.

413. Mr. *Lalor* (to the CHAIRMAN).—The Corporation have no authority in the Custom House; it is in private docks, not on the quays.

414. CHAIRMAN.—But what he says is this—that he has been supplied with the weights all through.

415. Mr. *Lalor*.—I am afraid there must be a mistake. They have often gone to them in the Custom House, but never got them.

416. CHAIRMAN (to *witness*).—You say the weights have been supplied by the Corporation. Was this done by the water-bailiffs or by their deputies?—They were given on the City-quay.

417. How did you become acquainted with Mr. Murphy's personal appearance?—Since the accuracy of those machines has been disputed. Mr. Murphy was only pointed out to me nearly six weeks ago by Mr. Carter, one of the weighmasters, as a water-bailiff. I knew his appearance some months previous to that.

418. I thought you said just now you had known him as a water-bailiff only about twelve months. How can you undertake to say he has never been at the discharge of any cargo of yours. Can you undertake to say none have been on any of your vessels except those connected with the ship?—I can undertake to say that.

419. Mr. *Martin*.—There is one question I would like to ask, Mr. Chairman, whether the weights he received from the water-bailiff's deputies were accurate?

420. *Witness*.—We never test them; we take it for granted they are correct.

421. You have never tested them?—Never; there is no means of doing it.

Mr. Murphy.

Mr. MURPHY'S examination resumed.

422. CHAIRMAN.—Now, Mr. Murphy, you have heard the evidence given by the last witness. Can you say whether or not, you have ever been on board any of his vessels?—If he mentions any vessel with salt, I can swear that I have.

423. Will you undertake to say that every vessel which has discharged a cargo of salt since you have been water-bailiff has been visited by you?—Except vessels which have discharged with the steam-crane, and do not weigh it out; or with block salt, with which several vessels come in and do not weigh it out, and with which I have no authority whatever. I should wish, too, to say, sir, as regards the weighing machines, this gentleman (indicating Mr. Altman), was brought up by the clerk of the markets, and fined by the Lord Mayor in the sum of £5, for having an incorrect weighing machine; and to make a case before the Lord Mayor, he brings a load of salt round to each weighing machine. I had the weights tested by the clerk of the market, and they were quite correct.

424. I am informed that no vessel comes in exclusively with block salt; is that so?—I have known some—indeed several.

425. Mr. *Altman*.—There was only one case occurred within the last two years.

426. CHAIRMAN (to Mr. *Murphy*).—Can you undertake to say, absolutely, that every vessel that has discharged a cargo of salt on the quays has been visited by you in person?—I will swear to that.

427. Because it is, you know, part of your duty to discharge your office in person. Where is your new office?—No. 9, City-quay.

428. Is there any weighing machine at your office?—No.

429. Was it after Mr. Altman was fined by the Lord Mayor that he took round this load of salt to the city weighing machines?—Yes.

430. Mr. *M'Evoy*.—I would like to give some evidence as to the financial part of these water-bailiffs' duties. This report that I hold in my hand is a report made by Alderman Joynt in 1867.

431. Do you wish to put in this report of Alderman Joynt in evidence?—I would, to show the working of the system in the financial point of view.

432. That is not one of the matters referred to us. What we have got to inquire into is:—what the duties of these officers are, and what are their salaries. If you wish to put in that report of Alderman Joynt we will take a note of it, and look it over to see if it has any bearing on the questions referred to us. But first tell me what was done upon that report. Was this a report made by him officially to the Corporation?—Yes.

433. Was there any action taken on it by the Corporation?—Oh, there was; the result was the removal of Mr. Reilly, who had been water bailiff up to that time.

434. Mr. LAWLESS.—You see we have not got to inquire into the conduct of the officers at all.

435. Mr. *M'Evoy*.—The present system of paying the water bailiffs by salaries, works out a greater loss to the city than the old system of paying by fees.

436. CHAIRMAN.—If you can work that out I can take your evidence on that, if you wish to give it.

Mr. M'Evoy.

Mr. M'EVOY examined.

437. CHAIRMAN.—How do you show that paying the water bailiffs by salary works a loss to the Corporation?—I have worked the figures out in the city accounts. The water bailiffs were formerly remunerated by fees—they are now paid by salary.

438. But their salary is very much less than they would formerly have got by fees which now go into the public purse of the Corporation for the benefit of the citizens?—The total cost of the water bailiffs' department in 1869 was £679—that included everything connected with the department. In 1875 the cost was £960. An ex-officer gets £100 a year.

439. How did the ex-officer come to get £100 a year?

Mr. *Lalor*.—He was superannuated.

Mr. *M'Evoy*.—Under the old system, if they superannuated an officer they should do so at their own expense.

440. CHAIRMAN.—If you can show me that they are losing under the present system you are perfectly entitled to do so?—Taking the whole cost of the office in 1875, at £960, against a revenue of £774, including water bailiffs', chapman, and guild fees.

441. I wish to ascertain what the duties of the city officers and their salaries are. We have had evidence as to the non-attendance of the water bailiff, but that has been contradicted by Mr. Murphy. If you consider that under the present system a loss, in a financial point of view, has been sustained by the Corporation you can do so, but I can't make out how you arrive at it. Can you show me that the salaries are in excess of the fees, and that the Corporation are put to certain expense in providing these weights and measures?

Mr. *M'Evoy.*—The accounts will show that.

442. CHAIRMAN.—Make out for me by to-morrow, if you can, the cost of supplying the tubs, and keeping those weights and measures in repair during the past eight months.

443. CHAIRMAN (to Mr. *Murphy*).—At the outset was Mr. Cooper paid by you?

Mr. *Murphy.*—Yes, sir.

444. CHAIRMAN.—That is £53. Had you anything to do with the life-buoys?—Nothing, nor with the weigh-houses.

445. Did you provide for the advertisements?—No, sir.

446. Did you pay rents of any premises?—No; I was not there under the old system.

447. £164 2*s.* 4*d.* seems to be the outgoing during the past year, which would have been formerly paid by the water bailiffs, and that is about the difference between the receipts and the salaries.

448. A report on the coal trade, made by the Right Honorable William Lane Joynt, Lord Mayor of Dublin in 1867, and addressed to the Corporation of Dublin, was produced.

449. Mr. *M'Evoy,* in reply to the Chairman, said it was a private report made by the Lord Mayor, and he believed the Corporation acted on it.

450. CHAIRMAN.—Can you show me any action taken on that report by the Corporation?

Mr. *M'Evoy* (to Mr. *Martin*).—Don't you know, as a matter of fact, that it was acted on?

Mr. *Martin.*—I was in the Corporation at the time, and I objected to expenditure of money on the weigh-house. The Lord Mayor said it should be done for the public benefit. Under the present law the coals were to be weighed, and we have got them weighed in bags of ten stone each.

451. CHAIRMAN.—Has there been any action taken on that report?

Mr. *Martin.*—I think the weigh-houses have been erected in consequence of Lord Mayor Joynt's report.

452. Mr. *Murphy,* in reply to the Chairman, said they had no weighing machine at their office. He said that they were frequently called on to arbitrate; scarcely a week passed that he was not called on to do so.

Mr. FRANCIS DOWLING, High Constable and Billet-master, examined.

Mr. Francis Dowling.

453. CHAIRMAN.—Have you any emoluments besides your salary of £100 a year?—None.

454. You say you are obliged to attend the billet office, not knowing what time you may be called on. Have you much to do as billetmaster?—Very little.

455. Is not the barrack accommodation so large as to render it unnecessary to billet troops?—The military authorities think so.

456. So that your duties as billetmaster are nearly nominal?—They are.

457. Your duties as high constable are to wait on the Lord Mayor, attend him on his rounds at the public markets, at levees, balls, and on all public occasions, to provide military bands when he gives a banquet, and to see that no improper exhibitions take place. These are all your duties?—Yes.

458. Mr. *Thomas M'Donnell* informed the Chairman that the receipts of the office of water bailiff for the four quarters ending August, 1875, amounted to £735.

459. CHAIRMAN.—Under the old system they would have to pay £164 2*s.* 4*d.* out of their own pockets. The receipts were £735, which would have gone into the pockets of the water bailiffs under the old system, out of which they would have had to pay £164 2*s.* 4*d.*, so that the balance is in favour of the Corporation. If you add £164 to the £400 salaries, there would still be a gain to the Corporation.

460. CHAIRMAN (to Mr. *M'Evoy*).—There are two gentlemen, you say, superannuated—Mr. Rogerson and Mr. Reilly?

Mr. *M'Evoy.*—If these gentlemen were to be removed under the old system they would be superannuated at the expense of the existing water bailiffs' fees.

461. CHAIRMAN (to Mr. *Martin*).—Under the old system, when they were paid with fees, would these superannuated officers have been entitled to compensation out of the borough rate?

Mr. *Martin.*—Mr. Byrne was elected in 1842. The Messrs. Rogerson and Blacker were superannuated at fixed sums. It was arranged that the new bailiffs should buy tubs, weights, and scales, and out of the fees that the water bailiffs should be paid. One of them died, and Mr. Slevin was appointed and he died. Ultimately Mr. John Reilly was appointed. On that occasion it was arranged that they should be paid by salary.

462. Mr. LAWLESS read the following. (See page 79 of the report on the water bailiff's office)—

"Mr. Byrne was elected in 1842, the Council ordering that the new officers should, out of the fees, pay compensation of the the retiring officers, Messrs. Rogerson and Blacker. In 1855, Mr. Slevin died, and Mr. Reilly was elected. Council made an order that the water bailiffs in future should be paid by fixed salary. As this order involved a serious loss prospectively to Mr. Byrne, and as he was advised by Mr. Fitzgibbon that the Council could not legally interfere with his rights, he protested against the change, but was coerced into submission under the threat of dismissal. The salary of the officers is £200 a year each."

463. CHAIRMAN.—£246 and £564 would be £810.

464. Mr. LAWLESS.—The receipts were £735.

465. CHAIRMAN.—This £735 would go into the pockets of the water bailiffs, but the Corporation have to pay £246 compensation to Messrs. Rogerson and Reilly as long as they live, which would have been paid out of the water bailiffs' fees if they continued to be paid by fees. Then there is £164 outgoings paid out of the Corporation fund. These sums, with £400 salaries amount to £810, whereas only £735 is received by the Corporation. There is a dead loss therefore, taking this compensation into account, of £75.

APRIL 26, 1877.

April 26, 1877.

(Before Mr. CORBETT, Chairman).

Mr. FRANCIS MORGAN examined.

Mr. Francis Morgan.

466. CHAIRMAN.—You are law and land agent of the Corporation?—Yes.

467. How long?—Since March, 1842. First of all I was law agent, and since 1854 I have enjoyed the double position.

468. I suppose as land agent you are fully cognisant, since 1854, of all the dealings with the corporate property?—I may say nothing has passed unknown to me. This, perhaps, would be the proper time to mention that there has been lately an irregularity in taking the business from No. 3 committee, which is the proper department for the management of the corporate pro-

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Mr. Francis Morgan.

perty. Latterly they have taken individual cases to a committee of the whole house, which has given rise to great irregularities, as they have frequently been sent back to the committee.

469. By the by-law of 1851, was not all the property as it fell in to be put up to public auction?—Yes.

470. What was the practice prior to that?—There was no fixed practice, except that we advertised the property, and the lease committee made an inspection of the place so as to put a value upon it. No. 3 committee was the lease committee.

471. Then prior to 1851 there was no defined practice?—No, they simply advertised the property, and the committee inspected the premises.

472. Do you mean to say the committee went there for the purpose of valuing the property?—Yes; at least for the purpose of forming an opinion of their own upon the value of it. The inspection of the property was sometimes omitted. It was always advertised to be put up to public bidding. From 1844 to 1854 it was the custom during that time for the gentlemen to sit round the table and open the written proposals.

473. Am I to take it that from 1844 to the passing of the by-law in 1851, the practice was to instruct you to issue advertisements, when the committee who had charge of the leasing would generally go to view the premises for the purpose of valuing them, after which, upon receiving written tenders, in answer to your advertisements, they would sit and decide upon them?—Yes, precisely.

474. Was it originally referred to you in the first instance to put a value on the property?—I took care to examine the property myself, and to send in a report as to what rent it ought to bring. That was the practice previous to 1854.

475. Previous to that time were they in the habit of getting the property valued by any professional valuators?—Oh, no; they did not do so. As long as I remember the property was let by public tender. This competition was sometimes mischievous—persons attended the biddings in order to get bribes. The system worked tolerably well, but persons were known to come up to parties who wanted to get the property and say to them that they would bid against them, and even in the room they were seen to get money not to bid.

476. Was it one of the causes that actuated the committee in getting the alteration of the by-law last year?—No; the alteration of the by-law last year was a matter of necessity, as it was felt we could not get on, that our wheels would become clogged. I wanted to have the by-law repealed as regarded the letting by auction, but the town clerk was of a different opinion, and suggested the alteration of the by-law.

477. If you had repealed the letting by auction what would have been your suggestion?—My suggestion would be to return to public biddings.

478. And how do you distinguish between public biddings and public auctions?—There is no distinction.

479. Then why would you repeal the by-law?—Because there were twenty-six valuable houses about to fall out of lease. These houses had been rendered of great value by the occupying tenants, and it was considered a great injustice to subject these persons to the test of an auction. A memorial was prepared to the Lords of the Treasury to have these cases dealt with by a different mode of valuation, to have a Government valuator or a professional valuator to put a value on the premises. What I proposed will appear in a written report which I prepared, in which I pointed out how those cases should be dealt with.

480. What I understand you to say is this, that you would desire to adhere to the practice of putting up the property to public competition, except in those exceptional cases of the houses that are about to fall out of lease in Grafton-street and Suffolk-street, which had been greatly increased in value by the occupying tenants; that in your opinion it would not be fair to expose them to public competition by auction, but that a valuation should be made either by a Government valuator, or by some other approved mode of ascertaining the value, and that then the occupying tenants should have the option of getting a new lease upon that valuation if the Corporation were satisfied that it represented the actual value?—Precisely; that there should be an open way of obtaining the value.

481. That is what you would have substituted for the old by-law?—Yes. My proposal is in writing. The suggestions I made are in writing. (See Appendix, No. 15, p. 367.)

482. I should like to see those suggestions?—They were to the effect that I urged the necessity of procuring the repeal of the 55th by-law, and memorializing for assent of the Treasury to grant a rentcharge to each person entitled to profit rent pending duration of present interest.

483. In what way do your proposals differ from the amended by-law?—That by-law renders necessary so many applications to the Treasury, that I believe they will ultimately refuse to attend to them. There will be 300 leases to be made out upon one property, and in all these separate memorials will have to go to the Treasury. The delay in getting an answer from the Treasury is very great and sometimes the reply is very unsatisfactory.

484. CHAIRMAN.—(Having read 55th by-law.)—Would you agree to all that is here with the exception of the reference to the Lords of the Treasury?—Oh, I don't object in the least to a reference to them; but I object to go to them on every small matter. What I say is, that an established mode of valuation would be desirable—it would relieve members of the council from any importunity with regard to these properties or being canvassed to act in a particular way. My opinion is, that the Treasury should appoint some recognised tribunal to value these properties, whose decision would be recognised as final.

485. You consider that there should be a competent valuator regularly appointed, and better still, that he should be appointed by the Lords of the Treasury?—Decidedly.

486. What you do demur to is the subsequent reference in each instance to the Lords of the Treasury?—Yes; upon every small matter. My construction of the by-law upon that point is, that we find it necessary to go on the smallest fiddle-faddle to the Lords of the Treasury—that it takes three months before a memorial can be sent off, and one month before we get an answer.

487. Previous to the amendment of the by-law, was it the custom of the committee who then had charge of the leasing of the property to refer the highest bidding to you for a report before it was accepted?—After the biddings took place, I generally furnished a report as to the parties who had bid—who they were, and what they were; and I also stated what, in my opinion, was the value of the property, and then left it with the committee to decide what course they would adopt.

488. If they were substantial parties, then you would, if they offered the full value, recommend them to be adopted as tenants?—Sometimes they were very objectionable parties who offered, but if they were eligible parties who offered, and that they proposed to give the full value, or what I considered the fair value, I recommended their proposal to be accepted. If they did not offer the full value, and that I thought the Corporation would suffer by the transaction, then I recommended its rejection.

489. Your report, therefore, in the case of Mr. Dockrell, was not an exceptional one?—By no means; and I should hope Mr. Dockrell is of the same opinion. I could not have the slightest objection to Mr. Dockrell, but I did not think he offered the fair value of the premises.

490. Mr. *Dockrell.*—I think I may now hand in a document to show what my feelings with regard to Mr. Morgan were.

491. CHAIRMAN.—As I said yesterday, it is a pity to impute motives where perhaps none exist.

492. *Witness.*—So far as the imputation is made that there was an objection on my part to Mr. Dock-

rell, I can safely say it is without foundation. It was stated that I went behind the back of Mr. Dockrell and set this up twice. Now, I am able to show that I had an order of the Committee for everything I did. I have known Mr. Dockrell for years, and I have not the slightest objection to him, and could not have, and no one could have.

493. Mr. *Dockrell.*—A very serious imputation was laid to my charge at the Council by Mr. Morgan. We had a public correspondence upon the matter, and I am happy to say that public opinion was in my favour. I may now state that shortly after the letting by public auction, when Alderman Durdin, Lord Mayor at the time, had declared me the highest bidder, Mr. Morgan drew up his contract, and got me to sign it, and to pay the deposit.

494. *Witness.*—Now, if we are to go into these small matters, I am prepared to upset all this.

495. CHAIRMAN.—Mr. Dockrell, you yesterday got an opportunity of explaining why it was the Committee accepted your offer for this property. If you wish to make a further explanation, after hearing Mr. Morgan, I shall give you an opportunity of doing so. What I am now inquiring into is whether, after the property had been put up to auction, and the highest bidding received, it was an exceptional course for Mr. Morgan to recommend it to be put up again, or whether he was not in the habit of advising the Committee to the effect, whenever he considered the highest bidding should not be accepted. He states it was not an exceptional course, but his usual and customary one.

496. *Witness.*—When the premises were first put up I considered the bidding did not amount to the fair letting value, and, therefore, I recommended that it should not be accepted.

497. And were you expected by the Council to say so in your report?—Yes, and I did so. I have my written report here.

498. It was stated yesterday that although it was customary for you to make a report to the Committee upon these biddings, and for them to act upon that report, it was not usual, when a person had made a bidding, and that bidding was so far accepted that a deposit was paid, that the property should be put up a second time to auction. Can you give us any explanation of how it was that after Mr. Dockrell had signed the agreement, and paid £5 deposit, the property was again put up to auction?

499. Mr. *Dockrell.*—I am prepared to give my sworn testimony to that effect.

500. *Witness.*—I don't question for a moment but that Mr. Dockrell fully believes that, but luckily I have everything in black and white, and that is better than anyone's memory.

501. CHAIRMAN.—The explanation we want from you is this: why, if Mr. Dockrell signed the agreement and paid the deposit, the property was again put up to auction?—When it was first put up it was withdrawn for insufficiency of bidding.

502. Was that the time that Mr. Dockrell offered the £10 for each house?—He was the only bidder.

503. Did or did not Mr. Dockrell at your request or with your knowledge sign an agreement for those houses at £10 a year each, and pay £5 deposit?—He may have done so on a subsequent day.

504. Was it before or after it was put up the second time for auction, that Mr. Dockrell paid the £5 deposit?—I fancy it was after they were put up a second time—indeed, I am sure the deposit would not be received from him, except it was to be a final transaction.

505. Would it be received by you?—It would be received by the treasurer upon my requisition.

506. Was it before or after Burke had offered the £12. Burke offered £12 each for the two houses, and you reported against the acceptance of that?—I did not report against the acceptance of that. The second bidding was brought forward for the consideration of the committee. This is my report, dated 27th July, 1872:—

"27th July, 1872.

"Ground Nos. 47 and 48, Lower Stephen-street—late John Holmes's holdings—A.R. 335 and 368.

"Mr. William Burke, who had upon 20th inst. bid £12 per year each for both the above lots called at my office on 25th inst., accompanied by his solicitor, Mr. Colclough, and stated that he would accept leases of these lots at £15 per year each, provided that Mr. Dockrell, T.C., who had occupied the stables in the rere as undertenant to the late John Holmes, would accept a sub-lease of the same portion from him (Mr. Burke) at £12. Mr. Burke signed a letter to that effect, which I forwarded to Mr. Dockrell, who replied by letter declining that proposition. Mr. Burke has this day called at my office, and proposed to take a lease of both lots at £15 each, signed letters of proposal, and deposited £7 10*s.* as one-fourth of the last year's rent £30, for both lots. Mr. Burke has lately erected a well-built new cottage, in which he resides in Upper Dominick-street. I believe him to be an industrious tradesman, and I recommend his proposal to be reported to the Council for acceptance.

"FRANCIS MORGAN."

507. That recites that Burke had paid £7 10*s.* deposit. I want to know whether before that Mr. Dockrell had paid £5 deposit?—I am quite sure he had not. I would not have taken it. I have here a further report to the committee, dated 3rd August, 1872, which was as follows:—

"3rd August, 1872.

"To the Chairman and Gentlemen of Committee No. 3.
"Finance.

"Report of Francis Morgan, Law and Land Agent.

"Late A. R. 335 and 368—John Holmes's holdings, No. 47 and 48, Lower Stephen's-street.

"Adverting to my report of 27th ult., and your committee's minute thereon of same date, I have further to report that I had by letter of 29th ult. apprised Mr. Thomas Dockrell, T.C. of the substance of your committee's minute of 27th ult., and returned to Mr. Dockrell his two written forms of agreement, dated 29th June last, and his cheque in favour of city treasurer for £5 deposit of one-fourth on his biddings of £10 each, made on the latter date for both the above lots of ground on building lease for seventy-five years. The two forms of agreement and cheque have been sent back to me with a letter from Messrs Molloy and Watson as solicitors for Mr. Dockrell, will reserve to himself the right to act as he may be advised. I have also apprised Mr. William Burke, who had bid £12 per year for each of said lots at auction, and subsequently proposed £15 for each, of your committee's decision of 27th ult. Mr. Burke called at my office yesterday, and signed a receipt for his deposit money £7 10*s.*, which I then returned to him at his own request.

"I have further to report that upon the 2nd inst. I attended to inspect the above holdings, accompanied by Mr. John Glinn, Clerk of Corporation Works, with a view to ascertain whether if the two front houses Nos. 47 and 48, Lower Stephen's-street should be taken down, and their materials piled at the expense of the Corporation previous to the ground being again advertised for reletting on building leases, the old materials would repay the expenses of removal. Mr. Glinn upon that occasion stated to me his opinion that the judicious expenditure of about £300 in permanent outside repairs of both front houses, including new dry slating of each would render them sufficiently staunch to be let on lease for thirty-one years. I have therefore since conferred with Mr. J. S. Butler, City Architect, who concurs with Mr. Glinn in opinion generally as to the expense and efficacy of such outside repairs, viz.:—

"No. 47, being in better order than No. 48, will cost £100.
"No. 48, being more dilapidated will cost £200.

"I have no doubt that if put into repair—

"No. 47 would relet at from £32 to £36.
"No. 48 do. do. £28 to £32.

"And that the stables at the rere as late in occupation of Mr. Dockrell as under-tenant to the late John Holmes, would relet separately from £10 to £12 per year on lease for thirty-one years. According to the opinion of the Right Honorable A. Brewster, Q.C., obtained in 1862, the Corporation can with consent of the Council legally apply the borough fund in repairing and sustaining tenements similar to the above coming into their actual possession upon termination or eviction of leases. I therefore advise the exercise of that power by your committee's directing the city architect to furnish a specification of the outside repairs necessary to sustain each of the two houses Nos. 47 and 48, Lower Stephen's-street for thirty-one years, and also state the probable expense of such repairs; that same be made with sanction of the Council by contract after public advertisement, or with greater certainty and celerity under direction of your clerk of works, and that your committee may fix such sum not less than £10 per year for reletting the two stables in rere of Nos. 47 and 48, as lately in occupation of Mr. Dockrell, in case he shall propose to accept a lease of same for thirty-one years from 25th March last—rent to commence from 1st June last, Mr. Dockrell's tenancy for six months, pending redemption, having expired on 27th May last, since when he has remained in charge as caretaker for the Corporation; but if your committee shall not recommend the houses to be repaired, and let for thirty-one years, I adhere to the opinion expressed in my report of 6th June last, that the ground comprised in each of the above lots is worth £15 each on building lease for seventy-five years, with right of passage.

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"NOTE.—Mr. Dockrell has constructed a strong gate, fastened on the inside, across the common laneway under the house No. 49, Lower Stephen-street, at a distance of about sixty-three feet from the front flagway, and so inclosed the southern portion of the laneway and passage to the rere of the houses Nos. 47 and 48. If Mr. Dockrell shall not become tenant to the Corporation his gate must be removed about thirty feet southwards, or constant passage given through it.

"FRANCIS MORGAN."

508. *Witness.*—Mr. Dockrell sent in a cheque along with his proposal. Each were in my opinion irregular, and both were refused and returned. He knew that he had friends in the house able to carry him through it. I mean to say, that he considered £10 a year for each house, with what he intended to lay out upon the premises, and what he has already laid out, was a very ample offer; but I differed with him in opinion, and it was my duty if I did not agree with him to report accordingly to the committee. The result has been nothing to be regretted. He has built substantial stores and buildings, and improved the property very materially.

509. The result, you say, is that the Corporation have not suffered by letting the premises to Mr. Dockrell?—I consider their estate has not been injured in any way by letting it to Mr. Dockrell.

510. Are you quite clear that his deposit was not paid when he made his first proposal?—He may have sent in his cheque with his proposal, but that is not finally accepting it at all. The deposit is sometimes paid, and a conditional receipt given by the treasurer until the offer is confirmed by the Council.

511. Mr. *Dockrell.*—Mr. Morgan will, I am sure recollect, that he had an interview with me in my house in George's-street, that immediately after the first auction he got me to sign an agreement and to sign a cheque for £5, which I handed to him.

512. *Witness.*—As to getting you to sign an agreement or a cheque, I don't think you are a mere machine in business that is to be got to do anything except what you wish. I remember very well going to your house after the first auction and telling you that I intended recommending the committee not to accept your offer as I considered the bidding was insufficient.

513. CHAIRMAN.—First of all, Mr. Dockrell says he signed an agreement, and gave a deposit of £5 as the quarter of the first year's rent, which you say if it were accepted would be binding. It is quite clear by this letter that Mr. Dockrell sent in a £5 cheque?

Witness.—Mr. Dockrell sent in a proposal and signed a cheque for £5, and both were returned as insufficient.

514. What I want to know is, whether or not you informed Mr. Dockrell at the time of his bidding being considered insufficient, because he says the cheque was given to you?—If Mr. Dockrell recollects that as a fact I will admit it.

515. Can you say whether you told him then that you had recommended the committee not to accept the bidding?—I did. I recommended them not to accept £10, nor less than £15; and that I told him I considered was the value of each lot.

516. Then the deposit of the £5 did not complete the transaction?—No; unless it was accepted by the city treasurer and a receipt given upon my requisition, it was not a final transaction.

517. It appears that Burke had deposited £7 10*s.* which was returned?—Mr. Burke's solicitor threatened proceedings, and I thought it better to get rid of a suit; and as he had no particular desire to get the premises I returned him his money, which he agreed to take back.

518. Had there been any actual acceptance of Burke's deposit?—No; all was conditional.

519. Was it upon the decision of the committee that Burke got back his money?—Yes.

520. Had you any reason for recommending the committee not to accept Mr. Dockrell's bidding except the fact that it was below the value of the premises?—None whatever. I think Mr. Dockrell waited in the Council Chamber until the premises were put up, and then bid £10; and I told the committee at the time that the bidding was insufficient.

521. The biddings are made in the Council Chamber?—Yes.

522. He being the only bidder at the time, did you then express your opinion that his bidding was insufficient?—I did.

523. Was there any deposit paid at that time?—No.

524. Mr. *Dockrell.*—No, it was subsequent to that that Mr. Morgan got me to sign the agreement and pay the deposit.

525. *Witness.*—You use the expression "got" me to sign. I don't understand how I could get you to do anything you did not desire to do. I went to your house believing you would have paid £15, which I considered to be the value of the premises, and when you would not agree to do that I went away.

526. CHAIRMAN.—The point which I thought required explanation was how the committee came to give the go-by to both Mr. Burke's offers of £12 and £15, and let the premises to Mr. Dockrell for £10. We had two reasons given for that. Mr. Byrne and Mr. Dennehy gave as one reason that Burke had only built a wooden cottage in Dominick-street, that he was not a man of substance, whereas Mr. Dockrell was a substantial man, and a safe tenant, and would do whatever he undertook. Yesterday Mr. Dockrell came before us and gave a different reason, viz., that the committee having accepted the £5 deposit were bound to carry out their agreement, and he was supported in that view by Alderman Manning, who said it was the practice not to accept the deposit until the transaction was finally closed, and that he never knew an instance in which they had gone so far as to accept the deposit on property which was afterwards withheld from the party.

527. Mr. *Dockrell.*—I immediately put the matter in the hands of my solicitors, Messrs. Molloy and Watson, when I found there was to be a second auction, and when Burke was brought in to bid.

528. CHAIRMAN.—You should not make use of the expression "brought in to bid." There is nothing in what I have heard to warrant it.

529. Mr. *Dockrell.*—There is the letter which I made public at the time, and in which I repeated that expression, and if it were untrue I knew I should have to pay for it.

530. *Witness.*—You knew you had friends on the committee who would support you.

531. CHAIRMAN.—I now feel, in justice to Mr. Morgan, that I should read the letter he addressed to Mr. Dockrell in reply to the one he published:—

"City Law Agent's Office, 35, Dawson-street,
"Dublin, 6th September, 1872.

"CORPORATION LETTINGS.

"Thomas Dockrell, esq., T.C., P.L.G.
"South Great George's-street.

"SIR,—Having in my letter of 3rd instant to *Freeman's Journal,* stated what I believe to contain all the material facts in reference to the Corporation lettings of Nos. 47 and 48, Lower Stephen-street, without using an offensive word or imputation against you, I did not expect the unjust attack in your published letter in *Freeman* of this date, which I would not now notice had you not thought proper to use these words—'The public will, therefore, see by the foregoing facts, that for some reason or other, of which I am ignorant, Mr. Morgan was endeavouring to secure for his friend, Mr. Burke, an unfair advantage at my expense.' You have, sir, thus directly incurred the charge of wilful misrepresentation, and as regards Mr. Burke, who never was a friend or client of mine, I can fortunately refer to my own and to Mr. Burke's letters, and to the evidence of Mr. Burke's respectable solicitor, that I encouraged Mr. Burke to make a written proposal for a building lease at £15 per year for each lot, on condition that he would make a sub-lease to you at £12 of the rere ground, late in your tenancy at £14.

"You who had a direct interest should be satisfied with procuring a lease on your own terms, without having wilfully misrepresented me for having done my duty, and endeavoured to realize the full value of the property. I hope you will soon repent of your injustice to me. Meantime

"I am, sir, very truly, &c.,

"FRANCIS MORGAN,
"Law and Land Agent to Dublin Corporation."

532. Upon that letter I will just ask you this. Had you at the time you recommended the committee not to accept Mr. Dockrell's offer of £10—had you it in view in your own mind to get the premises for Burke?—None whatever. Burke had never appeared in the matter at all at that time.

533. When that property was put up a second time did you induce Burke to become a bidder for the property?—In no degree whatever.

534. Prior to the second auction, when Burke offered £12, did anything pass between him and you upon the subject?—Burke or his solicitor called at my office, but whether it was before or after the auction I cannot recollect, but as to my procuring any person to oppose Mr. Dockrell in the matter, there never was a greater misrepresentation.

535. Burke and his solicitor called at your office with regard to the subsequent offer of £15, but did they call at your office prior to the offer of £12?—I cannot say, but Mr. Colclough is a living man, and his books will show the date upon which he called upon me, as he will have an entry of it.

536. Were you influenced in any way by a desire to get the premises for Burke?—Not in the slightest degree. If anyone had offered £16 I would be just as anxious that he should get them. I wished to let the premises to the best advantage. It seems to have got into some people's heads that I brought up Burke to oppose Mr. Dockrell in getting the premises. All I can say is that there could not be a greater misrepresentation or a greater calumny.

537. Did you recommend the committee to accept Burke's offer of £12?—I recommended it for the consideration of the Council.

538. Mr. *Dockrell.*—I am prepared to give sworn testimony that at the time the second auction took place, Mr. Morgan held both my cheque and the agreement.

539. CHAIRMAN.—I cannot hear you upon oath, but I think if we cannot rely upon a man's word, his being sworn won't make much difference.

540. *Witness.*—If I held them I never asked for them. Mr. Dockrell sent them.

541. Mr. *Dockrell.*—Unfortunately I was obliged to make a declaration before in this case. At that time I was not a member of the law or lease committees, and I had never bid for their property before. But I considered when the Lord Mayor had declared me to be the highest bidder, and I had signed the agreement and paid the deposit, the whole matter was complete. I never heard, until the day of the second auction, when going into one of the offices, for I was then attached to No. 1 Committee, that this property was to be put up again, and then, to my great surprise, I found it was the very property that I had bid for and of which I had been declared the purchaser.

542. CHAIRMAN.—Can you tell us, Mr. Morgan, whether or not Mr. Burke's tender of £15 included any proposal to lay out a specified sum, or was there any understanding that he was to expend any sum in building?—I could not state without looking at the tender.

543. Was it a condition of the letting that any sum should be laid out?—It is very likely there was.

544. I asked the other day whether you, Mr. Dockrell, had agreed to lay out a larger sum than Mr. Burke had, but it was not satisfactorily shown whether Mr. Burke had the same opportunity given to him. There was, however, it seems, a condition in the lease.

Mr. *Dockrell.*—Under the agreement I signed I was bound to send in a plan for the approval of the city architect and of the committee. Shortly after that agreement was signed, I got Mr. Carson, who was not then a member of the Council, to draw out a plan. I submitted that to the committee, and with some slight alteration it was approved by the committee and the city architect.

545. Was that the agreement you signed when you gave the deposit of £5?—It was under that agreement I furnished these plans.

546. Can that agreement be produced?—I don't recollect that I have it.

547. There is no question about your having laid out a large sum afterwards—more than you were required to do.

Mr. *Dockrell.*—That was a very considerable element in their giving it to me. In 1848 Mr. Booth, who owns No. 50, next door, got a lease for seventy-five years at £10.

548. *Witness.*—It is not half the breadth or half the frontage.

549. CHAIRMAN.—You told us yesterday, Mr. Dockrell, that Mr. Booth got a house equivalent in value for £10 a year, do you say that that house stood on the same space of ground as those others?

Mr. *Dockrell.*—That is my impression. There might be a foot difference, but not more.

550. *Witness.*—You usurped a common gateway which was common to three or four houses, and kept it shut so that no person who went to see the property could know whether it belonged to it. You brought your solicitor to the city hall, and you got a number of your friends to insist upon giving you what is a gift—portion of that gateway which you had no right to.

551. CHAIRMAN.—As Mr. Dockrell cited the house of Mr. Booth, I want to know from you, Mr. Morgan, whether you know that the premises let to Mr. Booth in 1848 for £10 are equal in area to Mr. Dockrell's houses?—They are not.

552. What would be the difference between the effect of a receipt given by you and a receipt given by the treasurer as to binding an agreement for a lease?—I am not authorized to receive any money. The money was sent to my office, and I left it with the treasurer until the right time, when the committee would report the case as a final case to be entered on the books.

553. Then the receipt was merely an acknowledgment of the cheque pending the decision of the committee?—Yes.

554. Mr. *Dockrell.*—I would like to ask Mr. Morgan this question. Provided I refused to carry out my agreement, and that Mr. Morgan was of opinion it was a substantial rent I had offered, had Mr. Morgan not power to compel me to take out a lease?

Witness.—No doubt I could enforce whatever course I thought the Corporation should enforce.

555. Mr. *Dockrell.*—Was it not with that view you always got the agreement signed and the money lodged?

Witness.—These are speculative questions.

556. CHAIRMAN.—Do you know of any cases in which a deposit had been paid and a conditional agreement signed by the parties, and still the lease withheld?

Mr. *John Curtin* (City Treasurer).—Many times that has been done. I have sixteen or seventeen years' experience in the treasurer's department. The lettings are made by auction in the City Hall and the agreement signed. An invariable rule is that the person who has bid the highest should deposit one-fourth of the year's rent, to go towards last year's rent, in advance. It has frequently happened within my memory that the person so lodging money has not been accepted as tenant, and his money has been returned. On several occasions, certainly, money has been deposited, and the party having voluntarily withdrawn from the terms of his agreement, and refused to complete it, the money has been forfeited; but, then, the Corporation have hardly ever enforced their right to retain the money so forfeited. They have very frequently—in fact they generally have—returned it to the party.

557. CHAIRMAN.—Do you mean to say they could insist on the forfeiture, but that they have not, as a matter of fact, done so?—They do not. The proposal and money are lodged with the treasurer, and he only gives a conditional receipt, but when the agreement is completed he issues the official receipt from his office.

558. Then you say there may be a lodgment of

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money which is only conditional and not binding on the Corporation in any way to accept the lease?—Not binding until the Corporation confirms the whole thing on the committee's report.

559. Then you confirm Mr. Morgan's view that the putting up of this property a second time after Mr. Dockrell had lodged this deposit was not exceptional; that it was not contrary to the usual course of practice?—Oh, certainly not. The Corporation reserve to themselves the right to refuse or accept.

560. Mr. *Dockrell.*—Don't you see the manifest injustice in any case? The deposit was held until after the second auction. I was held to my agreement, but the Corporation wanted to play fast and loose, and it was under these circumstances my solicitor acted.

561. CHAIRMAN.—It was put on a totally different ground by the gentlemen who said you should get the lease.

562. Mr. *Dockrell.*—Sir John Gray and others acted in this matter. The Council were unanimous on the point, as they felt indignant at the way I was treated. My feeling at the time was to give up the whole thing, only I did not want to gratify a person whom I thought I should not gratify. I don't consider that to the present hour I have gained any advantage by the transaction. I have expended £2,000 on the property, so as to make it a substantial thing for the £20 a year to the Corporation.

563. CHAIRMAN (to Mr. *Morgan*).—I suppose the conditions on the second occasion were the same as on the first occasion?

Witness.—Most likely they were.

564. CHAIRMAN.—To proceed now to a different subject—the Baldoyle property. We had yesterday read to us a report from No. 3 Committee, dated March, 1875, signed by Dr. Norwood, in which there was a letter from the Rev. William Rutherford, on the part of himself and other persons in the neighbourhood, a communication from the North Dublin Union Sanitary authority, and a memorial signed by Canon Smithwick and a large number of other persons, respecting the condition of Baldoyle village, with a report from Mr. Butler, the city architect, dated 19th February, 1875, and your report, in which you recommend the immediate erection of new cottages before the property is put up by auction, when, you say, a proper sale could be had of the lands of Baldoyle. Was that report brought under the consideration of the Council?—Never.

565. It was, I think, by the report of the Committee—

"Resolved,—That we report to the Council that the attention of the Committee has been called to the condition of the town of Baldoyle, and the sanitary condition of many of the holdings. The Committee suggest the desirability of preparing maps and rentals of the property, with a view to its sale, and that city debentures be taken up and cancelled with the proceeds of the sale. All which we submit as our report."

Then follows your report as to the expenditure by the Corporation in improvements up to 1867, which we had given in evidence yesterday by Dr. Norwood. What I wish to know is, inasmuch as these premises, except the quarterly tenancies, don't fall in until 1886, as they were let in 1855 for thirty-one years, have any proposals been made by the tenants? We understood yesterday there had not been any?—Several of them are ready to purchase the fee of their holdings.

566. But have no proposals been made for new leases?—No

567. You say several of the tenants are ready to purchase the fee?—Yes.

568. Are you of opinion it would be to the interest of the Corporation to sell the property?—Most decidedly.

569. And you are of opinion that before it is sold new cottages should be put up?—In order to sell the property to the best advantage new cottages—at least twenty—should be put up.

570. You are still, then, of the same opinion as when you prepared this report?—I am rather fortified in that opinion, whether right or wrong.

571. Do you know whether the Corporation have come to any decision on the point?—I know they have not, because I have watched it very anxiously. There have several things intervened. These public entertainments have been going on, and canopies have been put up to protect the young folk going into the ball-rooms. That runs away with the ready money which should be applied to purposes more useful.

572. There are other properties outside the city. Is not part of Baggotrath rural?—It is.

573. And the whole of Ballycoolane, Colganstown, Clonturk, and Donnycarney? Now, with regard to all these properties, is it your opinion it would be for the advantage of the Corporation to let them again upon lease, or to sell them?—To sell them, decidedly. Every acre of the property we have I would sell, and pay off the debentures. Four lots of the Clonturk estate were sold in court the other day. They were purchased by the occupier, an individual who has expended money to a large extent on these holdings and improved the neighbourhood very much; and although we have ceased to have any interest in these four holdings, I must say they have changed the whole face of the country. A mansion-house now exists in place of a very shabby house that stood there before. I am decidedly for having the whole thing sold.

574. Mr. *Dockrell.*—I know it is the opinion of some members of the Council as well as my own (Mr. Gray, who is not in town, would, I think, give evidence of a similar kind) that it would be for the benefit of the Corporation and the ratepayers to have the property sold and the debentures wiped off.

575. CHAIRMAN.—Then you agree with Mr. Morgan so far?—Quite. The Corporation is totally unsuited to manage landed property.

576. CHAIRMAN (to Mr. *Morgan*).—There are, I think, about thirty holdings in Clonturk?

Witness.—There must be about that.

577. None of these appear to fall in sooner than 1883, except one in 1881. Now, here is Michael Lynch in occupation. That holding will fall in in 1881 Is there any proposal for that?—Yes, and to build a new house.

578. Then there is another holding, of which the Commissioners of National Education are the lessees—nearly thirty-five acres. That falls in in 1883. They pay a very large rent, £92 5*s.* 8*d.*?—Yes; that adjoins the Model Farm at Glasnevin, and it is most valuable ground.

579. Are there any proposals for them?—No; because the expiration of the lease is not so near at hand, but if it was decided to sell the property this lot would sell for thirty years' purchase, no doubt. They purchased Mr. Hudson's lease of another lot up to 1920. It adjoins. If the Commissioners of National Education wish to purchase, it would be decidedly advantageous to the Corporation to get leave to sell.

580. There is however, I observe, one portion of Clonturk which you could not sell—All Hallows College—for they have I see, got 1,000 years' lease on condition of laying out £10,000 on it?—Yes.

581. Mr. *Dockrell.*—It was stated yesterday that we had no fixed valuator, and that the valuations of Brassington and Gale were not to be relied on. Would you ask Mr. Morgan have we not been in the habit of employing Brassington and Gale for several years?

Witness.—Whenever we called on a tenant to procure a valuation, we asked for Brassington and Gale's valuation, and he has gone to them, but it was not compulsory. Mr. Doherty, who purchased Clonturk the other day, got a valuator of his own, and although the Corporation called for Brassington and Gale's valuation, this gentleman bid higher than both of them.

582. In every case where the Corporation had called upon Brassington and Gale to make a valuation, has not their valuation been communicated to the occupying tenants as the basis for their offer?—Because it was at their own expense the valuation was obtained. The way it is is this:—I write, stating that the committee require a valuation, and saying, that hitherto

we had found Brassington and Gale's valuation satisfactory, and I recommended them.

583. Then these valuations are obtained not by the Corporation for their own guidance, but obtained at the expense of the parties, and at the suggestion of the Corporation?—Yes.

584. And it is practically for the guidance of the occupying tenants in the offer they make?—And for the guidance of the Corporation also.

585. Would it not be the better course for the Corporation to have a valuation made for their own information which should not be communicated to the tenants?—I think so. It would be much more desirable to have one acknowledged source of valuation, such as Griffith's office or some one of equal calibre.

586. Some one who would confidentially advise the Corporation, quite irrespective of the tenants who are to bid?—That would be the best course, for the moment it is known what their valuation is, any bidding is generally confined to the same thing.

587. You mentioned one instance in which one gentleman bid more?—Yes.

588. Mr. *Dockrell.*—We have always had great confidence in them. I ask Mr. Morgan did we not receive a letter from the Lords of the Treasury when the 55th by-law was altered. We asked the Lords of the Treasury to appoint a sworn valuator for all parties?

Witness.—That is so.

589. CHAIRMAN.—Was not their reply to the effect that they would take every case on its own merits, and not appoint any person generally.

Mr. *Dockrell.*—They appoint a valuator from the general valuation office.

Witness.—I am not aware of that.

Mr. *Dockrell.*—In their letter they say they will take every case on its own merits and apply to the office, I think, of Mr. Ball Greene.

590. CHAIRMAN.—I should like to have that letter.

(Witness handed in the letter as follows:—)

"City Hall, Dublin, 3rd July, 1876.

"Read,—Letter from Secretary to the Treasury in reference to the appointment of a valuator pursuant to 55th by-law.

"Treasury Chambers,
"30th May, 1876.

"'MY LORD,—With reference to the memorial from the Corporation of Dublin, which was forwarded in the town clerk's letter of the 21st ult., praying the sanction of this board to the appointment of a sworn and competent valuator for the purposes of the new by-law recently passed by the Town Council for the regulation of letting of corporate property, I am directed by the Lords Commissioners of Her Majesty's Treasury to state that it appears to them that in lieu (at any rate in the first instance) of appointing a valuer, as proposed in the by-law, the preferable course will be that this Board should refer the applications made by the Corporation to the Commissioners of Valuation in Ireland, for a report in accordance with their Lordships' usual practice in regard to the alienation of corporate property in Ireland.

"'It will be necessary that the applications should be made by memorial under corporate seal, addressed to this board, and that each explanation should be accompanied by full particulars of the proposed tenure, and a copy of the report of the city architect setting forth the amounts to be expended either in repairs or rebuilding, as the case may be, in order that this department may be in possession of every information affecting the rent value before the premises are inspected.

"'I am to add that it must, however, be clearly understood that any expense incurred by the Commissioner, either in his own department or by the employment of a professional person, will have to be defrayed out of the corporate revenues.

"'I am, my Lord,

"'Your obedient servant,

"'R. R. STRINGER.

"'The Right Hon. the Lord Mayor.'

"Moved by Councillor Byrne, seconded by Councillor Dennehy—

"'That we assent to the terms of this letter, and that we will carry out same, and that it be referred to Committee No. 3 to carry out the details, first reporting same to this council.'

"Question put and carried.

"G. B. OWENS, M.D., Lord Mayor."

They said they would not make any general appointment, but that each case would be decided on its own merits. There was a letting to Mr. Geo. Austin, in St. Andrew-street, said to be very much under Griffith's valuation?

Witness.—I am quite familiar with all that case.

591. I only want to know whether any favour was shown Mr. Austin when he got Nos. 11 and 13, because No. 11 is let at less than half the Poor Law valuation, and No. 13 at exactly half the Poor Law valuation, whereas Miss Frances Potter pays the full Poor Law value for a house adjoining?—That property was out of possession. Mr. Austin got into possession of these two lots. He got them at auction, there being no one to bid more.

592. In fact he got a lease at open auction?—Every lease he has got was at open auction. It was at a very depressed time. Property was very much depressed in 1848 and 1849. It is now fifty per cent. higher. The time has now arrived when we can say "we will make you pay the value of what you have got."

593. With regard to these town parks of Baldoyle, which appear to be let quarterly, is it a fact that they are not let by auction in the same way as other letlings are, but by proposal?—I could not say now at this lapse of time. Some of them may have been let by auction, but my strong impression is that they were all classified and considered at one time, and the proposals which were considered sufficient at the time were accepted, and some others held over. As to Fergus Farrell's case, at Clonturk, there was a reduction made, but not in a legal form. When Fergus Farrell was Lord Mayor and an influential member of the committee his rent was lowered not very much, and the arrear has never been legally wiped away.

594. He holds, I see, twenty-four and a half acres in round numbers under a lease for seventy-five years from 1843?—Yes; he built a house on that lease, but he purchased the adjoining lease from Glennan, and the reduction was made improperly on Glennan's lease.

595. Then there has been no reduction on the lease he holds direct?—No.

596. Glennan's lease appears to have been a lease of thirty-one acres for 99 years from 1834, at £93 15*s.* 4*d.* Has there been any reduction on that?—Yes, illegally and improperly, and I have called attention to it several times; but there is one member of the committee who thinks he knows more than the rest, and he carries all the rest with him—Mr. Dennehy.

597. Was it upon Mr. Dennehy's suggestion that the rent was reduced?—No, but it was upon his suggestion it was not re-opened.

598. How long was it ago since the rent was reduced?—It was when he was Lord Mayor—in 1856.

599. Is £93 15*s.* 4*d.* the original rent or the reduced rent?—It was the original rent.

600. Then, in point of fact, he is not paying that now, though it appears as the rent on the rental?

Mr. *Curtin.*—He only pays £80.

601. CHAIRMAN (to Mr. *Morgan*).—Did you bring before the Corporation the circumstances of this reduction?

Witness.—Yes, several times within the last few years. Here is the letter in which I called the attention of Committee No. 3 to it in 1858:—

"To the CHAIRMAN and GENTLEMEN of COMMITTEE No. 3.

"REPORT of FRANCIS MORGAN, Law Agent.

"J. Glennan's and Fergus Farrell's Holdings, Clonturk.

"In consequence of the report of the City Treasurer to your committee on 31st ultimo, calling for their instructions in reference to the amount of rent received on account out of the above holdings, I have examined the former reports of committee and orders of the Town Council, and I find that a report recommending the rent of both holdings to be reduced to £4 per Irish acre and their consolidation in one lease was confimed by the Town Council on the 1st December, 1851. That a memorial from the Corporation to the Lords of the Treasury, setting forth such reduction to £4 per Irish acre, was approved by the Town Council on the 8th June, 1853, and a further memorial, also stating such rate of rent, was also approved by the Town Council on the 1st August, 1857, I have, therefore, no hesitation in stating that in my opinion the treasurer should be at liberty to discharge any arrear carried on since 1st December, 1851, and give a clear receipt to Alderman Farrell. With respect to the new lease to Alderman Farrell, according to the

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memorial last presented by the Corporation to the Treasury, I find it has lain over, pending the preparation of an explanatory map, until after the 29th September next, when the period of lease required by Alderman Farrell and recommended by the Town Council will not exceed seventy-five years.

"Although I believe Alderman Farrell's present state of health is very alarming, that his surviving the 29th September next is very doubtful, I trust he may yet be spared to execute the new lease in person.

"FRANCIS MORGAN, Law Agent.

"7th August, 1858."

There was another case in College-green, in which we compelled them to pay the arrears.

Mr. *Curtin*.—On the 11th October, 1858, the treasurer was authorized, by order of council, to take off £151 9*s*. 10*d*., the accumulated arrears of surplus rents.

602. CHAIRMAN (*to Witness*).—Can you tell me respecting Trinity-street, James Molloy is the lessee and James Kavanagh the occupier, from 1848, for seventy-five years, at £11. The Poor Law valuation is £34. How was it let to him so much under value? Was it by auction?—At that time the system of auctions had not commenced at all. There were lettings made to Mr. Arkins, Mr. Molloy, and I think, two more before the decisions as to auctions.

603. Here is one to Charles Darley, seventy-five years at £20, while the Poor Law valuation is £76?—That was for the ground only, and he built two houses on it.

604. We had it in evidence yesterday that the Poor Law valuation of Grafton-street and Suffolk-street was greatly under the letting value?—So it is.

605. Do you think in any part of the town the Poor Law valuation is above the letting value?—That depends on the time it was made. There is one part of our property in Upper Bridge-street, in which the Poor Law valuation is above the letting value. It is a very bad spot; it is part of the Mary's-abbey estate.

606. With that exception is the Poor Law valuation generally very considerably below the letting value?—The Poor Law valuation is below the letting value.

607. I think you told the Select Committee it was twenty-five per cent. below?—I think on the average of the whole estate it is. This Upper Bridge-street property is the only decaying part. It is built on a hill.

608. Is not Grafton-street, which is falling out of lease now, in some instances nearly 150 per cent. below the letting value?—That is a very large sum. Individual cases are not safe landmarks. I wish to impress upon you that the committee had, upon my advice, intended to remove the entire of Suffolk-street. In committee No. 3 they have adopted the principle that one side of the street is to be rebuilt. I want some sort of improvement to be made.

609. From St. Andrew's churchyard to No. 16, do not the houses all fall out within the next five years?—Altogether, and my desire is to have them swept down and let by the foot. The names of the tenants who have contributed to improve the property will be recorded, and if they give £4 10*s*. per foot for the frontage, they will be given the property.

610. You think, then, that would be a better course than to let the houses as they at present stand?—Yes. The houses are quite unsuited to the time—narrow, old, rotten houses.

611. Do I understand that there is a resolution of the Corporation to take that course?—There is a resolution of No. 3 Committee, but I don't know that it has ever been brought before the house.

612. From No. 16 to the corner of Grafton-street, would you treat that in the same way?—Yes; the nearer to Grafton-street the more valuable are the houses. The Treasury have recognised my recommendation as to the letting of Callinan's holding, which has been valued by Brassington and Gale, and their proposal has been agreed to by the Corporation.

613. Then are there only these two proposals in the schedule before the committee with regard to Suffolk-street in addition to that one which has been agreed to of Callinan's?—Yes.

614. Have you given the committee any advice as to these proposals from Johnson and from Beaumont?—I have advised that the whole frontage be rebuilt, and the committee have agreed to that.

615. And Beaumont has apparently offered £4 11*s*. 6*d*. per foot frontage for his holding?—Yes.

616. Is the difference between the Poor Law valuation and the letting value as great in the country as in the town?—I think the difference is stronger in the country than in the town.

617. With the exception of, perhaps, Grafton-street and that part, would you say then that the discrepancy is greater in the country than in the town?—It depends very much on the state of the neighbourhood. The letting value is very much in excess of the Poor Law valuation in the agricultural lands and buildings.

618. CHAIRMAN.—I hold in my hand a report by you on Clarke's holding, now Rochford's, which contains certain suggestions by you. Do you still adhere to those suggestions?—Yes. I complained of that lease being renewed, and I sent a letter to the Lords of the Treasury to prevent if possible the lease to Rochford being confirmed, inasmuch as the Corporation were contemplating the introduction of an Improvement Bill, by which they would have required those premises. I advised them to hold what they had and to make a temporary letting to Mr. Rochford, but the Corporation did not consider it necessary to adopt my advice. There is an uncertainty as to his being entitled to a lease of what he holds, but his solicitor says he will force the Corporation to execute a lease for seventy-five years at £64 a year.

619. What do you consider would be a fair and reasonable rent for those premises?—£95 a year would be a reasonable and sufficient rent upon a lease of seventy-five years, but £64 I consider to be a very insufficient one.

620. Were not Messrs. Monsell and Mitchell subtenants of Mr. Rochford's?—They were not directly his tenants, inasmuch as he was unable to remove them. There was a middleman between Rochford and Monsell and Mitchell, a Mr. Corballis, and Rochford compelled Corballis to eject them out of their holding, in order that he might himself become the occupying tenant, and so get the benefit of the amended by-law. When the committee went to view this property, Mr. Rochford did not show them this back property—he never showed the committee the full extent of the area of the ground held by him. Subsequently I sent down the surveyor, and had the place surveyed and a map made of it, and it disclosed exactly how the property was situated and its extent.

Mr. John Martin.

JOHN MARTIN, Assistant Town Clerk, recalled.

621. CHAIRMAN.—I have now got Mr. Barlow's letter of the 12th of July, 1873, stating what his duties are, and asking for an increase of salary to £200 a year. (Letter read.) Is £200 a year his salary at present?—That is his salary.

622. Has he any other remuneration?—He is paid postage for delivering the summonses and reports. He only charges a halfpenny for postage. He expends £5 a month or upwards in this way. His book is brought before Committee No. 3, reciting the delivery of the summonses every month, and they sign a cheque for £5. Lately it has increased very much.

623. Do they give a cheque for £5 on account when it amounts to that?—No; it is rather recouping him for what he had already expended.

624. Does he present an account monthly of all postages?—Yes.

625. And when he presents the account, does he get a cheque for £5?—Yes.

626. Can you say what it comes to in the year?—

Latterly it has been much larger than it used to be, the business has increased so much. We have now sixty meetings of the council and committees in a half-year, and he either posts or delivers all the summonses.

627. And if he delivers them, does he charge postage?—Yes; whatever he gets that way is in lieu of postage.

628. In point of fact what he does is this—he charges at the rate of a halfpenny for every summons and notice paper?—Yes.

629. And does that include the filling up of the summonses and their delivery?—Yes.

630. And the committee don't stop to inquire whether he delivers them by hand or posts them?—They do not inquire.

631. But pay him at that rate?—That is about it.

632. How much does it amount to in the year?—Latterly to about £10 a month.

633. Then in point of fact it comes to about £120 a year?—I dare say it will exceed that after a time if the business goes on increasing.

634. It would follow then, that although the basis of this application for an increase of salary was mainly the large number of summonses and notices he had to fill in, that he gets an additional payment for these in lieu of postage?—He must be very precise though in the way he fills them in. The members require everything plainly and distinctly stated.

635. Mr. *French*, T.C.—There is a draft drawn every month for £5.

Mr. *Martin*.—Twice a month.

Mr. *French*.—No; every month.

Mr. *O'Donnell* (accountant).—Up to the year ending August, 1876, Mr. Barlow received at the rate of £60 a year.

636. CHAIRMAN (to Mr. *Martin*).—That was at the rate of £5 a month?—Yes.

637. And since then you say it has been about doubled?—I know I drew out a breviate lately for the committee, and I found £5 recorded twice for the month of January.

638. Was not the salary of a late officer, Mr. Curren, £150 when he died in 1850?—I think so.

639. And Mr. Martin Crean, his successor, was appointed at a salary of £150 a year?—Yes.

640. And received that salary until he was promoted to be city marshal in 1866?—Yes.

641. And then was Mr. Barlow appointed in 1866, at a reduced salary of £100?—I think so. Yes; that was it.

642. And in 1868 was not his salary increased by £25; and in June, 1870, again increased to £150?—Yes.

643. Can you say whether Mr. Barlow has any other duty in excess of what his predecessors had, beyond what arises from the increased number of meetings of the committees and the Council, and the consequent increase in the number of notices he has to serve?—My impression is, that his duties amount to double the work his predecessors had to perform.

644. Is not that merely in respect of the summonses?—Yes.

645. But I want to know whether his duties were increased in any other respect besides these notices and summonses?—The Council having met more frequently his attendances are increased, and he has a greater number of notices and summonses to serve.

646. Does he write out six lists of the members present at every meeting?—There are only five morning newspapers now, but there were six.

647. Then, are these lists for the Press alone?—Yes.

Mr. BARLOW examined.

648. CHAIRMAN.—Have your duties increased in any respect beyond what your predecessors' were, except in regard to the number of notices to be served and the number of meetings to be attended?—Not that I am aware of.

649. In other respects are your duties similar to your predecessors'?—As far as I know, almost; but then the business of the Corporation is double what it used to be, and of course my duties are doubled also.

650. You have to attend the Lord Mayor oftener in full dress than your predecessors, I suppose?—My predecessors hadn't much of that to do.

651. One of the reasons you assigned for asking this large increase of salary is that your court dress costs £20. Is it worn out much oftener than that of your predecessors?—No; but I will tell you a circumstance that happened to me lately. I lost my robe through some inconvenience at the Mansion-house, and it cost me £8 to get a new one, and the old one only cost £6.

652. Mr. *O'Donnell* (accountant).—I wish to correct a statement I made a while ago as to what Mr. Barlow received. In August, 1876, he got £85, and not £60, as I stated.

653. CHAIRMAN (to Mr. *Barlow*).—Mr. Martin thinks that you now get something like £10 a month for serving the notices and summonses?—Yes, the present rate.

654. At the present rate of payment for postage is the accession to your income from that source something like £10 a month?—Yes; but I only get the pure postage.

655. I am quite aware; but does that amount to £10 a month?—At that rate.

656. I understand that the Committee do not stop to inquire whether you put postage stamps on the notices, or serve them yourself. May I presume that it is on the ground that it would cost you as much to go about in cabs to serve them?—It is immaterial to them how they are delivered, so that they are delivered.

657. In point of fact, do you deliver many of them by hand?—All nearly. The Act of Parliament says they shall be delivered. It does not say may be, but shall be.

658. The basis of that letter of yours of the 12th of July, 1873, which resulted in an increase of your salary to £200, was that you had such an immense amount of additional business to perform in filling up these notices?—Yes; in fact, the business has increased so much these last few years, and besides the relative value of money then and now.

659. That applies, of course, to all the officers. At that time were you receiving money for postage stamps in the same way as you do now?—Oh, yes; but not so much.

660. Did your predecessors always receive postage at the rate of a halfpenny on every notice served?—They used to get a penny. In their time there was no halfpenny postage, but now, since the halfpenny postage came in, I only charge a halfpenny on all summonses. There are reports, for instance, and large books, that would cost a shilling to post, and I only get 1*s.* 2*d.* for them.

661. That includes book postage as well as notices?—Yes. There is the book for 1857 belonging to my predecessor by two degrees removed (book produced). Of course, the business has increased very materially since then. This book (produced) is for the time of the penny postage.

662. They are all, I see, carefully, and, I doubt not, accurately entered?—When the penny post was in force of course the work was less.

663. Does this letter represent the full extent of your duties?—The same duties, but vastly increased. Of course, at that time, the Lord Mayor, being a Catholic, would not be allowed to go to Mass with the officers of State; but now we have to go, and that is an additional duty.

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Mr. Lalor, Secretary to No. 2 Committee, examined.

Mr. Lalor.

664. CHAIRMAN.—Are there only two markets under the control of the Corporation?—A great deal more.

665. I thought there were only the cattle market and Smithfield?—We have others besides.

666. Will you kindly make out a list of the markets for me?—Yes.

667. Is the duty of deputy clerk of the markets performed by the inspector of weights and measures?—They are the Lord Mayor's men under the Act.

668. Is not the Lord Mayor, *ex-officio*, clerk of the markets himself?—Quite so, but he appoints two men who are deputy clerks of the market.

669. Who are these two men at present?—Mr. Ephraim Webb and Mr. George Edwards. They perform the functions of clerks of the markets and inspectors of weights and measures under the Improvement Act, and their duties are united.

670. Do they receive their salaries as inspectors of weights and measures from the improvement fund?—Yes.

671. And do they also receive their salaries as clerks of the market from the improvement fund?—Yes.

672. Are the expenses of their office paid out of that fund?—Yes. The Act—The Petroleum Act—also confers the duty of inspection upon the existing inspector of weights and measures in the district, and one of the gentlemen has the appointment, for which he receives £10. His duties are defined.

673. What is the payment of those two gentlemen as deputy clerk of the markets?—They hold it at £30 per annum.

674. Is it £30 between them?—Yes. The Lord Mayor has the option of either appointing one or sixty if he likes, but the emoluments of the office are only £30 per annum.

675. The Lord Mayor, for the time being, has the power of appointing as many deputy clerks of the markets as he likes?—Yes. The Corporation assigns the salary, and the Lord Mayor makes the appointment, and they receive £30 between them.

676. When were the appointments of deputy clerks of the market first made?—Many years ago; after the Act of 1849 came into operation.

677. Are the Corporation limited by any Act of Parliament as to the salary to be paid?—There is no limitation.

678. Then it is in the power of the Corporation to increase it if they wish, but as a matter of fact the salary has been £30 for many years?—Yes.

679. Has the practice been for many years to appoint two clerks of the markets?—It has. There were three, but it was found that two were quite sufficient, and the two receive the emoluments of the three.

680. How long has Mr. Webb been in office?—The date of his appointment is May, 1865, and Mr. Edwards, October, 1869.

681. As inspectors of weights and measures they appear to receive £160 between them?—Yes.

682. £80 each?—Yes. The cheques are drawn as for both; they are not drawn separately.

683. The cheque is drawn for the whole £160?—Yes; it is drawn quarterly and given to them to do as they like with.

684. Is the appointment of inspector of weights and measures made by the Lord Mayor?—Made by the Lord Mayor solely in his own right.

685. Is it optional with him to appoint different parties to that post, or must they be deputy clerks of the markets?—He has the absolute power of appointment every year. It is vested in the Lord Mayor.

686. The power is vested in the Lord Mayor to appoint deputy clerks of the markets, but is it necessary that those who hold that office should also be inspectors of weights and measures?—I do not think it is. It is the custom, and many things in Dublin are done by ancient usage and Royal Charter.

687. It is quite clear that each succeeding Lord Mayor does not exercise the privilege but continues them on?—Quite so; owing to their efficiency and knowledge of details.

688. What are their duties as deputy clerks of the markets?—You will find them stated on the paper I have handed you. (See Appendix 15, page 386.)

689. Their duties as deputy clerks of the markets are that they must visit and inspect, as they may be required, any fish, fowl, meat, and vegetables found in the market exposed for sale, and if any such be found unfit for human food, to seize the same and send it to the gardens of the Royal Zoological Society for the use of the animals?—Quite so; that has been the custom for years and years.

690. But don't they get a salary irrespective of the seizures made?—No, not as deputy clerks of the markets, but under the Public Health Act.

691. But who are the judges of whether the food is unwholesome and unfit for human food?—First they are inspected by the inspectors, who form an opinion upon any food that they may deem unwholesome, and if there is any dispute on the point—where there might be any doubt as to whether the food is or is not unwholesome—Dr. Cameron, the city analyst, is called in, and he decides the point.

692. If the opinion of the deputy clerks of the markets is dissented from by the party exposing the food, is there no appeal against his decision?—If there is a dispute Dr. Cameron is called in, but if there is no dispute, he is not called in.

693. Does his pay as city analyst cover that duty?—Quite so.

694. What salary does he receive?—His total salary is £300 a year, that covers his salary as medical officer of health, under the Public Health Act, and city analyst; he has no fees.

695. Is he required in either of his capacities to give his opinion upon diseased meat?—Oh, in a number of cases.

696. Is he required to do so, or has that duty been thrust upon him since his appointment?—It is one of his duties.

697. It is one of the duties imposed upon him as city analyst?—Yes.

698. Are those duties that you have described all the duties of the deputy clerks of the markets?—

699. Are there no tolls received by the deputy clerks of the markets?—None. Those officers act under ancient usage and custom in the capacity of inspectors of weights and measures, for which they receive a salary. If you refer to the document I have given you, you will find that they perform additional duties, for which they receive, as it were, what they earn.

700. In point of fact, I perceive that although they are paid £80 a year each as inspectors of weights and measures, they do get a fee on all adjustments of weights?—They do, by custom.

701. But all the duties of inspectors of weights and measures seem to be paid by fees, and why do they get the £80 a year each?—Their duties are not paid by fees, and they get the salary for seizing fraudulent weights and measures, and prosecuting where fraud is suspected.

702. And you would draw a distinction where there is no fraudulent intention?—Yes; where there is no fraudulent intention, the custom in Dublin has been not to inflict a penalty on the trader in cases where wear and tear has reduced the metal in the measure; the measure is adjusted, and they receive a fee by custom.

703. What fee by custom do they receive from the trader?—They receive an established scale of fees, which I shall be happy to hand to you if you desire it.

704. Did Mr. Finlay, the Government auditor, raise an objection to their receiving these fees, the first time he made an audit here?—He was under the impression that under the Dublin Improvement Act, all fees received—and he gave a very strong opinion on the point—should be lodged to the credit of the Improvement Fund.

705. And was not that the intention of the Act?—Quite so; but the fees these gentlemen receive are very small. The sum they receive on the re-adjustment of weights and measures is very small, and is acquiesced in by the general public, and is paid to them.

706. Has any objection ever been made to the payment of those fees?—The matter has been inquired into a number of times by Committee No. 2 and the Corporation at large, but heretofore they have not been able to devise any method that would act so well, and at the same time with less inconvenience to the general public.

707. I see that allusion is made by Mr. Finlay in his report, the first year he audited the accounts here—in 1872—to the fees received by the deputies of the Lord Mayor for adjusting weights and measures. Mr. Finlay says:—

"As regards the fees received by the deputies of the Lord Mayor for adjusting weights and measures throughout the city, the deputies urged that they were always considered the perquisites of their office, and claimed the right to retain them. These officers are appointed by each Lord Mayor under the 74th section of the above Act, which empowers the Council to pay the deputies such salaries as they shall think fit, but is silent as to the fees The question as to whether these should be paid over to the Corporation or be retained by the deputies has been before Committee No. 2 on more than one occasion, but nothing has been determined. It might be well if the committee were to obtain the opinion of counsel for their guidance in this matter."

708. Has the opinion of counsel ever been obtained by the committee?—They have over and over again considered the matter, and have consulted their law agent, Mr. Morgan, on the subject, and the conclusion arrived at by the committee was that the Act referred to their powers, that the Lord Mayor enjoyed by charter, and that usage and custom in Dublin always gave those fees to the inspectors.

709. You took the opinion of the law agent, but not the opinion of counsel?—No, we did not take the opinion of counsel. Recently Committee No. 2 made a report—on the 10th of April—which is not yet officially before the Council. It comes as a recommendation from the committee, and it states:—

"The Dublin Improvement Act, 1849 (12 and 13 Vic., chap. 97), having vested in the Corporation of Dublin the entire control of the weights and measures, so far as relates to the city of Dublin, the Corporation have complied with the provisions of the Act by having had the standard weights and measures, which were presented to the city of Dublin in 1826, by order of the Imperial Parliament, reverified at the Standards Department in London; the latest reverification having been made in March last year (1876), and they will not require to be again reverified for five years from that date. The Corporation are also in possession of fine balances, capable of weighing from one grain to sixty pounds in each pan, with fine adjustments, capable of further ascertainment to the extent of ·001 of a grain. These standard weights and measures and fine balances are available at all times for testing the sub-standards in daily use by the inspectors of weights and measures within the city, and all others that may be sent in for that purpose, including the constabulary and metropolitan police. By the 12 and 13 Vic., chap. 97, the charter right of the Right Honorable the Lord Mayor of Dublin is confirmed as the sole clerk of the markets within the city, with power to appoint deputies. The committee recommend that the existing custom, which has been found to work well in practice, and is in accordance with usage, be continued."

As doubtless you are aware, the whole subject of weights and measures is under the consideration of Parliament, and until a uniform system is established the committee do not recommend disturbing the old custom.

710. The recommendation from Committee No. 2 is that the existing practice, which is, they say, found to work well, and which is in accordance with usage, shall continue?—Yes; the committee are quite willing to adopt or readjust the matter as soon as a system is adopted by the Legislature that will enable them to do so.

711. Did Mr. Morgan make a report which was the basis of that recommendation?—Mr. Morgan has been very unwell, and I cannot say whether he made the report which led to that recommendation. It is a recommendation lasting over years.

712. You say it was referred to Mr. Morgan, but that Mr. Morgan is not responsible for this recommendation?—He is not.

713. What other officers are there in charge of the markets besides the deputy clerks?—I should tell you that the inspectors of weights and measures make no charge for testing the accuracy of weights that are correct and previously stamped either in England, Scotland, or Ireland.

714. Can you give me an idea of what these fees amount to in the year?—In round numbers they give each of the officers about £200.

715. Including the £80 a year each?—They have in the year about £200 each.

716. £200 a year each for all their duties as deputy clerks of the markets and inspectors of weights and measures?—Yes.

717. They get £80 each as inspectors of weights and measures, £15 each as deputy clerks of the markets, and the fees are at least 100 guineas additional?—Yes. The fees for adjusting weights are about an average of £8 per week, the expenses of the department—men's labour, lead, coal, and other incidental expenses—are about £2 16*s.*, and that leaves about five guineas a week to be divided between the two inspectors.

718. Then that would bring their salaries up to about £230 per annum each?—Well, perhaps I am a little over the mark, but that is about it. I wish to hand you now a return of the fees in which the inspectors give the number of weights, the charges for each description of weight summarized and totted up—the actual cost of expenses for the week deducted from it, and that shows the net amount they receive.

719. Do they also test the several weigh-bridges?—They do that gratuitously.

720. Free of charge to the Corporation?—Yes.

721. And do they test the weights used in the water-bailiffs' department?—Yes, all free of charge.

722. We had some evidence yesterday that the weigh-bridges differed from each other?—With regard to that I may mention incidentally that we had no official communication in writing from Mr. Altman. He called into the office about the 11th of April last, and ascertained the names of the weigh clerks—not weigh-masters—who were merely in receipt of weekly salaries. Incidentally I learned from him that there was a discrepancy in a load of salt. Incidentally on the following morning I called round, and saw each of the persons. I reported the matter to the committee, and further reports were made to the officers of the department. What Mr. Altman stated coincided with the entries made in the books, but there was no train of evidence before the committee as to the identification of the loads, or anything of that description to enable them to satisfy themselves whether anything was wrong. The weights were tested on the following morning by the inspectors after the loads were sold, and were found to be all correct.

723. CHAIRMAN.—In case a person is summoned, and the charge against him is dismissed, who pays the cost of the summons?—There is no cost charged. There is no expense save the piece of paper and the ink.

724. Who serves the summons?—One of the officers. For your information I hand in a copy of the official report of the Commissioners on customs and usages in Dublin. (Report handed in.) With reference to the clerks of the markets I wish to say I have never received complaints of either of them within the last four years that I have been in office.

Mr. E. G. WEBB examined.

725. CHAIRMAN.—Are you one of the deputy clerks of the markets?—Yes.

726. Have any complaints ever been made of your charging those fees for adjusting weights?—Well, there have been complaints made at certain times—that is persons wanted to know by what right we charged those fees—but they paid them—they never refused to pay them.

727. They objected to the payment, but they assumed that the charge was all right?—Yes.

728. And has that objection ever been brought before the Lord Mayor's court?—No; there was no resistance to the payment of the fees. The parties never refused to pay them, but they asked by what right they were called on to pay them.

729. Mr. *M'Evoy*.—Has he in any case got fees

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Mr E. G. Webb.

four times in one year from one man for adjusting his weights?—Yes; for every three months we visit some shops. We go through a district every three months.

730. CHAIRMAN.—Do you go through all the shops?—Yes; shops, stores, railways, and such places. Of course we don't visit every shop in Dublin four times a year.

731. Mr. *Lalor.*—The law is deficient in this respect that it does not compel the trader to send in his weights for adjustment, and therefore the inspectors have to go round to see that the weights and measures are right. That was one of the matters reported upon, and the Commissioners recommended that the trader should be obliged to send in his weights to be tested.

732. Mr. *Webb.*—I believe Dublin is the only town in that position.

733. CHAIRMAN.—The question is whether these fees should go to the Corporation or to these gentlemen. Mr. Webb, how much does your proportion of these fees come to annually?—Well, the salary of myself and colleague, with fees included, is about £230 a year each.

634. Then you must each get from £130 to £150 a year additional to your stated salaries from these fees?—Yes.

Mr. *Lalor.*—The amount varies according to the extent of their own industry.

735. Mr. *M'Evoy.*—Was there ever a case, Mr. Webb, in which you did not at all remove the weights for adjustment and yet got your fees?—Sometimes when a trader would be busy we might not take the weights until next day or so.

736. Did you ever send in an account for adjusting weights without having at all removed them from the trader's premises?—No.

737. CHAIRMAN.—Mr. M'Evoy, be good enough to put your questions through me. (To *Witness.*)—A gentleman here wishes to know whether it is usual to visit one shop and not another—whether any exceptions are made?—No. Such a course is not adopted, but sometimes we don't find out places where weights are used for some time.

738. Do you visit all the shops in which you believe weights to be kept?—Yes; it is our duty to visit all the shops.

739. Mr. *Altman.*—He was not in my premises for five years.

740. CHAIRMAN.—Do you know where Mr. Altman's salt premises are?—I do not. It was my coadjutor that inspected there the last time.

741. Have you omitted to visit any shops in which you knew there were weights and measures?—No, I have not.

742. Have you ever omitted to visit the premises of any member of the Corporation where there are weights and measures?—No.

743. Have you visited them all?—Yes; and we even visited the Lord Mayor's premises and charged for the adjustment. We visited the premises of some of the members of the Corporation two or three times in the year.

744. Is it the case that there has been no visitation in the present Lord Mayor's district since he came into office?—No. It has been visited the same as any other ward in the city of Dublin.

Mr. Lalor.

Mr. LALOR'S examination resumed.

745. CHAIRMAN.—What are the markets under the control of the Lord Mayor as clerk of the markets?—The duties of the Lord Mayor in that capacity are quite distinct from those of the deputy clerks of the markets. It is a distinct office.

746. Yes; but name the markets under the control of the Lord Mayor?—Smithfield hay and straw market, Kevin-street, Spitalfields, the cattle market, the Green Hide Crane, Little Green-street butter and egg market, and the United Butter Trade. Some of them have been abolished.

747. Are the markets practically under the control of the Lord Mayor now confined to Smithfield market and the cattle market?—The cattle market is under the control of Committee No. 2 of the Corporation. The others are personally under the control of the Corporation.

748. Are those you have mentioned all the principal markets?—Yes; some of them were at one time very important markets.

749. But they are not now?—Well, no. The trade has varied, and they have ceased to be of the great importance they were.

750. Are there no markets in Dublin similar to those in other large towns—large covered markets?—No; no retail markets.

751. Are there no such markets for the sale of butchers' meat, fish, &c.?—No; but there was an Act of Parliament passed last year for the creation of such a market which is now being built.

752. Was there not a general Act passed in 1861 which gave the Corporation power to take all the markets into their hands—and does not that Act remain a dead letter?—Oh, no. The Corporation carried it out.

753. In what way?—By insisting on the right of the Lord Mayor to be the sole clerk of the markets, and the power of appointing deputies which he has exercised.

754. Are there no general markets here?—No; not as you understand retail markets in England. There was an Act passed last year for the creation of the South Dublin Market, and the vested rights of the Corporation and the Lord Mayor are incorporated in that Act. The Corporation opposed the bill till they got that clause inserted, and having got it inserted, they retired from the opposition—so that that market will be exclusively under the control of the Lord Mayor as clerk of the markets.

755. That market is not, I believe, in existence at present?—No; but it is being built.

756. Will it be a covered market?—Yes; for the sale of general commodities—such a market as you may see at Liverpool and elsewhere.

757. Who is the inspector of Smithfield market?—Mr. Flood.

758. When was he appointed?—In January, 1873.

759. What is his salary?—£100 per annum. It had been £75 a year, as inspector of the hay and straw market, but then he was asked to look after the pig market, and he got £25 a year more for that.

760. Is the Smithfield market for the sale of hay and straw only?—That is all.

761. What are the duties of the inspector?—To examine all the hay and straw exposed for sale in the market with the view of detecting any fraud; and upon discovering any fraud, he is to report the matter at once to the Lord Mayor. If the hay or straw is condemned by the Lord Mayor, it is to be sold by public auction in the market, and the proceeds are to be handed to Mr. Haughton, to be by him handed over to the credit of the borough fund.

762. Who is Mr. Haughton?—Mr. Haughton is one of the deputies of the market. He resides in Dublin; but Mr. Flood resides in the country. He inspects the cart figures.

763. What are the cart figures?—Figures issued whereby the cart may be identified for tareing purposes.

764. Has he to see that the carts are numbered and that their numbers are kept in order, that the passages to the market are kept clear, and generally to supervise the market in accordance with the by-laws?—Yes.

765. Are there a set of by-laws for Smithfield market?—Yes.

766. Is there not a fish market?—That is an open-air market.

767. Is it held in the street?—It is held at three o'clock in the morning in the streets, but it is the duty of the inspectors or clerks of markets to examine it.

768. What are the hours of the inspectors' attendance at Smithfield?—From 9 A.M. to 5 P.M., on Tuesdays and Saturdays, or later if necessary. The hay

and straw markets are only on Tuesdays and Saturdays.

769. Does he not also attend the pig-market?—Yes; he has to attend the pig-market every Thursday, from 8 A.M. to 4 P.M., or later if necessary.

770. Are his duties to see that the by-laws are carried out?—Quite so.

771. Does he send in reports?—Yes; one of his duties is to send in reports every Tuesday and Saturday, and he furnishes them weekly.

772. What other officers are in charge of Smithfield market?—One assistant, who gets 5*s.* a day, on Tuesdays and Saturdays.

773. Does Mr. Flood or his assistant receive any fees?—No; they receive no fees whatever.

774. Is there no fee for bringing hay or straw into the market?—No; but there is a fee for weighing it in the Corporation scales, and that comes under the head of weighmaster's duties.

775. The only fee charged is for the weighing?—Yes.

776. And do these fees go into the office of the weighmaster?—Quite so. There are five weighmasters.

777. The salary of each of these weighmasters is, I see, paid by fees not exceeding £120 per annum?—Quite so.

778. Do all fees above £120 per annum go to the Improvement Fund?—If they ever exceeded it they would, but they have never exceeded that.

779. Do you get an account every week of the fees they receive?—Yes.

780. Where are the outcome charges lodged?—In my office. There is the form (handing in document). The account is furnished with the names of the traders and the weights. The charge is made by weight—one halfpenny in the hundredweight; and then, the charge paid by the Act of Parliament being very much higher than the charge by private weigh-houses outside the boundaries of the market, the deputy gives a discount or rebate to the salesmasters so as to reduce the charges as nearly as possible to what it is outside. It is a bonus given to the salesmasters.

781. I see this is marked "Checked, C. Burke." Who is C. Burke?—He was the gentleman who checked the accounts. He is dead, but the checking is still continued in my office by his successor.

782. How is the return made by the weighmaster checked?—By his furnishing the blocks of the tickets of the loads of hay. They are carefully checked; even the error of a halfpenny or a penny would be discovered.

783. Is the charge the same for hay as for straw?—The same. A halfpenny per hundredweight is the limit of the Act.

784. These returns are made twice a week apparently?—Every three days. They lodge the amounts to the credit of the Improvement Fund, and at the end of the month all the fees received for that month are divided—one-fifth to each, irrespective altogether of what each may get.

785. So that you have a check on the actual amount they receive, and they are not allowed to pocket the fees, but all are paid in to the treasurer, to the credit of the Improvement Fund?—Yes.

786. By whom?—By each weighmaster.

787. Why are the names of two porters recorded at the foot of each week's return?—Their wages are deducted from the gross receipts.

788. What are their wages?—Their wages are half-a-crown a day each. That embraces, you see, the two days,—the week you have before you commencing on the 4th, and ending on the 8th of April; and they give returns for the whole week. They get half-a-crown for Tuesday, and half-a-crown for Saturday. There are two days in each week.

789. The clerk I see gets five shillings?—Yes. It is the weighmaster who checks the weighing. He moves the lever which records it accurately; he calls out the weight, and then he is responsible for the returns. (Handing in document.) That is the form for weight supplied by the Corporation—it is the block; and the Corporation for the further protection of the public have put to it the annexed note.

790. CHAIRMAN (reads):—

"The buyer and seller are strongly recommended not to assume the above tare to be correct, but to send back the empty cart to be weighed at any of the Corporation weigh-houses in Kevin-street, City-quay, Burgh-quay, or Eden-quay," etc.

Witness.—The buyer can send his servant over to the nearest Corporation scales; and his tare then is tested free of cost, provided of course this ticket is produced showing it has been weighed before. And not only that; but the buyer and seller have again the option of re-testing that weight, at any of the Corporation weigh-houses, free of cost.

791. Mr. *M'Evoy.*—But cannot he get the test for 2*d.*, without going to the Corporation scales at all, at one of those new weigh-bridges?—Quite so.

792. These have come into competition with the Smithfield ones.

Witness.—It is a fractional difference of no consequence to the salesmaster.

793. CHAIRMAN.—Here we have the duties (reads):—

"The duties of the weighmaster are to attend every Tuesday and Saturday, from 9, A.M. to 5, P.M. (or later if necessary), to retare returning carts, and to test the accuracy of and adjust the weigh tables on each market morning before the business of the day commences."

Yes, an accident might occur to the table by a heavy cart going over it on a non-market day.

794. CHAIRMAN (continuing to read):—

"To see that each load of hay or straw be correctly placed upon the weigh-tables, and that a rest be properly adjusted, so as to remove the weight from the horse's back, to see that all straps, chains, &c., be relieved so as to admit of the correct weight being ascertained, and no fraud attempted. To enter in the blocks of the weigh-books the name of the owner and factor (or salesmaster), the state of the actual weight recorded by the machine, and if the cart has been tared within two months of that date, to enter and deduct same from the gross weight, and then fill up the weigh-ticket, and on receiving the correct fee, to deliver the note to the seller or his representative. To re-weigh all carts when empty if not already registered, and record the Corporation number in the register kept for that purpose, inserting order of re-weighing and any difference, or, if so required by the buyer or seller, to re-weigh the cart as often as ordered to do so.

"To collect from each salesmaster the fees for weighing in conformity with the usage, allowing a rebate to them for patronizing the Corporation weigh-houses in preference to the private weigh-houses, whose scale of charges is lower than those of the Corporation.

"To lodge in the Bank of Ireland upon receivable order to be obtained from the City Treasurer, the net amount of fees received after payment of clerk, porter, and office expenses, the return having been previously checked in the office of the secretary of No. 2 Committee."

Before the fees are paid in then, they take this return of fees to your office. Is this net result then checked by you or your clerk, and the return filed in your office?—Yes, and it is checked by the Government auditor the moment I get it.

795. In addition to the above is not all the money for condemned hay and straw that has been sold by auction paid by Mr. Haughton, into the Bank of Ireland to the credit of the Improvement Fund?—Yes.

796. And that seems to complete the duties of officers connected with the Smithfield market?—Yes.

797. Mr. *M'Evoy.*—Had you ever a return of the receipts and expenditure of the market for the year?—Certainly. The receipts never came to the £120.

798. Mr. *O'Donnel* (to Chairman).—I can give you the receipts for the year that has been audited.

799. Mr. *M'Evoy.*—The Improvement Act contemplates the Smithfield market being self-supporting, that there should be no cost to the city.

800. CHAIRMAN (to witness).—There appears to have been lodged by deputy weigh-master's fees received during the year £427 19*s.* 1*d.* That was for the year not yet audited?—Yes.

801. By confiscated hay and straw, £8 9*s.* 6*d.*?—Yes; that was the hay and straw confiscated in the previous year.

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Mr. *Lalor*.

802. £408 10*s.* was paid to the five weigh-masters, or about £80 a year each, and I see the year before they got but £351 between them?

Mr. *M'Evoy* (handing in document).—This is what regulates these salaries, this section.

803. CHAIRMAN.—This section says:—

"They shall receive such salaries and wages as the Council shall think fit, and shall not be allowed to retain any fees, &c."

They do not fix a salary; but what they say is—you shall receive the fees, subject to certain deductions, so long as they do not exceed £120 a year; but, if they do not come to so much, you are only to have whatever the fees come to?

Mr. *M'Evoy*.—But they have tacked on two other officers whom they pay out of the Improvement Fund. They pay the clerk and two porters out of the Improvement Fund. I have raised it at the audit of the accounts.

804. CHAIRMAN.—That is the place to raise it, not here.

Mr. *M'Evoy*.—If you had the returns I think you would find them less than is stated.

Mr. Patrick Haughton.

Mr. PATRICK HAUGHTON (salesmaster) examined.

805. CHAIRMAN.—Mr. M'Evoy refers to the diminution of fees. Can you explain the cause of this?—The primary cause of that is the erection from time to time of private weigh-houses in the immediate vicinity of the market, owned by factors, who send all the hay purchased by themselves to be weighed in these houses.

806. It not being compulsory on them to weigh in Smithfield market, with the view of reducing that competition you in fact reduce the fees you are bound to charge under the Act of Parliament?—There are seven of those weigh-houses at present, and we are likely to have more very shortly.

807. Was not the cash paid in £446 8*s.* 7*d.*, exclusive of arrears from last year's account?—Yes.

808. Out of that the weigh-masters received £408 10*s.*, and there were other out-goings, for keeping the machines in repair, works for repairs, painting, and soforth, which are all charged to the Smithfield market, making £518 odd?—Yes.

809. Mr. *M'Evoy*.—Mr. Haughton could tell about what I am going to refer to. At first the Corporation thought they had secured the right of weighing hay and straw; and then those private weigh-masters established by quoting their right to weigh.

Witness.—That is so. I was informed that was the case.

810. CHAIRMAN.—In Kevin-street market I see the Lord Mayor's deputy has £1 10*s.* a week, provided he receives that amount of fees. What is the Kevin-street market for?—It was under the control of the Earl of Meath, and was one of the Liberties; and this gentleman is kept there for the weighing of butter, bacon, and other commodities, and hay and straw; and his scales are utilised for the general benefit of the public.

811. Mr. *M'Evoy*.—The improvement fund pays the expense of the establishment—that is, the rent, taxes, and so on?—It does.

812. CHAIRMAN (reads):—

"And the average earning from the date of appointment is 12*s.* 7*d.* weekly."

The fees, therefore, do not come to more than 12*s.* 7*d.* on an average in the week?—Quite so, that is the average of the year.

813. Are there any other expenses attending this market besides the payment of those clerks?—The Corporation pay the rent and taxes; there are no other expenses except for the blocks—for printing.

814. £13 1*s.* 6*d.* was the cost of the establishment for the current year?—Yes.

815. Mr. *Lalor* (producing returns).—Now, this is Spitalfields. That is attended with no expense. At one time the receipts were worth £1,600 a year; at present they are only worth 10*s.* a week.

816. CHAIRMAN (to Mr. *Lalor*).—Mr. Keogh is the weigh-master, and is his salary to consist of the fees received without any limitation?—Yes.

817. His duties are, I see, "to attend in summer from 6 A.M. to 5 P.M.; and in winter from daylight to 5 P.M.; to personally see that each scale in the market be properly balanced before the commencement of business for the day; to appoint on his own responsibility one or more assistants or clerks, the salary of whom he pays out of his emoluments?"—Yes.

818. "The market is subject to a rent which is payable by the weigh-master to Mr. Laurence Keogh." Then, in point of fact, he pays the rent and does everything for what he gets in the way of fees?—He does everything for what he gets.

819. What do you suppose it is worth?—The market is merely a nominal thing; I am quite sure he only receives about 10*s.* a week for it.

820. Is there any account returned of it?—It has not been returned for some time. The rent is about £50 a year.

821. What proof have you he does not receive more than £50?—No proof, but a certain knowledge. There has been no record for five years certainly.

822. Evidently when that arrangement was fixed, it was contemplated he would realize larger emoluments out of his receipts?—Yes. When that market was introduced it flourished very much, but it went down very rapidly, and became a responsibility to the Corporation, and they threw it up.

823. Do you know what is the last year of which you have any account?—No; there certainly has been none for five years.

824. Mr. *M'Evoy*.—Have there been any complaints about the scales and weights of that market?—The scales and weights are tested by the inspector of weights and measures, free of all charge by us. The "craner" has his title under the charter.

825. Practically the market is his market?—Yes.

826. Mr. LAWLESS.—Is there any claim on the Corporation for the rent?—There is no claim on the Corporation.

827. Suppose you appointed no weigh-master, who would have to pay the rent?—There would be no rent then payable.

828. CHAIRMAN.—Who is Mr. Laurence Keogh to whom the rent is payable?—He is the present owner of the market, and a cousin of the weighmaster.

829. Mr. LAWLESS.—You say here (referring to return), the market is subject to a rent, that means a rent payable to some owner. *Primâ facie* that would mean a rent payable by the Corporation to somebody or other?—The rent is paid by the craner; there is no claim whatever on the Corporation.

830. CHAIRMAN.—Why is it you never received any account of these fees since August, 1857?—The answer to that must be that the expenses of the markets exceeded the fees, and the Corporation were so satisfied of that, that they ceased to keep any record. The cause of this is to be found in the "Weights and Measures (Ireland), Act," by which all tret was abolished. The alteration in the Act allowed individuals to use their own scales.

831. Now, let us turn to the Hide-crane and Rag-market, Bonham-street. Is that let by the Corporation?—It is an annual holding, rent being received for it.

832. Is rent paid to the Corporation for it?—Yes.

833. Then, in fact, it belongs to the Corporation?—The ground belongs to the Corporation, and the Lord Mayor has control over it as he has over all other markets.

834. The annual rent is paid apparently by James Macken, who is, I suppose, the weighmaster?—Yes; he is the "craner." He is the recognised tenant of the market.

835. He pays £50 a year, and gets what he can out of it?—Yes.

836. Is he required to make any return to the committee of the Corporation of what he gets by it?—No.

837. Is it let to the highest bidder?—I do not know. It belongs to No. 3 Committee, you see, who have charge of the land on lease.

838. Mr. *Curtin.*—It was let in the year 1863 to the present tenant, at an annual rent of £70. Reasons were put forward by him why the rent should be reduced, and the committee reduced the rent to £50 a year.

839. Do you know whether it was then put up to competition?—I do not think it was.

840. Has the same man remained as tenant?—The same man has remained as tenant.

841. Did they take any steps to ascertain whether they could get a better letting?—I cannot say.

842. Mr. LAWLESS.—Was it let from year to year?—It was let for one year.

843. CHAIRMAN.—Having let it to him, did the Corporation absolve themselves from all responsibility?—It has been set as a tenement.

844. Is no supervision exercised over this craner?—There is no supervision over him.

Mr. MICHAEL LYONS examined.

845. *Witness.*—About two years since a memorial was sent in giving an account of the grievances under which the hide merchants of the city of Dublin, of which I am one, laboured under; and it so chanced I preserved a copy of it, and I cannot do better than lay it before you. (Hands in copy of memorial.)

846. CHAIRMAN (having read memorial).—The substance and gist of this memorial is that the weighmaster has become a dealer in hides and skins to the prejudice, as you allege, of the trade?—Yes.

847. This was in 1865. Have any steps been taken by the Corporation?—None whatever, although I paid a visit to Mr. Lalor, and to the law agent.

848. Do you consider the same state of things still continues?—I am sure of it.

849. And you say one of the rules that formerly governed the crane-master was that he should neither buy nor sell?—Precisely so.

850. Did you ask Mr. Lalor whether that was one of the rules when you were with him, or did you take steps to inquire whether that was one of the rules before writing?—I knew from my own knowledge that was the old custom. I think I spoke to Mr. Lalor on the very same subject.

851. Did you ascertain whether or not, when the market was let to the present man, any such conditions were imposed on him?—Mr. Lalor told me there was no such condition imposed. Mr. Morgan, the law agent, gave me to understand that it was illegal for him to be a dealer, and told me to renew the application before the next letting. Well, we never had any intimation of a new letting since.

852. There does not appear to have been any new letting?—Probably not.

853. Was that memorial signed by yourself and several others?—By myself and six others.

854. And no answer has been received?—No answer has been received. Mr. Lalor told me the reason no answer was received was, that it was not got up at a regular meeting; that all the signatures followed in succession, and that there was no one to be selected from the list of signatures to reply to. Mr. Lalor told me he brought it before the committee, and that this was the only answer given to him; although our addresses were given in it.

855. Did you either offer to present a fresh memorial signed by yourself on behalf of the others, or express a desire you should received an answer yourself?—I told him I or any other of the names in the list would be happy to receive the answer, and that for that reason he might send it to any one of us. I called on Mr. Morgan a year or so after, and Mr. Morgan's advice was for me to take it up before the next letting.

856. Mr. LAWLESS.—Is there any by-law of the Corporation preventing a person engaged in the hide trade being a craner, or requiring the craner should not be in that particular trade?

Mr. *Lalor.*—I am not aware.

857. I suppose there are by-laws?—There are no by-laws attached to this market. The answer to the memorial was this:—It is not under the control of the market committee. The memorial when received was referred to Committee No. 3 for inquiry. They sent it back again to Committee No. 2 to make inquiry and investigation. Committee No. 2 investigated the matter; they went into details of the memorial; and they found that the allegation of the memorial was to the effect that the buyers in the market were injuriously affected by the competition of the trade; but that the country people—the sellers—were not only perfectly satisfied, but were rather pleased at the additional competition, as they thereby received a higher price than if the competition were limited to the natural traders of the city.

858. Is there a report to that effect in existence?—That matter was then investigated by the Committee; it was referred to Committee No. 3; they carefully investigated the matter, and then they found there was no injustice to the sellers of the hides who sent in there, but that it was rather a benefit; that there was no fraud, and no intention of fraud detectable; but that it had rather the effect of enhancing the value of the goods sent in.

859. And No. 2 Committee reported to No. 3 Committee?—Yes.

860. Did No. 3 Committee take any steps in the matter?—No.

861. CHAIRMAN (to Mr. *Martin,* secretary to No. 3 Committee).—Do you know, Mr. Martin, whether any steps were taken by Committee No. 3 in that matter?

Mr. *Lalor.*—The report came from No. 3 to No. 2 Committee, to investigate. They investigated it, and sent it back to Committee No. 3, who sent it back to Committee No. 2. The duties of No. 2 Committee then ceased, and it was for No. 3 Committee to act upon it. Therefore, I had no authority to communicate with Mr. Lyons, or any gentlemen whose names were in the memorial.

862. You remember Mr. Lyons calling on you when they did not receive an answer, to inquire why they did not receive an answer?—I remember Mr. Lyons calling, and he was very kind in giving me all information to help me on the road of the inquiry. I am under the impression I told Mr. Lyons (it was a couple of years ago) that the matter was in the department of No. 3 Committee, and that, doubtless, he would get an answer from them. I did not intend to convey any such impression as that Mr. Lyons labours under.

863. *Witness.*—One gentleman, who is one of the largest dealers in hides in Dublin, became so thoroughly disgusted, he ceased for several years to trade in the market at all; and he wanted me to follow suit, and said we would certainly close up the market.

864. Mr. LAWLESS.—How do you think, Mr. Lyons, the fact of the craner being in the trade affects the buyer and seller injuriously?—I will tell you how it affects me, and probably others too. Collectors of hides through the country take in several classifications of hides, some heavy hides and some light ones. For instance, kid skins go in, rabbit skins go in, and skins of that kind. Then, the cranemaster scarcely ever touches the heavy lot of hides, for which the competition is so large and our profits so small, but passes to the smaller class of hides he has picked out of these, and leaves us to contend with the heavy lots in our hands.

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Mr. LALOR's examination resumed.

Mr. J. J. Lalor.

865. *Witness.*—The remaining two markets, the butter and egg market in Little Green-street, and the united butter market in Thomas-street, are old markets that have died out.

866. CHAIRMAN.—How many weigh-houses are there?—Three; at Eden-quay, City-quay, and Burgh-quay, weigh-houses have been established.

867. How long have they been established there?—Since very shortly after Lord Mayor Joynt's report. At the time they were established, during which there was no charge for weighing, there was no business done at all. Then they were intended for the weighing of coals. Then people occasionally dropped in with a load of corn or scrap iron; and it was represented to the committee they might be of general use, and that a uniform charge might be made, and a uniform charge is now made of 2*d.* per each load not exceeding two tons, and a penny per each ton or part of a ton over. This is on the gross weight of the cart and horse. There is the form furnished every week to the committee. (Hands in form.)

868. James Macken, Burgh-quay, gets 40*s.* per week; Henry Carter, City-quay, 15*s.* per week; and William Harwood, Eden-quay, 28*s.* 6*d.* per week?—Yes.

869. How do you get their receipts?—Mr. Macken goes down, and checks over the record from the blocks, and sends that up officially. They are bound in a book, and the accounts are checked over by the auditor.

870. Do these weigh-houses pay or not?—Eden-quay pays us, and the others are a loss; the three taken together result in a loss.

871. Can you say what was that loss last year?—Mr. *O'Donel.*—Here are the returns for the three. (Hands in returns.)

872. CHAIRMAN (having examined returns).—Practically, I find Eden-quay weigh-house just pays its expenses, and the others are worked with a loss of £150 per annum between them.

873. Mr. *James Davis,* solicitor.—On the subject of charges made on shipping called city dues, I would wish to ask why it is that some charges are made on vessels which don't use the tubs and weights at all. I must assume it is right I suppose, but it is a hardship.

Witness—There are no means for compelling you to use them, but nevertheless they are there for your use if you require them.

874. CHAIRMAN.—There is a special Act of Parliament dealing with the subject.

Mr. *M'Evoy.*—If you read the report of the Commissioners of 1835, you will find the whole matter discussed there, and it is very doubtful whether legally they can be charged for or not.

Witness.—The Corporation are very liberal with regard to the use of these tubs and weights. If a ship is required to be discharged rapidly, and a second or third set are required for additional hatches, every succeeding set after the first is only charged half price for.

Mr. *M'Evoy.*—It is a matter for consideration whether there is any necessity for keeping up these tubs at all.

875. CHAIRMAN.—That may be a question for Parliament, but not for us.

April 27, 1877.

APRIL 27, 1877.

(Before Mr. CORBETT and Mr. LAWLESS, Q.C.)

Mr. J. J. Lalor.

Mr. J. J. LALOR re-examined.

876. Mr. LAWLESS.—You are secretary of No. 2 Committee?—Yes.

877. Are you acquainted with the constitution and management of the cattle market?—I am.

878. Under what Act was that market formed?—It was under the Improvement Act of 1849, the 12th and 13th Vic. That gave the Corporation the power of constructing markets.

879. Then it was under the 12th and 13th Vic., c. 97?—Quite so.

880. Was the market constructed first by a cattle market company formed under this Act?—There was a company sought powers to make a market, and the Corporation exercised their powers under the Act of 1849.

881. Mr. *M'Evoy.*—After spending a couple of thousand pounds in opposing that bill?—I have only to deal with the facts. It was under the Act of 1849, which gave full powers.

882. Mr. LAWLESS.—The cattle market was constructed by the Corporation then?—Yes.

883. When was it constructed?—It commenced in 1863, and was completed in 1864, or rather opened then.

884. What was the expense of constructing that market?—The first expense was £17,000.

885. How was that money raised?—It was raised by mortgages, with a defeasance upon them that the lenders of the money undertook to take any per-centage that the markets would pay not exceeding six per cent., and the money was lent on a term of fifty years.

886. You state that the £17,000—the first amount borrowed— was payable in fifty years?—Yes.

887. Was it by instalments?—No; there is nothing about a sinking fund. It is payable in fifty years, the Corporation reserving to themselves the right of redemption at any time.

888. In other words, it was left outstanding for fifty years?—Quite so. The Corporation can redeem at any time.

889. Upon what security is that £17,000 borrowed?—The Act, of course, makes the improvement fund liable, but the interest is solely secured upon the income of the cattle market. It was borrowed for fifty years from the 1st of January, 1864. The first two or three years they did not pay the full six per cent.

890. When was the cattle market opened?—In 1864.

891. You say the first two or three years they did not pay the full six per cent. interest?—No; but the balances due in these years have since been made good.

892. The £17,000 was borrowed upon debenture mortgages bearing interest at six per cent., but subject to the condition that, in case the surplus half-yearly amount of profits of the market, after the payment of all expenses and management, should not in any half year produce a sum sufficient to pay interest on the entire sum borrowed at the rate of six per cent., that the mortgagees should accept such lower rate of interest for the half year as the surplus income would be adequate to pay?—Yes.

893. Were there any further sums borrowed?—There were; £550 to complete over and above the £17,000 issued to the contractor.

894. That makes £17,550?—The latter of which sums bears interest at five per cent. only.

895. Was that subject to the same conditions as the £17,000?—It is subject to the same conditions.

896. Were there any further sums borrowed?—There were, for the further extension of the market.

897. When were they borrowed?—They were borrowed five years ago—in 1872. There was £3,500 borrowed then at four and a half per cent. fixed.

898. Was there a further sum of £3,500 borrowed?—There was a further sum of £3,500 borrowed for still further extending and increasing the accommodation.

899. At what rate of interest was that borrowed?—On the same principle and on the same terms as the loan of £17,000, viz., six per cent., subject to deduction if the profits did not realize the full amount.

900. Mr. *M'Evoy.*—From the improvement fund the whole interest came?—The interest was to be paid out of the profits of the markets. The sums borrowed form a portion of the £100,000 authorized by the Act of 1849 to be borrowed.

901. Mr. LAWLESS.—What is the cattle market

for the sale of?—For the sale of all live animals—horses, cows, calves, sheep, goats, pigs—everything.

902. What is the income derived from it—I mean what is the nature of it?—Solely from dues of cattle exposed for sale—sold or unsold. All cattle brought into the market pay certain tolls fixed by schedule.

903. Under what authority is that schedule prepared?—Under the Act of 1849.

904. Do the Corporation derive any rents from any portion of the premises on the market?—There are wooden offices erected for the convenience of the salesmasters, and they pay a weekly rent for the use of them.

905. So that the income derived from the markets consists of these two sources only?—There are further incomes. There is the rent of the City Arms hotel, which was part and parcel of the premises of the market; and five brick "seed offices" in one of the passages.

906. How are they set, and what for?—They may be set for almost anything you please. Some of them are used by seed merchants, some of them by a cloth merchant for the exhibition of his goods, and they are called "seed offices" technically.

907. Did the Corporation purchase the ground upon which the markets stand, or do they rent it?—They rent it.

908. What rent do they pay for it?—They pay Mr. Jamison £225 a year for the cattle market, and they pay Mr. John Martin £90 a year. That is the only rent they pay and that includes the hotel.

909. That makes £315 a year as rent?—Yes.

910. For what term do the Corporation hold the premises?—They hold in perpetuity, I believe.

911. Mr. *O'Donnell* (city accountant).—The rates vary. The rents that were paid for 1875 were £335 8*s.* 4*d.*

912. Mr. LAWLESS.—Does that include arrears?—No, that was for the year 1875.

913. But there must be arrears of rates or rent in it?—Arrears that were not asked for or demanded. It was actually drawn, but not asked for.

Mr. *Lalor*.—Yes; that is so.

914. Mr. LAWLESS (to Mr. *Lalor*).—What officers do the Corporation employ for the management of these markets?—Mr. Gallagher.

915. What is his official position?—Superintendent, and his duties are defined in the document I handed in; and his salary and date of appointment.

916. Is there only one superintendent?—Only one superintendent.

917. What is his salary—£100 a year?—£100 a year. There are labourers of course employed who are not officers.

918. CHAIRMAN.—And how long has he been appointed?—Nearly four years.

919. Mr. LAWLESS.—I suppose there was some one in the place before him?—Yes, Mr. M'Cann.

920. Is it Mr. Gallagher's duty to receive the tolls and dues payable by the vendors of cattle in the market?—It is.

921. Is it his duty to keep an account of the money so received?—It is.

922. And how does he pay it into the Corporation?—It is paid in every week and lodged by him on a receivable order which he gets from the city treasurer.

923. Does he lodge the money himself or hand it over to the city treasurer?—By a recent order of the Council all moneys are lodged by the officers. The treasurer receives no money. Mr. Gallagher's account is furnished every week to Committee No. 2, giving the names of the owners of the cattle—separating the description of the cattle, giving the number of beasts, the number of sheep, the office rent paid, and the gross value, from which he deducts the wages of the labourers previous to lodging the balance.

924. CHAIRMAN.—Is that a new system in consequence of the defalcations that arose under the other superintendent's management?—No; it was the old system, not carried out.

925. Because Mr. Finlay, in reporting on the defalcations of Mr. M'Cann, said there was no check exercised upon his receipts, but that now there was a more efficient system?—No, it is the same system, but it was not then checked; it was not carried out. It was not carried out by the officer whose duty it was to do it.

926. Mr. LAWLESS.—What were the defalcations of Mr. M'Cann?—About £315.

927. Mr. *O'Donnell*.—£114 were made good of the deficiency in the year Mr. Finlay audited. It was the first year of the audit he discovered it, and that amount was made good. The rest was lost.

Witness.—Not lost. It was secured to the Corporation on bond at his death.

928. CHAIRMAN (to Mr. *Lalor*).—It is not, I believe, paid yet, but you have a bond for it?—Yes.

929. Mr. LAWLESS.—Is it by an insurance?—Not by the Corporation, but by the family. It is part and parcel of the bond.

930. Your present superintendent, however, is obliged to lodge the money every week?—Yes, every week.

931. Has he given any security?—He has.

932. On what terms?—£500.

933. Is that by bond?—It is by two sureties and himself—himself in £200, and two sureties in £150 each.

934. Have you got his bond?—It is in the Town Clerk's Office—in the muniment room. (Bond subsequently produced.)

935. You say there are labourers employed at the Cattle Market?—Yes.

936. By whom are they employed? Is it by the superintendent?—There is an overseer's assistant appointed by the Corporation, and the labourers by the superintendent, subject to the approval of the Committee; and any alteration, if he has occasion to dismiss a man for absence or misconduct, he reports, and says, "I have nominated so and so," who is taken on approbation for a month, and if found to be worthy, and favourably reported on by the superintendent, he is allowed to continue.

937. Is it the case, then, that the superintendent is the only officer appointed by the Corporation, and paid direct by them?—The superintendent, and Mr. Donnelly as overseer.

938. I find the superintendent returns here the gross amount of the collections, and deducts the weekly wages from it?—Quite so.

939. The weekly wages last year were £93 0*s.* 10*d.*?—Quite so.

940. Does that include the head man's wages, and the wages of all the men, exclusive of the superintendent?—Exclusive of the superintendent. There is an item there charged for scavenging which formerly used to be paid to No. 1 Committee for cleansing the market. However, Committee No. 2 advertised for tenders to get the work done, and Committee No. 1 sent in a tender and offered to do it for £61 a year. Committee No. 2 thought they would make better arrangements, and now employ scavengers of their own. The difference is not much. It might so happen that that account you are looking at was paid a few days before August, 1875, and not within the year, so that the charge I allude to may not be in that.

941. They only charge for the labourers in the account for this year?—Quite so; but the other was an existing charge. It was formerly £61 a year, and now the Committee employ two men of their own, and sweep the markets themselves.

942. By whom are the rents for the cattle or seed offices received? Are they received by the superintendent?—The superintendent receives the stilage rent and the rent of the wooden offices in the market, and the city treasurer receives all the others.

943. Mr. *O'Donnell*, city accountant.—He issues a receivable order to the tenants, who lodge the money in the Bank of Ireland.

944. Mr. LAWLESS (to Mr. *Lalor*).—It does not go

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through the hands of the superintendent?—No; it does not.

945. Is it the duty of the superintendent to keep an account of the number of cattle of every kind brought into the market?—It is.

946. I see you commenced on the 1st of September, 1875, with a credit in favour of the market of a sum of £488 13*s.* 11*d.*, and then you mention in your account as due by the capital account £2,445 12*s.* 2*d.*?—Yes.

947. How did that amount come to pass from the revenue account into the capital account?—It was money expended on the repairs and extension of the market—not borrowed.

948. Money expended out of income?—Out of income—on repairs, extension, and maintenance. It is not borrowed and bears no interest.

949. And practically it is not repayable?—No; it is invested in the market.

950. Mr. *M'Evoy.*—I thought that was to go to the improvement fund—any profit remaining over after the 6 per cent. was paid.

951. Mr. LAWLESS (to Mr. *Lalor*).—I perceive the receipts of the market for the year ending 31st of August, 1876, were £2,387 14*s.* 3*d.*, and to that is to be added £223 12*s.* received for rents, including the rents of the hotel and seed offices?—Quite so; not the rents of the wooden offices though. Only the rents of the hotel and seed offices. The weekly offices held by the salesmasters are paid weekly.

952. They come in under the head of stilages?—Yes.

953. That would make the gross receipts for the year of the cattle market £2,611 6*s.* 3*d.*?—I have not the figures before me to check it, but I will take it that that is correct. Permit me to correct the statement I made in reference to the sureties of Mr. Gallagher. I find the amount is £600, and not £500 as I stated—himself in £300 and two sureties in £150 each, jointly.

954. What is the meaning of the small item lodged by Miss Dowd—£2 13*s.* 4*d.*?—Her proportion of the insurance.

955. Who is she?—Tenant of the hotel. The Corporation insure for a certain sum, and she is bound to pay one-third of the insurance. The Corporation pays the entire sum first and she recoups them.

956. I see they take credit for the payment of insurance—£5 15*s.* 9*d.*?—Quite so.

957. What is this sum £39 1*s.* 3*d.* that I see in the return?—That is the amount yielded by the £3,500 borrowed the year previously. It was not used immediately and was put in the bank on deposit receipt for the purpose of bearing interest. The money was borrowed in bulk, and was only expended by instalments.

958. Are Mr. Gallagher's sureties living?—Oh, yes.

959. I see an item of expenditure claimed here—£525 6*s.* 11*d.*—for payment of rent and taxes?—Yes; for two rents payable by the market committee.

960. Are there any arrears in that £525 6*s.* 11*d.*?—There are, but we don't understand them as arrears—rents not called for.

961. They were not withheld?—No; they were not asked for. I think it was £150.

962. The rates for the year 1875 are described as amounting to £212 19*s.* 5*d.*?—Yes; about that.

Mr. *O'Donnell.*—It was £135 8*s.* 4*d.*, consolidated rates on the land, and £49 14*s.* 10*d.*, rates on the premises, and £27 16*s.* 3*d.* on the seed offices.

963. Mr. LAWLESS.—What are the rates on?—The premises and seed offices.

964. (To Mr. *Lalor*).—What is the rent received for the hotel?—£80 a year was the rent received at that time, but it has increased since then. The rent is £115 since improvements were made.

965. I see the first item of expenditure is the superintendent's salary for himself, and amounting to £100 a year. What is the meaning of £107 being charged?—That is the difference of income tax deducted from his salary the year before and paid to the Income Tax Commissioners, and charged to his salary.

966. Under the head of veterinary expenses, you charge £111 6*s.*, as paid to Mr. Josephs?—Yes.

967. How is he paid?—Two guineas a week.

968. For every week in the year?—Yes.

969. What are his duties?—To inspect the markets, to see that there are no diseased animals exposed for sale. If he discovers one he removes it into the quarantine depot put up there, and then they are dealt with by the veterinary department of the Privy Council. The Corporation only remove. No diseased cattle are allowed to go into the market, but it being possible that they might slip in in the dark at night, he looks for them, and if any are discovered they are instantly removed and put into the depot.

970. I see you receive a payment of £6?—Yes, that is for the payment of expenses occasioned by postage, car-hire, and other things, and accounted for weekly.

971. It is not by way of salary?—No; it is accounted for weekly. The committee meet at the cattle market occasionally, and the books have to be brought over there. It is not an actual expense. There is a balance in my hands generally.

972. The expense of lighting the cattle market was £56 15*s.* 4*d.* for last year?—I think that included former balances.

973. What is the contract with the gas company?—The same as on the city lamps.

974. Is it by the lamp the payment is made?—So much per lamp. Each lamp is supposed to burn five cubic feet per hour. They are lighted on Wednesdays in the winter evenings from five o'clock till daylight on Thursdays.

975. There is an item for gas-lamps, £13 17*s.* 8*d.* Is that for the erection of lamps?—For the erection of lamps on the new and extended premises. These lamps are charged against capital, and if they were not so treated, the cost would have to be borrowed.

976. Under the head of "Mountings," there are charges for making repairs. Are they to the turn-stile?—For paving and whatever other absolute repairs are required—iron work broken down by the cattle.

977. That comes under a distinct heading?—Yes; repairs not included in the contract.

978. The principal item of credit taken here is £1,541 12*s.* 9*d.* for interest paid on the cattle market bonds?—Quite so.

979. That is made up in two sums—one paid by Mr. Nugent Robinson, £851 19*s.* 3*d.*, and the other since paid by the committee, £613 10*s.* 6*d.*?—Quite so.

Mr. *O'Donnell.*—That includes arrears. £1,515 a year, I think, is the interest payable on the cattle market bonds.

980. Mr. LAWLESS.—On the £17,550?—On £24,550. £17,000 first, then £550, then £3,500, and a second sum of £3,500.

Mr. *Lalor.*—There are some of those the interest of which have never been called for.

981. Mr. LAWLESS.—Do you mean the full interest of six per cent. out of the profits of the market on the £17,000?—The whole sum.

982. This sum of £1,541 12*s.* 9*d.* included some arrears?

Mr. *O'Donnell.*—Yes.

983. I find an item of expenditure here which I think requires explanation—£290 2*s.* 8*d.* that is described as being a balance remaining in Nugent Robinson's hands out of sums paid to him for the purpose of paying interest on the cattle market bonds. Will you explain how they took credit for that?—Sums amounting to £1,142 11*s.* 11*d.* were advanced to Mr. Robinson by No. 2 Committee, for the purpose of paying interest on cattle market bonds. Of that sum he applied £851 19*s.* 3*d.* in paying interest upon those bonds, and the balance £290 2*s.* 8*d.* was part of his deficiency. All the deficiency in respect of the cattle market has been made good.

984. And the result of the account for the year ending 31st August, 1876, even before the deficiencies

were made good, was a credit of £121 0*s.* 2*d.*?—Quite so.

985. So that the cattle market more than pays its expenses, repairs, and interest on bonds?

Mr. *Lalor.*—Yes; the full interest upon all its obligations, after which it leaves a trifling balance to be carried forward. The result of that arrangement is that in place of obliging the Corporation to borrow for every little trifling repair the profits of the market are able to meet all the expenses.

986. CHAIRMAN.—Are then all necessary repairs paid out of profits?

Mr. *Lalor.*—Not only that but also some extensions.

987. Mr. LAWLESS.—Does Mr. Gallagher hold any other office?—Not under the Corporation.

988. CHAIRMAN.—All the cattle were formerly sold in Smithfield Market. What are sold in it now?—Pigs and store cattle are still sold in Smithfield Market. It is a free market under the Act.

989. Smithfield being a free market, under the Act, you were excluded from levying tolls in that market. I have been reading Mr. Morgan's report on the markets, in which he refers to the great nuisance caused by having the pig market in Smithfield?—It is not exactly a nuisance, but the pig market has over-grown itself.

990. What he says is this—

"The pig market of Dublin, held during more than thirty years past on each Thursday, in the street called Hay-market, presents the strongest evidence of neglect, and defiance of all proper regulation. The same erroneous tradition above referred to in description of the hay and straw market, has been also relied upon as conferring a right to frontage space for standings in the pig market.

"Similar sales of standing room have been made in the pig market, and the possession of such standings has been preserved in that market by placing twenty-nine or thirty pig pens together with chains and padlock, and leaving them on the pavement, thus creating a public nuisance and a permanent obstruction from three o'clock, p.m., on each Wednesday, until conclusion of Thursday's market.

"I have very frequently, by reports, called the attention of your Committee to the necessity of erecting pillars, or spud stones, to define the pig market area, and indemnifying the Lord Mayor for the personal exercise of his undoubted authority, with the assistance of the Police Commissioners, to cause this disgraceful obstuction to be prevented by the removal from the pavement of all pens, save during about two hours within daylight on each Wednesday, and also the removal of all pens from off that street after conclusion of Thursday's pig market, until three o'clock, p.m., on the following Wednesday, and then to be re-erected only within the space to be enclosed by pillars."

What I want to know is whether if the pig market were removed to the cattle market it would not be a great advantage?—Decidedly a great advantage.

991. If such an arrangement were effected I presume you have plenty of space there?—Yes; but the Corporation have no power to remove the pig market.

992. Have they not the same power to remove it as they had to remove the cattle market?—No; the cattle market is not removed. There is only better accommodation provided for the market.

993. Why should not the same influences which induced the cattle dealers to take their cattle to the new cattle market, induce the pig dealers to remove the pig market?—So they would but for the vested interests in frontages. The persons who live in Smithfield are the parties who sell swine on commission, and as long as they can accommodate themselves and do their business where they live, they will not consent to a removal of the market. It is not a vested interest—it could not be enforced as a legal right, but it has become an interest by custom. In the cattle market in Prussia-street, there is ample accommodation for the sale of all store cattle, horses, swine, donkeys, and all live animals sold in Dublin. It rests with the people to come to the Corporation and they will provide accommodation, but the putting up of pens is a very expensive thing, and it would be a great disappointment to find afterwards that they would not be used.

994. It would surely be a great advantage if the pigs could be kept out of the hay market adjoining Smithfield. The Act only applies to Smithfield?—Well, the street called the Hay-market is the place where the straw is sold, and it is part and parcel of Smithfield.

995. Has it always been considered as forming part of Smithfield?—Quite so.

996. Would it not be possible to define an area for the pig market, by putting up railings and pens as suggested by Mr. Morgan?—It would be desirable, but not expedient. If you put up railings and pens for the pig market on Thursdays, they would interfere with the sale of hay and straw on Tuesdays and Saturdays.

997. Has that report ever been submitted to the Corporation?—It has been submitted to the Council, and part of it approved by the committee and acted upon.

998. Mr. LAWLESS.—I do not find in the account for the year ending August, 1876, any item for scavenging?—It was not paid that year. In the year ending 1875, you will see, £101 13*s.* 4*d.* for scavenging as per contract. At that time there was a contract with No. 1 Committee.

999. Is there now?—No.

1000. How is the work of scavenging done now?—Committee No. 2, employ two men as scavengers, whose services are further available on market days.

1001. Those men are employed as scavengers for cleaning the market?—Yes; and their services are further available on Thursdays or market days, as police to keep order.

1002. By whom are they paid?—They are paid directly by Committee No. 2.

1003. Their wages do not appear in the cattle market account?—They are not brought into the weekly account. They are paid direct by No. 2. Committee.

1004. Out of what funds are they paid by Committee No. 2?—The cattle market.

Mr. *O'Donnell.*—They are charged in the current year.

1005. CHAIRMAN.—What did the sale of the manure produce?—No. 1 Committee cleaned the market for £61 a year; and No. 2 Committee had nothing to do with the manure. Since Committee No. 2 have been paying their own men for scavenging, they receive directly the money for the sale of manure.

1006. Mr. LAWLESS.—By the new arrangement Committee No. 2 are entitled to the money for the sale of manure?—Yes; and the item will appear in the current year's accounts.

1007. How often is the manure sold?—The contractor who has the manure has to collect and remove it. At the present moment there are advertisements issued inviting tenders for the sale of the manure. The contract with No. 1 Committee was up to the 31st August, 1876; and since then, No. 2 Committee have taken over the cleaning of the market to themselves—some time after the commencement of the Corporation year; and they have since continued the same contractor who was employed by No. 1 Committee, and upon the same terms. They have lately caused advertisements to be published in all the newspapers inviting tenders for the sweeping and cleansing of the markets, upon conditions laid down by them.

1008. CHAIRMAN.—What I understand you to say is this: that since the end of the financial year, the 31st August, 1876, a new arrangement has been entered into, by which Committee No. 2 find and pay two men at a cost of 38*s.* per week for the sweeping the market; but notwithstanding that, they have, you say, continued the old contractor employed by No. 1 Committee to cleanse the market. Pray explain that?—Committee No. 1 had a contractor and Committee No 2 have continued him, who undertakes, as soon as all the sweepings are brought out of the stalls into the alleys and crossings and placed there in small heaps, to remove it out of the market. For the manure he pays 6*d.* per load. It is a very tedious process. A record is kept of the number of loads taken away by him.

1009. What I understood you to say was, that you had a contract with No. 1 Committee, by which you were to pay them £61 a year for removing the manure?—Oh no! What I said was this: Committee No. 2

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advertised for contracts for cleansing the market, that No. 1 Committee—the scavenging Committee—undertook the duty for £61 a year, that No. 1 Committee swept the markets with their own men and left the manure in little heaps in the alleys, and then they contracted with the present contractor to remove the manure, for which he paid so much per load.

1010. Mr. LAWLESS.—Was part of the contract with No. 1 Committee, that they were to remove the manure and retain the value of it?—Quite so.

1011. CHAIRMAN.—What pecuniary advantage will No 2. Committee derive from the change? Will they make anything by the sale of the manure?—They now receive 6*d.* per load for all the sweepings taken out of the market until a new contract is entered into.

1012. Can you say what you have got per week on an average from the sale of manure from the time of the new arrangement up to the present?—It comes to somewhere about £9 or £10 a year sold at 6*d.* per load. You know there is not very much manure, as the market is only one day in the week, and it only continues a few hours. I understand it stands the contractor about 5*s.* a load to remove the manure from the market.

1013. What do those two men do to whom you pay 38*s.* a week?—They sweep up the stalls, and sweep the manure into the crosses and alleys. The area of the market is very large, and the men are very hard set to get it all done between Thursday night and the following Wednesday morning.

1014. Upon that statement it appears to me that there is a dead loss to the Corporation of £90 a year?—Yes, the cleansing of the market costs the Corporation about £90 a year.

1015. Well, I should have thought you ought to have made a profit by the sale of the manure of your market?—If the Corporation were to employ carts to collect the manure and put it into store (but here they have no place to do so), they might possibly get 5*s.* a load for it at certain periods of the year, but there is no place to store it. It is a great inconvenience, and up to the present it is a source of expenditure to the market.

1016. Mr. LAWLESS.—I suppose the public Vartry water supply is available?—Yes, and without cost.

1017. Mr. *M'Evoy* (to the CHAIRMAN).—There is one question I should like you to ask Mr. Martin, and it is this—What relation is Water-bailiff Murphy to Town Councillor Murphy? In my evidence before the Select Committee I stated that he was the son of a Town Councillor, and it was afterwards contradicted by Mr. Norwood and some other witnesses, who said that he was not Mr. Murphy, T.C.'s son. Now I am informed that they are related, and I should like to know how they are related.

1018. CHAIRMAN.—What you want me to ask is—Do you know whether Murphy the water-bailiff is related to Mr. Murphy the Town Councillor? You have heard the question, Mr. Martin?

Mr. *Martin.*—I believe he is a relation.

1019. What relative is he?—I believe he is his nephew.

Mr. *Barlow.*—I can state the relationship correctly. He is his grand-nephew.

1020. Mr. *Byrne*, T.C.—Mr. Chairman, there is one matter of very great importance to the citizens in connexion with this market which I am desirous you should have a note of to go before the Select Committee. In the year 1864 the Corporation undertook the management of the market at a weekly expenditure of £2 17*s.* 3*d.* With your permission I shall just read for you the defeasance:—

"Whereas the within sum of £100 forms part of a sum of £17,000, authorized to be borrowed by the Right Honorable the Lord Mayor, aldermen, and burgesses of the borough of Dublin, under the provisions of the "Dublin Improvement Act, 1849," for the purpose of providing and establishing a new cattle market, at the lands of Mr. John Jameson and Mr. John Martin, on the North Circular-road, between Aughrim-street and Prussia-street, in the city of Dublin, in which market certain stallages, rents, fees, and tolls are to be demanded and received, not exceeding the amounts specified in Schedule D of said Act; and whereas it was agreed at the time said sum of £17,000 was authorized to be borrowed that the rate of interest within specified should be liable to reduction in manner hereinafter mentioned. Now I, ——, in pursuance of said agreement, do hereby, for myself, my executors, administrators, and assigns, agree with the said Right Honorable the Lord Mayor, aldermen, and burgesses of the borough of Duhlin, that in case the surplus half-yearly amount of such stallages, rents, fees, and tolls which shall remain after deducting all rents, taxes, and expenses of management of said market, shall not in any half year produce a sum sufficient to pay the half-year's interest on the entire sum to be borrowed under said authority, at the rate of six per cent. per annum; that then, and in such case, I, my executors, administrators, and assigns, will accept and receive such lower rate of interest for such half year as the said surplus income will be adequate to pay on the entire sum so authorized to be borrowed. But, in case such surplus income shall in any half year or half years within the period of fifty years from the 1st day of January, 1864, be more than sufficient to pay interest at the rate of six per cent. per annum on the entire of said sum so authorized to be borrowed, then, and in such case, it is agreed that such excess shall be applied rateably to make good the deficiency of interest in any and every former half year or half years during said period. In witness whereof I have hereunto subscribed my name this day of , 1865.

"Expenses of management of Dublin Cattle Market referred to in the above agreement, as ascertained by the average of the past six months, ending the 17th day of May, 1864, in pursuance of an order of the Municipal Council of same date.—Average weekly expenditure, £2 17*s.* 3*d.* sterling."

Now, I contend that that was too small a sum to charge the lenders as against expenditure and to pay them six per cent. You will see yourself what the present weekly expenditure is, and that it amounts to a very large sum of money. The late Sir John Gray and myself had several controversies upon it at the time as to the insufficiency of that sum. I looked upon it as being an injustice done to the ratepayers. The Corporation undertook the management of the market for that sum, and I should like to compare it with what the actual expenditure is at present.

1021. CHAIRMAN.—Mr. O'Donnell, what are the average weekly expenses of the cattle market?

Mr. *O'Donnell.*—I will make out the return and put it on paper for you.

1022. Mr. *Byrne.*—Expenditure there means everything but the rent and taxes. The cattle market is merely a mart for the convenience of the salesmasters and cattle dealers, and I submit that it is unfair to the citizens of Dublin that they should be paying for a thing from which they reap no advantage whatsoever. To put down that sum as covering the weekly expenditure was, in my opinion, an injustice to the ratepayers.

1023. Mr. *O'Donnell.*—It is quite absurd to put down such an amount.

1024. CHAIRMAN.—Have you always paid the lenders six per cent.?

Mr. *O'Donnell.*—Yes; and there has been a surplus after doing so of £3,373 0*s.* 11*d.*, which has been expended on capital account.

1025. Mr. *Byrne.*—The maintenance of the market appears in the abstract of the Corporation accounts as a charge upon the improvement fund, and I believe it is in debt to the improvement fund.

1026. CHAIRMAN.—Have the expenses of the cattle market been paid out of the improvement fund account?

Mr. *O'Donnell.*—There have been no expenses paid out of the improvement fund for the cattle market that I am aware of.

Later on in the day, and after Mr. Byrne had left the room,

1027. Mr. *O'Donnell* said:—I find with regard to that £2 17*s.* 3*d.* that that was the average of the expenditure for wages for the first six months after starting the market. £57 5*s.* 7*d.* was paid as wages for the first six months ending the 17th May, 1864, and the average taken does not include repairs, painting, gas, &c., and it never was intended that the £2 17*s.* 3*d.* should cover those items.

1028. CHAIRMAN.—The wording of the bond would certainly lead you to think that it was so intended.

1029. Mr. *Lalor.*—In reference to Mr. Lyons' evidence yesterday, with regard to the hide, crane, and rag market, and the memorial presented by the dealers

as to the conduct of the craner, I find that No. 3 Committee reported to No. 2 Committee that after careful investigation they found no ground of complaint against him.

1030. CHAIRMAN.—Mr. Lyons said the cause of complaint against this man was that he was himself suffered to be a dealer in hides, and that that acted prejudicially to the buyers?—Precisely.

1031. Committee No. 2 took no notice of the fact that the craner himself bought hides?—No; they thought it was an advantage to the owners, and that, therefore, there was no fraud or malpractice.

Mr. JOHN MARTIN recalled.

1032. CHAIRMAN.—I would just ask you a question now with regard to the hide, crane, and rag market. It has transpired during the Inquiry, that it was originally let to the present craner, Macken, at £70 for one year in 1864, in 1868 it was relet for one year at £60, and in 1869 it was again relet at £50 a year, and which rent it has remained ever since. Do you know why the rent was reduced—I suppose from some representation of the craner?—I should say so, but I can look for the minutes.

1033. Will you be good enough to ascertain the grounds of the reduction, and whether or not any steps were taken to offer it to public competition when Macken complained that the rent was too high. I should like to have this matter cleared up?—I shall look up the documents.

1034. Let me know whether it was put up in the first instance to public competition when let to Macken, and whether it was offered to competition when Macken complained it was too high—in fact I want to see whether the Corporation took steps to get the best terms they could for the market?—[This information was afterwards supplied by Mr. Martin, and will be found in answer to questions 1038, 1039.]

1035. Mr. Lalor told us just now that when the matter was referred back to Committee No. 3 to inquire into the complaints made in the memorial against Macken the craner they decided that there was no cause of complaint. Now, here is his proposal:—

"I hereby propose to become your tenant to that part of your estate known as the Green Hide Crane, Bonham-street, in the parish of St. Catherine's, and county of the city of Dublin, for the term of one year, commencing from the 1st July, 1871, and ending on the 1st July, 1872, and subject to the rent of £50 sterling over and above all rates and taxes which I shall also pay to the 1st July, 1872 (except the landlord's proportion of poor rate and income tax). I have already lodged with you £25, being the amount or moiety of said rent in advance to the 1st January, 1872. I shall pay the second half or moiety on or before the 31st December, 1871, in advance to the 1st July, 1872, and I shall keep the said premises properly cleansed and thoroughly repaired to the satisfaction of your engineer or architect, who are to be at all times at liberty to inspect same. I shall also strictly observe and enforce the several rules prescribed by your Committee No. 3, and *I shall not during my tenancy directly or indirectly buy, sell, or deal for my own gain or profit in any goods of the nature or kind usually exposed for sale in said market;* and further that during such tenancy I shall allow to the buyers, sellers, or dealers in said market their usual and accustomed access and facilities for dealing therein, and that I shall not during my tenancy underlet the stores or small offices of said crane for any longer period than three months, and create no tenancy to any of said offices to extend beyond the 1st of July, 1872, and that I shall not under penalty of a further increased or penal rent of £100 sterling underlet save as aforesaid, or assign my tenancy or possession of said premises without your written license, such penal rent if incurred to commence from the gale day next before the event of such underletting or assignment without such written license. I shall also at my own expense effect an insurance against fire on said premises with the National or Patriotic Assurance Company of Ireland in the joint names of myself and the city treasurer for the sum of £500 sterling during my tenancy, and produce to said treasurer the receipt for the premiums paid thereon, and in default thereof I am to be subject to a further increased or penal rent of £10 to 1st of July next; said sum of £500 to be applied in the whole or in part to make good any injury from fire during my tenancy."

I should like to know how the committee came to find that there was no ground of complaint when it was distinctly stated in his agreement that he was not to buy, sell, or deal in hides, and Mr. Lalor has stated that it was admitted he did buy?—Upon the minutes of No. 2 Committee it is stated that No. 3 Committee reported that there was no just ground of complaint against Macken.

1036. CHAIRMAN.—Mr. Curtin handed me this as being the last agreement, and the one under which he is working now.

Mr. *Martin.*—Well, I find on reference to the minute-book that No. 3 Committee reported back to No. 2 Committee that there was no just ground of complaint. They must have reasons of their own for making that report.

1037. CHAIRMAN.—Then I should like to know them, for I inferred from Mr. Lalor's evidence that it was an admitted fact that Macken did buy and sell.

1038. Mr. *M'Evoy.*—And that it was to the advantage of the sellers he did so.

At a subsequent stage of the proceedings Mr. Martin produced the following report from the law agent (Mr. Morgan):—

"Green Hide Crane, Bonham-street.

"Mr. Joseph Macken, who has for the last three years been tenant to the Green Hide Crane, at £70 per year, above taxes, payable half-yearly in advance, has called upon me and stated that the business of that crane has so much decreased within the last year of his tenancy that he had not intended to propose more than £50 for the year ending 1st July, 1869, but in consequence of the late outlay by the Corporation, in repairs of the offices and dwelling-houses at his request, he has consented to make a new written proposal at the rate of £60 for the year ending 1st July, 1869, above taxes, in similar form as his last proposal, with the addition to insure the premises against fire in the joint names of himself and the city treasurer, with the Patriotic or National Insurance Company in £600. From what I believe as to the present state of the raw hide trade, and my previous knowledge of Mr. Macken as tenant to the Corporation, I recommend his proposal to be accepted, and that the city treasurer may be authorized to receive and issue a receipt for the first moiety, £30 in advance to the 1st January, 1869, appended to his proposal. Order,—Report adopted."

On the 3rd July, 1869, Mr. Morgan again reported—

"I have received a letter dated 29th ult., from Mr. Joseph Macken, who has been tenant to the Green Hide Crane, Bonham-street, for two years, ending 1st July, 1868, at £70 per year, payable half-yearly in advance, but reduced for the year ending 1st July instant to £60 per year, now proposing to hold for £50 for one year, to 1st July, 1870, and enclosing an account of his receipts for the last six months amounting to £68 10*s.*, showing but £7 profit over rent and wages for his own attendance during that period. If your committee shall not accede to Mr. Macken's proposal (which I feel inclined to recommend for the present year), I will, if so directed, include the letting of the Green Hide Crane for one year, from 1st July, instant, in the next public lettings. Order,—Report adopted. Mr. Macken's proposal accepted."

That proposal was accepted, and it so continues.

1039. Was there ever any attempt made on the part of the Corporation to get higher or better terms from anyone else?—No.

1040. But why was nothing done when Mr. Lyons and his fellow memorialists complained of Macken buying hides in the market, which was, of course, in direct contravention of his agreement with the Corporation?—But you will remember that Mr. Lalor's explanation of that was that the sellers were much pleased at the competition.

1041. Then why did they introduce that clause into the agreement?—The Corporation admit that it was in contravention of that clause.

1042. Mr. *M'Evoy.*—I should like to go into the working of the system of adjusting and inspecting weights and measures, and I have witnesses here who are anxious to give evidence in reference to it.

1043. CHAIRMAN.—I think we have sufficiently gone into the mode in which the inspectors of weights and measures discharge their duties. If any question is to be raised as to whether these officers are discharging a duty which they are not called upon to perform, it had better be done by remonstrance to the Corporation. I shall just quote an extract from a further report of Mr. Finlay's upon this matter, and if any question is to be raised with regard to what is to be done with this money got for adjusting the weights

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Mr. John Martin.

and measures that had better be done before the auditor, Mr. Finlay. In his report Mr. Finlay says :—

"The right of the Lord Mayor's deputies, or inspectors of weights and measures, to retain the fees they received as perquisites of their offices, instead of paying them over to the treasurer of the Corporation, having been questioned, I have again looked carefully into the matter. The Dublin Improvement Act vests in the Corporation the copies of standard weights and measures previously purchased by the magistrates of Dublin, and authorizes the Lord Mayor or his deputies to examine and compare therewith all weights and measures used by traders in the city, and where these are found to be incorrect or unjust, to seize them. It also directs that on condemnation by the Lord Mayor, they shall be forfeited and broken up, and the proceeds, on sale thereof, be placed to the credit of the borough fund. The 96th section directs that the fees for examining and comparing weights and measures, and for stamping such as may be correct, shall be the same as authorized by the Act 5 & 6 Wm. IV., cap. 63; and on referring to the 24th section of that Act, I find that the clerk of the markets or inspectors are required to examine, compare, and stamp, if found correct, all weights and measures brought to them for that purpose; and directs that every such inspector shall, once in every quarter of a year, account to the treasurer of the county of the city, &c., for all fees received by him under the Act, and shall pay the amount thereof to such treasurer. The 47th section empowers the Corporation to pay the deputies such salaries as they shall think fit, but is silent on the subject of fees. It would therefore appear that the fees for examining, comparing, and stamping, are the property of the Corporation, and not of the inspectors, and that it was not intended by the Dublin Improvement Act to remunerate those officers for their services by the addition of fees to their salaries, conforming in this respect to the policy of the 3rd and 4th Vic., cap. 108, which substitutes salaries for fees in the case of Corporation officers. The inspectors allege, however, that their fees are paid to them, not for examining, comparing, and stamping, but *for adjusting*, and they relied upon the terms of their deputation from the Lord Mayor as empowering them to adjust. But the deputation only empowers them to 'examine and compare all weights and measures which shall be used by all traders within said borough or said markets, and to seize and secure all such as shall be false or illegal.' There is no authority here for adjusting; and, moreover, the Lord Mayor could not delegate to his deputies powers which he does not himself possess. The inspectors then alleged that in adjusting weights and measures they perform the work as tradesmen, and that it is not compulsory on the trader to allow his light weights, &c., to be adjusted by them, but may employ any tradesman he chooses for the purpose. The question then is, in what capacity are the fees received by the inspectors—whether as deputies of the Lord Mayor or as independent tradesmen, in return for work performed? It appears to me that the inducement to the trader to employ the inspectors to perform this work of adjusting consists in the power which the law confers on the inspectors, as deputies of the Lord Mayor, to seize and carry away and forfeit his light weights which are then in their legal custody. The inspectors appear to have hitherto treated those fees and made returns of them to the Corporation as fees received by virtue of their office, in pursuance of the Acts of Parliament referred to, while retaining the amount for their own use. Under all these circumstances I think the fees received by the inspectors should be paid over to the city treasurer, as standing in the place of the treasurer of the Grand Jury, but the question is one on which, as I have suggested in a previous report, it would be advisable that the Corporation should obtain the opinion of counsel for their guidance. Should it be determined that the fees are in future to be paid over to the Corporation, the citizens may not at once obtain much advantage from the change, as it is probable that the Corporation would feel themselves bound in fairness to compensate, or nearly compensate by additional salary, the present holders of the office of inspector for the loss of so much of the emoluments which they and their predecessors in office have hitherto enjoyed."

That is really the question to be determined, and it was with regard to that I went into the duties they perform as inspectors of weights and measures. They themselves admitted having received £150 in addition to their salaries for adjusting weights and measures. I see in 1875 they received £325 15*s.* 1*d.*, which would be about £163 each for the year.

Mr. Thomas O'Donnell.

Mr. THOMAS O'DONNELL examined.

1044. CHAIRMAN.—You are, I believe, the accountant?—I am.

1045. Do you keep all the accounts?—All the accounts of receipt and expenditure.

1046. And amongst others the improvement fund?—Yes.

1047. Does not the improvement fund principally consist of the receipts from the improvement rate?—Yes, the 2*s.* rate, which is collected under the 12th & 13th Vic., cap. 97, known as the Dublin Improvement Act of 1849, and also under the Collector-General of Rates Act.

1048. Under the Improvement Act the rate is limited to 2*s.* in the pound?—Yes.

1049. Is 2*s.* in the pound the amount that was last levied?—That is the amount always levied.

1050. You have then always levied the rate to the full amount?—Yes.

1051. What would the rate of 2*s.* in the pound produce in the rateable value of Dublin?—It ought to produce £59,000.

1052. Nearly £60,000, I believe?—Yes. The present valuation assessed is £594,899 5*s.* which at 2*s.* in the pound produces £59,489 18*s.* 6*d.*

1053. But there would be of course always some loss upon that?—Yes. I estimate that not more than £55,000 or £56,000 of that sum will be collected and lodged.

1054. You mean that something like £4,000 would, upon an average, be lost as irrecoverable?—Yes, irrecoverable.

1055. Irrecoverable from what causes?—That is a question I cannot answer exactly.

1056. But as a matter of fact you mean that £4,000 or thereabouts is lost?—We estimate that one-eighth almost of the amount assessed is a margin for losses, but for the account now under audit we have received over £55,000 on a lower valuation; but then that included arrears of former years, as you see from the account—arrears of 1873, 1784, and 1875.

1057. You have received this £55,019 3*s.* 11*d.* for the year ending August, 1876?—Yes.

1058. I will take the year ending August, 1875, because that has been already audited and passed, but the year ending 31st August, 1876, being at present under audit, we cannot give Mr. Finlay's abstract of the account for that year in our report. I take it, however, as a matter of fact you got this £55,019 in 1875–76, whereas in the year before, ending August, 1875, you only got £52,909 5*s.* 5*d.* Can you explain the difference of more than £2,000 between the two?—I think one includes an allowance from the Government by way of bounty in lieu of rates on the Government buildings.

1059. That has come in for the first time this year?—Yes. The first lodgment was made in October, 1875, which begins this account.

1060. What did that amount to?—£2,550 15*s.*

1061. So that practically the amount received from the Collector-General on account of the ordinary rate this year, is rather less than the year before?—Yes; just so.

1062. Does it not result that £53,000, which is nearly what you got the year before there was any Government bounty, would be about the full average of your receipts, since the valuation stood pretty much as it is now?—No; it would be in "excess." £53,000 would be in excess of the average.

1063. Then I may take it that £53,000 is above the average of what you have received from the improvement rate for the last five years?—Oh, yes. The average of the last three years, ending August, 1875, was £52,547.

1064. The valuation has, I believe, stood very much the same during these three years?—It has varied a little.

1065. Yes, but not sufficiently to make any marked difference in the rate?—No.

1066. You told us just now that the last rate was, in round numbers, £59,500?—Yes.

1067. And would I be safe in saying that during the preceding three years the actual amount assessed would be £59,000?—No; it would be less. The assessment for 1875 was £58,198.

1068. What I want to know is what you annually lose on the rate? You say about £4,000, but it seems to me to be more?—It would be more—about 12 per cent.

1069. You annually lose apparently between £6,000 and £7,000?—About that. Last year £52,909 5*s.* 5*d.* was lodged by the Collector-General of Rates to the credit of the improvement fund.

1070. Can you tell me how much of the current rate then in course of collection, was in arrear?—For the year 1875 we received on account of the assessment, £26,376 5*s*.

1071. What is the allowance for collection?—The Collector-General is allowed 2½ per cent. to cover expenses of his office, salary, &c., and if there is a surplus it is lodged to the credit of the different funds. The £52,909 is the net amount we received less 2½ per cent., which is for collection, and 10 per cent. for exemptions, insolvents, &c.

1072. Then before the £52,900 was paid in, the Collector-General had stopped for himself 2½ per cent. on the total of his collection?—Yes. We calculate 2½ per cent. as the margin for expense, loss, and exemptions.

1073. Is that 2½ per cent. by arrangement with the Collector-General or under an Act of Parliament?—It is under an Act of Parliament. "The Collector-General of Rates Act" entitles him to stop it.

1074. I see here that in addition to the improvement rate there is so much by measurement, which would bring up the improvement rate to more. You don't include that in the assessment?—No. "The expenses and the management of the office of the Collector-General, including salaries, &c., shall not exceed £2 10*s*. per cent. on the total amount collected." That is fixed by the 27th section of the Improvement Act; and under the 28th section he is entitled to deduct 2½ per cent. from the collection.

1075. The 27th section says it shall not exceed two and a half per cent., not that it shall be two and a half per cent.?—The expenses are generally about two and a half per cent. and he accounts for it.

1076. Under the 28th section he is to remit an account of his expenses every three months. If in the first instance he stops two and a half per cent., and the expenses don't come to that amount, is he not to refund the difference?—He is obliged to send a return of the collection weekly; one to me and one to the treasurer.

1077. Then practically the course pursued is this—he stops two and a half per cent. for expenses from his lodgment, he returns to you an account, and if the expenses of the office are found to be under two and a half per cent., he refunds the difference?—Just so. When I say he sends us a return of the expenses, I mean that he makes a lodgment every year, and he sets forth whether there is a surplus remaining in his hands out of the two and a half per cent. which he has deducted.

1078. Do you get a further sum on account of these rates—a subsequent payment from the Collector-General?—Yes, to the extent of any surplus that remains.

1079. Mr. *M'Evoy*.—It is very small, I think?—Yes, very small.

1080. CHAIRMAN.—Can you give us an illustration of that refund during the last three years?—The refund is included in the figures you have already got.

1081. I think you said the £52,000 was after deducting the two and a half per cent. on the collection?—Yes, but that includes a refund for the year before.

1082. Is it a very small sum?—Yes.

1083. And is it included in what is lodged as rates?—Yes.

1084. And not entered as a separate item?—No.

1085. I think you told us now that last year the total amount of rates was £58,091 17*s*. 6*d*., but in addition to that, I understand there is some portion calculated by measurement and not by the rate of 2*s*. in the pound?—Yes; in 1875 the amount to be collected by measurement was £2,863 10*s*. 5*d*. That would be in addition to the £58,091 17*s*. 6*d*.

1086. So that there would be nearly £61,000 collectible?—Yes.

1087. And you only got £53,000?—Well, that is all we got within the year; but that is not the entire assessment of 1875, that is only portion of the assessment, but it contains arrears of the previous year.

1088. So that there is always a large arrear running on from the preceding year?—Yes. It takes four years to collect the rates. The rate is kept in collection four years after each assessment, and we have our books ruled accordingly.

1089. So that the lodgment each year consists of instalments of the current rate and the arrears from the preceding three years?—Just so.

1090. What other principal items make up the improvement fund?—That is the chief item.

1091. Yes, but are there not certain receipts from Smithfield market and the weigh-house?—Yes.

1092. In the year ending August, 1875, did not these receipts amount to £351 10*s*. 6*d*.?—Yes. That was the amount collected and lodged.

1093. Lodged by the weighmaster?—By the Lord Mayor's deputy weighmaster, and from the proceeds of confiscated hay and straw, and proceeds received from committee on account of weigh-houses.

1094. Where are the city weigh-houses?—At Burgh-quay, City-quay, and Eden-quay. The money was lodged, in error, to the credit of the improvement fund, and it was subsequently withdrawn and lodged to the credit of the borough fund.

1095. What does this mean, "Wide street rents, known as coal duty"?—These are rents which the Corporation took over when they took over the estates of the Wide Street Commissioners. Any property they had upon the Act 12th and 13th Vic. coming into operation the Corporation in January, 1851, took over. They also took over the liabilities of the Commissioners; and these rents, I think, amount to about £420 a year.

1096. I think £446 was paid last year, but is not the real amount £420?—Yes.

1097. They are described in the abstract I have here as, "Known as coal duty"?—That, I understand, means that the Wide Street Commissioners had powers formerly to put a tax on coal ships, and they purchased house property and rents with the proceeds of this tax, and when the property was handed over to us, we still called it the coal duty account.

1098. Mr. *Parke Neville* (civil engineer).—I think the property did not all arise in that way, for the Commissioners got special powers for the purpose of purchasing houses, widening old streets, and making new ones, and some of the land remained unlet.

1099. The duty has, I believe, been abolished many years?—Yes.

1100. "Circular-road turnpike trust rents, £33 18*s*. 5*d*." Is that the rent of the houses on the Circular-road which were formerly turnpikes, but which have been abolished as turnpikes?—Yes; and these rents are received from the tenants of the house.

1101. "Deposited for licenses on works for private parties, including domestic scavenging, £2,919 8*s*. 2*d*."?—Yes; that is the amount of the deposits made before new works are undertaken for private parties.

1102. What is the practice here on that point?—Any person who wishes to execute works must apply to the Corporation for a license, and he must make a deposit when the license is granted to him, and when the work has been finished if there is any balance remaining out of the deposit it is paid to him by the committee. The amount lodged for licenses for the year ended August, 1875, was £2,211 4*s*. 7*d*.

1103. Mr. *M'Evoy*.—It is noticeable that the chief part of the late city treasurer's defalcations was in these accounts.

1104. Are these works executed by the Corporation for these parties?—Yes.

1105. And when they want works done do they lodge a certain sum to keep the Corporation harmless?—Yes. The occupiers of houses are obliged to construct house-drains, and they find it more easy to get it done by persons acting under the Corporation. They lodge a deposit to cover the cost, and if we find that the work costs a greater amount than has been lodged, a supplemental amount is charged and lodged. When the work has been concluded the cost is calculated by

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the overseer connected with it. There are so many different descriptions of work to be done that that course is necessary—there are the bricklayer's works covered underground, then there is part of the road to be paved, parts of the macadamizing and flagway to be made good, and the expenses of all these are calculated from the different books of the overseers, and if there is a balance left it is returned, and if there is an excess it is charged to the person who makes the deposit.

1106. The estimate in the first instance is, I suppose, made upon the opinion of a competent person?—Yes.

1107. Do you keep a book in which the original deposits are entered and in which there is entered the actual cost and credit then given to the parties and the money returned if the cost is less than was estimated, and in which, on the other hand, they are charged with the excess if there is found to be an excess?—Yes. In all cases as a rule there is a margin to be returned to the depositor. These books have been kept from 1851 regularly.

1108. Mr. *M'Evoy.*—Does the committee see that the money is paid into the treasurer's account?—Yes. The auditor audits the account.

1109. Is the book in which the account is kept brought forward in No. 1 Committee every week?—Yes.

1110. And is the disbursement account sent up with the original receipt and examined by the committee every week?—Yes, and initialed by them.

1111. If there is found to be a balance due to the parties and they don't apply for it, do you take any steps to notify to them that there is a balance in their favour?—Several efforts have been made from time to time to write off these books but the persons cannot be found sometimes; as a rule they are very particular about applying.

1112. But it does occasionally happen, does it not, that the work costs less, and there being no application for it, it goes to the benefit of the improvement fund?—Yes; but it is something very small.

1113. How long would these deposits run on?—At the present moment there is a house in Westmoreland-street, as to which a deposit was made two years ago by a large builder who has frequent transactions with the Corporation, but the work is still going on.

1114. In the great majority of cases I see there is a balance to be returned?—Yes.

1115. "Gas meter fees £63 7*s.*," what does that represent?—Fees that were lodged by Mr. Connolly the inspector and superintendent of public lighting, for the testing of meters. The fees are lodged to the credit of the improvement fund.

1116. What does the £257 17*s.* 5*d.* for "manure sold," the next item, represent?—Manure sold at the depots.

1117. From the cleansing of the streets?—In some cases from the cleansing of the streets, but chiefly from the Corporation stables.

1118. How much of the £257 17*s.* 5*d.* was from the scavenging?—I don't show that in my book. I got these figures from an open cash-book kept in the treasurer's office. It is called the deposit account.

1119. Are you not able to sell the manure off the streets here, for in some towns it is a very large item. In Belfast it is some thousands?—What we get is something extremely small, about £169. The manure in Dublin is almost unsaleable.

1120. Would the sum received in the year before be about the same?—Yes; not so much in fact. The Corporation actually advertise offering to pay country people to take it away for nothing. It is pure macadam pounded.

1121. That arises, then, almost entirely from the streets being macadamized?—Yes, chiefly.

1122. How often is the manure sold?—It is sold day by day.

1123. How many depots have you to which this manure is conveyed?—Within the city, on the north side, only one, at North Brunswick-street. There is a depot outside the city, near the city boundary; another at Annesley-bridge; one on the bank of the canal, where a person named Durkin takes it down the country in canal boats, and brings up limestone for the Corporation. There are several about the North-wall, where there are works being constructed, and the difficulty of getting places for deposits is increasing, while the depots are nearly all full. On the south side there is one at Marrowbone-lane, one at Blackpits, another at Paul-street, &c.

1124. These are nearly all filled you say, yet you say you are removing manure daily?—Yes, but that is not sufficient. There is always an accumulating quantity. The stuff was formerly used by ships as ballast until the Port and Docks Board stopped them, in order to make the ships take the ballast supplied by them.

1125. If the manure is so inferior and you have to convey it to these depots so far, I hardly see how you are to realize any profits.

Mr. *Neville*, C.E.—It is a very serious question, the enormous cost of conveying it so far.

1126. What does the next entry—"£48 13*s.* 9*d.* from the sale of horses" mean?—The sale of cast-off horses and dead horses. When a horse dies we sell his body for 10*s.*

1127. It cannot represent many horses, for the whole sum is not equal to the price of one good cart-horse?—No; we don't dispose of any horse until he is well worked out.

1128. "Paving and channel sets sold, £148 15*s.* 2*d.*" What is that? Were these surplus ones?—No; if any private person requires them we supply them.

Mr. *Neville*, C.E.—No; that was for materials sold to the Tramway Company for some emergency work. They wanted the paving and channel sets, and we gave them some at what they cost us.

1129. Do you keep a large yard of materials for repairing the streets?—Yes.

1130. The next item of receipt is £102 1*s.* 2*d.* for old iron sold. Do you generally sell your old iron?—Yes; when it accumulates for two or three years it is sold by public auction.

1131. "For widening and improving streets," you seem to have received from the Grand Jury for paving roadways £2,310 15*s.*?—A portion of that was on account of presentments made in Michaelmas, 1873, for the repairs of the quay roads, and an amount received on account of presentments made in Michaelmas, 1874, for like works.

1132. From what fund does that £2,310 15*s.* come?—Under an old Act of Parliament, passed by the old Port and Docks Board, all the quays east of the Custom House were repaired by presentment. This was not acted upon or discovered until a few years ago, and the quays were in a very bad state. When it was ascertained presentments were made year after year, by which the quays were paved. There is only one piece which remains to be done.

1133. I noticed in Mr. Finlay's report that he had to complain of the Grand Jury fund and the improvement fund being mixed up together. Is that so still?—I think this particular item has been kept separate.

Mr. *Curtin.*—Originally all presentments were made in Michaelmas term for the maintenance of prisons, industrial schools, and reformatory schools, &c., and under the 12th and 13th Victoria the moneys were to be kept in one common fund, called the improvement fund; but we kept a separate account here, called the Grand Jury cess account, as distinct from the improvement fund. Recently this north and south sewer fund, which was mixed up, has been kept separate. So far as concerns the Grand Jury and the improvement funds they still remain in the old way, but it is quite in keeping with the Act.

1134. "£154 12*s.* 8*d.* from Waterworks Committee for street openings?"—Yes. That is for work in repairing street openings where the Waterworks Committee had got pipes laid.

1135. "Alliance Gas Company, for the same, £1,433?"—That arises in the same way.

1136. Mr. Finlay says there is £500 due by the

Alliance Gas Company to the Corporation in respect of an agreement that the company should pay the expenses incurred by the Corporation in opposing a bill in Parliament on the condition that the opposition should be withdrawn. Is it true that the agreement has never been complied with?—That is a fact, but I cannot give any explanation of it.

1137. Were the expenses of that committee charged to the improvement fund?—No.

Mr. *M'Evoy.*—The explanation of it is this: The Corporation promoted a bill in Parliament in the previous year to have transferred to them the gasworks. The bill was thrown out, and the members of the Corporation were held personally liable for the costs. Next year the Gas Company promoted a bill, which the Corporation opposed, and as part of the terms upon which they withdrew their opposition the Gas Company agreed to give £500 towards the cost of the prior bill of the Corporation. The Corporation wished to apply that sum towards wiping off some of their liabilities for the bill of the preceding year.

Mr. *Neville.*—There was no agreement of the sort. That was not the point of the withdrawal of the opposition.

1138. CHAIRMAN.—What was then? Mr. Finlay says that £325 11*s.* has been paid to their solicitors' parliamentary agent. Did that come from the improvement fund?—It did.

1139. There were two sums that seem to have been charged this year for Parliamentary business in reference to the Alliance Gas bill and the Dublin Tramways bill. Mr. Finlay says that by the agreement the Corporation ought to have received £500 from the Alliance Gas Company. I therefore consider it incumbent on me to ascertain why that £500 has not been paid?—There has been a notice of motion on the business paper for a long time respecting that sum, namely, by Councillor French, as follows:—

"That the Directors of the Alliance and Dublin Consumers Gas Company be called upon to carry into effect their part of the agreement, under which the opposition of the Corporation to the company's bill of 1874, was withdrawn, viz.:—That the company would pay into the improvement fund of the city of Dublin, £500 towards the costs and expenses incurred in opposing said bill."

1140. Then is your only answer that there is a notice of motion to be moved, that the Alliance Gas Company be called upon to carry into effect their part of the agreement?—Yes; and that has not been dealt with, because there has been other business to be transacted.

1141. Then will this appear on the next agenda paper?—Yes.

1142. What are these two next items amounting to £106 11*s.*?—We received these moneys from the Court of Chancery, interest on purchase-money of ground at Grangegorman prison, sold to the Midland Great Western Railway Company. Two half year's interest had been lodged in error to the Grand Jury fund, instead of to the improvement fund. The 112th section of the Dublin Improvement Act provides that all the purchase-money of lands sold should go to the credit of the improvement fund, and consequently we transferred this sum of £106 11*s.* 2*d.* to that fund.

1143. The subsidence of streets account and horse-hire account, has been, I see, charged with £2,482 12*s.* 8*d.*, which was recouped to the improvement fund?—That is for three years—1873, 1874, 1875—which was recouped to the improvement fund from the north and south sewers. You will get a full explanation of that in my evidence given before the Select Committee, as to how credit was given to the improvement fund for that amount.

1144. I understood from Mr. Finlay, that there had been a great many expenses charged to the improvement fund which really belonged to these sewers—such as horse-hire, &c., and that they have now been recouped?—Yes. That sum was charged for three years against the improvement fund, which ought in fact to be borne by the sewers.

1145. That gives your total receipts as £63,828 15*s.* to the credit of the improvement fund for the year last audited?—Yes.

1146. Now going to the expenditure side, £3,227 15*s.* 7*d.* was the balance against the improvement fund at the commencement of the year?—Yes.

1147. The total expenditure was £61,084 6*s.* 11*d.*, and that with the balance amounted to £64,312 2*s.* 6*d.* so that there was £483 7*s.* 6*d.* still due by the improvement fund at the end of August, 1875?—Precisely.

1148. This £61,084 6*s.* 11*d.* is made up as follows:—general works account £40,299 0*s.* 2*d.*?—Yes, under the following heads; paving, £9,069; macadamizing, £13,143 14*s.* 2*d.*; scavenging and watering, £8,099 19*s.* 9*d.*; asphalting and flagging, £4,584 18*s.* 3*d.*; house drains, £715 8*s.* 7*d.*; miscellaneous and stores, £1,899 6*s.* 2*d.*; of which about £450 would be carpenters' and other wages, and the difference £1,449 would be for carts, timber, iron, &c., and carters' wages, £2,786 12*s.* 6*d.*

Mr. *Neville.*—We make all our own carts, wheels, and everything.

1149. CHAIRMAN.—Next year I see the wages came to £510?

Witness.—Yes.

1150. Your horses account is a large item, nearly £6,000, £5,999 7*s.* 11*d.*?—There is £599 6*s.* for the purchase of horses; weekly wages of persons connected with stables, £541 6*s.* 4*d.*; forage, £4,040 13*s.* 10*d.*; veterinary surgeon, shoeing, &c., £252 16*s.*; harness and repairs, £72 3*s.* 7*d.*; stabling, £513 0*s.* 9*d.*; and miscellaneous, £124 2*s.* 5*d.*

1151. Your forage item is singularly large—£4,040 13*s.* 10*d.*?—That does not represent the cost in that particular year. It includes payments for forage got the year before.

1152. How many horses do you keep?—Upon an average seventy-five or seventy-six horses. The £4,040 13*s.* 10*d.* includes £501 7*s.* 6*d.* for the year before, and our indebtedness for that year was £222 5*s.* 6*d.* so that £3,761 6*s.* 4*d.* would be the actual cost for the year, and that year the price of forage was enormously high.

1153. Taking seventy-five horses, the average cost for forage per horse for the year 1875 would be £50 3*s.*?—Yes.

1154. Mr. *Beveridge.*—The Corporation are able to put up a horse and cart with driver at 8*s.* 4*d.* per day, and that includes everything.

1155. Mr. *Neville.*—The charge in London is 18*s.* per day.

1156. Mr. *Beveridge.*—I have just calculated the average cost per horse for the year ending 31st December, 1876, and it was £46 7*s.* 6*d.*

1157. The last items of the horses account are:—Veterinary expenses and shoeing, £252 6*s.* (or an average of about £5 per week); harness and repairs, £72 3*s.* 7*d.*; building, repairs of stables, and gasfittings, £51 3*s.* 9*d.*; and miscellaneous, such as clipping horses, £124 2*s.* 5*d.* That makes up £6,143 8*s.* 11*d.*; then against that there is a transfer of £144 1*s.*, which leaves £5,999 7*s.* 11*d.*?—Yes.

1158. Then we come to salaries. These amount in that year to £2,266 14*s.* 8*d.*. The secretary and book-keeper's salaries are £437 15*s.* 2*d.*

Mr. BEVERIDGE examined. Mr. Beveridge.

1159. You are the secretary to No. 1 committee, who practically have charge of the improvement account?—Yes. My present salary is £300, and it cannot be more than £400 under the Dublin Improvement Act. My predecessor, Mr. Reynolds, had £400. I have only been recently appointed. I commenced at £300 in the year 1875.

1160. Are you paid quarterly or monthly?—All salaries are drawn monthly.

1161. This £437 15*s.* 2*d.* with £300 11*s.* 6*d.* taken

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together represent all that the secretary's office came to; so that the secretary's office we may say cost £738 6*s.* 8*d.* that year?—Yes.

1162. Was the secretary's salary included in that amount paid at the rate of £400 until May, 1875, and subsequently at £300?—Yes.

1163. How many clerks are there in the office?—At that time there was one clerk—a Mr. Clarke—who had lost his reason, and who was on pension for some time. The ordinary staff of the office consists of three clerks for general purposes, and two book-keepers.

1164. What are these clerks paid each?—The first is paid £78, the second £75, and the third £52. The book-keepers' salaries are—the first £150; and the other, who only acts as assistant book-keeper, £125. The latter was originally an inspector of out-door work; but being unfitted for that duty, he was transferred to the in-door department.

1165. Instead of superannuating him then, they put him in as assistant book-keeper at a higher salary than they would otherwise have paid him?—Yes.

1166. That is £275 for the two book-keepers. Then you say this Mr. Clarke has been pensioned. What is his pension?—£100 is his pension. His salary was £150 at the time of his leaving, but originally only £120.

1167. His salary was £120 in the beginning, and then in August, 1875, was it raised to £150?—Yes. In May, 1876, he became enfeebled, and leave of absence was granted to him; and a temporary assistant was employed at £1 per week.

1168. Did Mr. Clarke while on leave of absence become an inmate of Richmond Lunatic Asylum, and was his salary then paid to his wife on her signing a declaration he was incapable of transacting business?—Yes.

1169. Why was this course taken when it was found he was in the lunatic asylum?—In the hope he would be able to return to business, the committee delayed taking any steps in his case until they signed that report in January, 1877, recommending that he should be removed from his office, under the 121st section of the Dublin Improvement Act.

1170. CHAIRMAN (having read document).—That was the law-agent's report to the committee. Then the committee resolved on adopting the law-agent's report, and decided he should retire on £100 per annum. Was that confirmed by the council?—Yes.

1171. Is he at present then entitled to a pension of £100 a year?—He is at present entitled to a pension of £100 a year. I do not know whether he has received any of it or not yet; the pension is payable only half-yearly. That will not be paid by No. 1 Committee, as all pensions are paid by No. 3 Committee.

1172. In August, 1875, when his salary was increased to £150 a year, was he in good health and able to transact business?—Certainly; a hale efficient officer. I always found him an indefatigable officer. His books are here on record, and they are a credit to any institution. I only wish I could get a similar man.

1173. I see the application came from his wife when she saw his health was completely broken down, with a certificate from a medical man that he was not likely to recover?—Yes.

1174. Now that disposes of all the expenses of the secretary's office. Practically the expense has been reduced by £100 a year?—It has.

1175. Has there been any increase in the other officers since your appointment?—The present cost of the office as compared with the time of my predecessor, exceeds the latter by £15 a year.

1176. Then although your salaries have been reduced there has been no decrease in the expenses?—We have taken in an extra clerk, but then the salaries of all being lowered, the difference is only £15 a year. Besides we keep a great many more books than we did, and the fact should be taken with this that the expenditure has increased by one-third in carrying out works under the loan.

1177. What salary has the extra clerk?—£52 a year. The former secretary had £400 a year, and the present secretary has £200 a year; the former book-keeper had £200 a year, and the present has £150; the first clerk had formerly £120, and at present he has £78; the second clerk had formerly £80, and at present he has £65.

1178. Surely all those reductions come to very much more than the £52?—There should be other charges to make the expenses increase by £15 a year.

1179. I have not deducted the charge of £150 for Mr. Clarke. The actual decrease in the secretary's office is £175 less than it was.

1180. Mr. *M'Evoy.*—But you are overlooking the pensions.

1181. CHAIRMAN.—Oh, of course, that is a different thing.

1182. (To *witness*).—Is there any other pension besides Mr. Clarke's thrown on the improvement fund?—There is a pension to Mr. Reynolds, my predecessor; he has got £104 a year. There is also a pension to a store-keeper, who gets 10*s.* a week, and it is paid by the improvement committee.

1183. These two are £130, and Mr. Clarke's £100, makes £230.

1184. Mr. *M'Evoy.*—There is also Mr. Doyle.

1185. Mr. *Curtin.*—£426 a year would be the amount of the pensions.

1186. CHAIRMAN.—Have those claims to compensation arisen under the 121st section of the Dublin Improvement Act, inasmuch as the officers were under the Paving Board.

Mr. *Curtin.*—Two of them have—those of Mr. Doyle and Mr. Clarke. I came into office with the present Corporation, and these gentlemen were in office when I came in.

1187. Mr. Doyle and Mr. Clarke then got pensions as being members of the old Paving Board?—Yes.

1188. How did the others get theirs?—The others got theirs under the 32 & 33 Vic., cap. 189.

1189. The inspector of public lighting was paid £272 14*s.* 2*d.* What was his salary?—£300. He was paid £150 as public light tester, and £150 as meter tester. The meter fees in that particular year were £136 18*s.*; they are £196 in the next year.

1190. About how much does the inspection of meters produce to the public?—About £160 a year.

1191. In fact the receipts from the fees pay that salary on an average?—Yes.

1192. The supervisor of works and the inspectors come next. What works are these?—Paving, flagging, macadamizing, and generally everything connected with thoroughfares, the protection of dangerous buildings, &c.

1193. What salary does the supervisor get?—£200 a year.

1194. And then there are the inspectors?—There are two of these men; one has £200 a year, and the other has £156.

1195. Then, the only salaries for the supervision and inspection of these general works would be £356. £290 15*s.* 11*d.* was paid in that year?

Mr. *O'Donnell.*—That is for eleven months.

1196. You do not seem to pay up your salaries fully in the year?—They are paid monthly, and become due at the end of each month; the year may close before the 31st of August, so that they may be only paid for the eleven months; but some years they may be paid in full. Suppose the 31st of August fell on Sunday, the salaries would be drawn previous to the 31st of August, and charged in the other account. Here is the account of the year before (hands in account), and you can see the gas-meter fees lodged were £212 19*s.* 6*d.*

1197. Mr. *Curtin.*—The gas-meter testing fees, I may mention, are increasing.

1198. CHAIRMAN.—What is the salary of Messrs. Webb and Edwards, the inspectors of weights and measures?—£150 as inspectors of weights and measures, and £15 as inspectors of diseased meat; Mr. Webb gets £10 as "inspector of petroleum" also.

1199. The total salaries paid to those officers was £198 7*s.* 4*d.* out of the improvement fund?—Yes.

1200. Do not these officers receive other payments?—Yes, out of the borough fund as inspectors of nuisances, Mr. Webb got £45 19*s.* 9*d.*, fifty-two weeks' salary; and Mr. Edwards £26.

1201. The two together get out of the borough fund £72 as inspectors of diseased meat. The treasurer's second assistant is charged to the improvement fund?—That was only for three-fourths.

1202. How comes the treasurer's second assistant to be charged to that fund?

Mr. *Curtin.*—There is a clerk of works in the treasurer's department principally in connexion with Committee No. 1 in granting licenses for the opening of streets, setting of flags, &c. An extra clerk is required; and his services being principally in connexion with the improvement fund, we pay the charge out of that fund.

1203. What is this recoup out of the waterworks fund, £378 8*s.* 2*d.*, to Mr. Caul?—For a number of years the Waterworks Committee had been paying Caul. He was a storekeeper. The Improvement Fund Committee had not been paying any of it, and then they recouped to the Waterworks Committee this £378 8*s.* 2*d.*, which ought to have been paid for a number of years.

1204. Then, to go to the salaries, how much of Mr. Caul's salary is properly chargeable to the improvement fund?

Mr. *O'Donnell.*—Now, he is supervisor, and the Improvement Fund Committee pay him for that 10*s.* a week, and the Waterworks Committee another 10*s.*

1205. What was his salary before he was supervisor?—£100 a year, paid weekly.

The inquiry was then adjourned to the following morning.

April 28, 1877.

(Before Mr. CORBETT (Chairman), and Mr. EXHAM, Q.C.)

Mr. O'DONNELL's examination resumed.

1206. CHAIRMAN.—We left off yesterday at the salaries, the amount of these being £2,266 14*s.* 8*d.* The next thing we come to following the order in the improvement account is "the compensation annuities." These are apparently pensions?—Yes.

1207. I see you paid last year £959 9*s.* 9*d.* under the section of the Act referred to yesterday, to officers under the old wide street board?—Yes; under the 21st section of the 12th and 13th of Victoria, cap. 97.

1208. Yes, the Act of 1849?—Yes. I made a rough estimate of the compensation that was payable when the Act took effect.

1209. Did you pay last year £959 9*s.* 9*d.* to officers pursuant to the provisions of that Act?—Yes.

1210. Did you pay £409 17*s.* 5*d.* to other officers of the Corporation under the special Act?—Yes.

1211. What was that Act?—It was the 32nd and 33rd Vic., cap. 79. The Local Officers' Superannuation Act (Ireland), 1869.

1212. Have you got that Act here?—I have not a copy of it. It would be in the town clerk's office.

1213. Was it a local Act or a public Act?—It was a local Act, I think, brought in by the late Sir John Gray.

Mr. *M'Evoy.*—It is a public Act and refers to all municipal bodies in Ireland. It was introduced by Sir John Gray.

1214. CHAIRMAN (to Mr. *O'Donnell*).—Does that Act empower you to pension old officers of the Corporation?—Yes; but they can only get under that Act two-thirds of the salary they were in receipt of at the time the compensation or superannuation was given. Under the provisions of the Dublin Improvement Act officers of the Corporation could receive the full amount of salary that they were in receipt of being superannuated.

1215. That Act—the Act of 1849—says an "adequate" compensation?—Yes; it leaves it open.

1216. It does not limit to the two-thirds?—No; there is no limit under that Act, but the 32nd and 33rd of Vic. limits it to two-thirds.

1217. At the time the Act of 1849 came into operation, what was the amount chargeable to the improvement fund under the 123rd section?—The amount chargeable to the improvement fund was £2,522 5*s.*

1218. For pensions?—For superannuations. We have a registry of the annuities that were granted. You can see that if you like.

1219. Is the amount now reduced to £959 9*s.* 9*d.*?—Yes. It is still lower than that now, because since 1875 some of these officers died off.

1220. Yes; but on the other hand were not one or two put on?—Yes; but one of those who were put on have died off since.

1221. Who was that?—Mr. Connolly, my predecessor.

1222. We heard yesterday that Doyle and Clarke were put on?—If you look to the general minute of compensation you will find the annuities charged there, but there are other annuities charged on different funds. The amount payable in 1877 for annuities under the Wide Street Commissioners, I see, is £796 3*s.* 1*d.* as against £2,522 5*s.* in 1852.

1223. The amount payable to former officers of the Corporation was £409 17*s.* 5*d.* What is the amount paid now?—£251 16*s.* 4*d.* chargeable on the improvement fund.

1224. And is that in respect of three officers. Mr. Costigan, ex-treasurer, who gets £122 16*s.* 4*d.* Mr. Reynolds, ex-secretary to No. 1 Committee, who gets £104—and Caul, storekeeper, who gets £25, chargeable on the improvement fund, and who also gets another £25 on the waterworks?—Yes.

1225. Is it not the case also that only a certain proportion of Mr. Costigan's annuity is chargeable to the improvement fund?—Yes, because the Act under which Mr. Costigan and Mr. Caul are superannuated states that the compensations are to be charged on the fund that their salaries were paid out of.

1226. This would be a good opportunity to introduce a table handed to me by Mr. M'Evoy, which shows what was paid to superannuated officers from 1862 down to the present time. Can you tell whether these figures are correct?—If I looked at the books I could. There are a good many matters of account that I never went back upon, but the books will tell.

1227. Mr. M'Evoy makes out by this list that the amount payable to retired officers in 1862 and 1863 was £3,237 1*s.* 5*d.*?—The amount charged in the ledger as compensation to retired officers under the 12th and 13th Vic., cap. 97, was £2,797.

1228. But Mr. M'Evoy gives it at £3,237 1*s.* 5*d.*?—There is a transfer from the salaries, paid to D. H. Sherrard, amounting to £440 15*s.* 4*d.*, and I take it that was compensation that was charged in the salaries account, and should be charged in the compensation account. That would make Mr. M'Evoy right—£3,237.

1229. For 1863 and 1864 Mr. M'Evoy makes it £3,681?—That is for the year ended August, 1865.

1230. And for the year ended August, 1864, he makes it £3,237?—That ought to be £3,205 16*s.* 5*d.*

1231. What is it for the year 1866?—The figure here is £3,008 19*s.* 10*d.*

1232. Mr. M'Evoy makes it £3,008 19*s.* 10*d.*?—Well, that is right. Then for 1867 it is £3,092 10*s.* 4*d.*, and for 1868 £3,150 12*s.*, then for 1869 £2,554 6*s.* 6*d.*, and for 1870 £2,068 7*s.* 10*d.*, but there is a sum of £39 5*s.* 2*d.* to the credit of the compensation account, being a recoupment of a quarter's compensation charged on the 20th October, 1869, to A. M'Millan, deceased. That leaves £2,029 2*s.* 8*d.* as the amount charged against compensation for the year ended August, 1870.

1233. What was it in 1871?—£1,979 14*s.* 8*d.*

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1234. In 1872?—The amount charged is £1,753 18*s.*

1235. And was it £1,759 in 1873?—Yes.

1236. And in 1874 Mr. M'Evoy has it at £1,713?—There is a difference here. In 1874 the amount chargeable against the improvement fund under the 12th and 13th Vic. was £1,529 12*s.* 6*d.*, and he must have added on to that the others under the 32nd and 33rd Vic. under the head of compensation.

1237. Did the special Act then come into operation for the first time?—Yes.

1238. And then what did the pensions amount to—Mr. M'Evoy makes it £1,713?—The amount was £1,529 12*s.* 6*d.* under the old, and the proportion of the general account under the new Act £183 6*s.*, making together £1,712 18*s.* 6*d.*

1239. What was the amount in 1875?—£1,369 7*s.* 2*d.*—£1,165 1*s.* 4*d.* under one, and £204 5*s.* 10*d.* under the other Act.

1240. And are the pensions reduced now from £3,681 in 1864-65—which was the highest amount—to £1,369, last year?—Yes.

1241. And is there a further reduction this year?—There is. The amounts in 1876 were £1,169 9*s.* 2*d.*, and £204 6*s.* 8*d.*

1242. That would make £1,373 15*s.* 10*d.*; that is not a reduction?—That is for 1876, but in 1877 there is a reduction.

1243. In 1877 it was £796 3*s.* 1*d.* under the old Act, and £251 under the new, making £1,047 3*s.* 1*d.*?—Yes, it may be less before the close of the year, being subject to reduction in case of the death of any of the annuitants.

1244. The next item I find in the accounts is for law and Parliamentary expenses—£244 6*s.* 2*d.*?—Yes.

1245. Of that sum was not £153 10*s.* a cost incurred in opposing the Alliance Gas Company's Bill in 1874, and in respect of which opposition Mr. Finlay says £500 ought to be brought to the credit of the improvement fund?—Yes.

1246. Will you give me your explanation as far as you can why that £500 was not brought to the credit of the improvement fund?—I have no explanation to offer. It does not come within my special duty.

1247. Who is the person who is most likely to give that information?—Either the secretary of No. 1 Committee or the town clerk, or some of the members of the committee.

1248. You are simply the accountant?—Just so. If it came into the account I would take notice of it.

1249. The next item I find in the accounts is with regard to the markets. It is, totting all together,—Smithfield, St. Sepulchre's, Butter, Crane, and City weigh-houses, and the weights and measures department—an amount of £726 3*s.* 6*d.* charged to the improvement fund?—Yes, that is right.

1250. Of which £597 8*s.* 8*d.* is in respect of Smithfield and the hay and straw market?—Yes.

1251. Then for printing, stationery, and advertising there is £348 4*s.* 4*d.*, and that is charged to the improvement fund?—Yes, that is it.

1252. Then there are rent and taxes on premises held by the late Wide Street Commissioners?—Yes; we receive rent from this. There are rents we have to pay for some of those houses we took over, and from which we receive rents.

1253. Head-rents, less rates and taxes you have to pay?—Yes.

1254. And did these with some rates you pay on St. Mary's-place amount to £135 1*s.* 10*d.*?—Yes.

1255. Then I come to a heavy expenditure—gas, lighting the public lamps, including wages of lamplighter, £6,970 13*s.* 6*d.*?—That does not represent the actual expense, because you may perceive the payment is only on account.

1256. I am aware; for on looking at Mr. Beveridge's account it comes to a larger sum for the whole year?—Yes; Mr. Beveridge will be able to give you the information.

1257. At the last audit, had £6,970 13*s.* 6*d.* been paid on account of lighting?—Yes.

1258. But did the actual cost for the year, according to the balance sheet of No. 1 Committee, come to £8,867 13*s.* 7*d.*?—Yes; that would be for the year ending 31st December.

1259. Can you only speak as to the actual moneys paid?—That is all.

1260. Mr. Finlay, in one of his reports, throws out a suggestion which I think is a very good one, although of course, it would require an Act of Parliament to carry it out, but the Corporation could easily get a clause inserted in some of the Acts they go for. The suggestion is that the accounts should be audited up to the 31st December each year, as they would then show the real financial state of affairs much better than under the present system?—I was about to suggest that you should take notice of that. If it was only for the sake of comparison, it would be a great convenience to my department as well as to Committee No. 1.

1261. May I take it that that suggestion is concurred in by you and Mr. Beveridge?—Certainly. I think it was. I myself suggested to Mr. Finlay that it would be an enormous advantage to the department to end the accounts then; and a clause might be inserted now, I should think, in the Collector-General of Rates Act.

1262. To return now to where we left off. The cost of public lighting for the year you say was £8,867 13*s.* 7*d.*?—Yes.

1263. Besides wages to the lamplighters?—Yes.

1264. How do you pay? Is it per 1,000 cubic feet, or by the lamp?—Per 1,000 cubic feet, checked by meter.

1265. Mr. *Beveridge.*—The cost per lamp would be about £2 11*s.* 5*d.* per annum—that being much cheaper than under the Paving Board, who were always held up as models of economy.

1266. CHAIRMAN (to Mr. *Beveridge*).—That is lower than other towns; but the question is, how much light you get for it. What are you now paying per 1,000 cubic feet?—4*s.* 6*d.*

1267. What did you pay in the years I have before me?—3*s.* 11*d.* per 1,000.

1268. When you paid 3*s.* 11*d.* what was the Alliance Gas Company charging to the public?—It varied from 5*s.* 4*d.* down to 4*s.* 9*d.*

1269. Mr. *M'Evoy.*—Was it not reduced?—It was reduced last July to 5*s.*

1270. CHAIRMAN.—And the year you were paying 3*s.* 11*d.* for it under the old contract the public were charged very much more for it?—Yes.

1271. Are you now paying, from the 1st of January this year, 4*s.* 6*d.* per 1,000 cubic feet?—Yes.

1272. And what are the public paying?—The same, 4*s.* 6*d.*

1273. Is it to be a uniform charge, then?—Yes. The Corporation could have made better terms for themselves, but in order to procure a decrease in the charge to the public, they agreed themselves to pay a higher rate. The gas company, with the view of preventing any opposition being started, reduced the price in advance at the time.

1274. They were entitled to charge a maximum rate not exceeding 5*s.* 4*d.*, and then on the 1st of July it was to be lowered to 5*s.* Therefore on the 1st of July they would be obliged to reduce it, but before that time came it seems they reduced it to a still lower figure?—They did, in January.

1275. And are you now working under the new contract?—Yes.

1276. Now come to the question of what it is per lamp. How long are the lamps lighted?—There is a schedule attached to the contract, and as far as possible we observe that.

1277. What is the number of lamps in the city that are lighted?—3,470 per quarter.

1278. That the Corporation light?—Yes.

1279. And are these lamps lit during some portion

of the year for a longer time than at others?—Yes; in the event of the company lighting the lamps, they were obliged to adhere to that part of the specification, but the Corporation keep a registry of the time. Every Saturday there is submitted to the committee a return of the hours at which the lights were commenced to be extinguished, what hour the work was completed at, what hour they commenced to be lighted at, and at what hour the lighting was completed at. It varies every day.

1280. Then the citizens have no certainty as to how long the lamps will be lighted?—There never was but one complaint since I came here as to the lighting of the lamps.

1281. But, as a matter of fact, no one knows at what hour they will be extinguished?—No. It varies according to the season of the year.

1282. But you say it varies every week also?—It does.

1283. Mr. EXHAM.—Is there a meter to every lamp?

Mr. *O'Donnell.*—There is a meter to every tenth lamp.

1284. CHAIRMAN.—I see the latest hour at which you extinguish in the morning is 7.10 for the month of December?

Mr. *Neville* (city engineer).—That is quite right.

1285. And is the longest time they are lit, from a quarter past four in the evening till 7.10 in December, and in June are they lit at a quarter to ten, and extinguished at ten minutes before two the following morning?—Yes.

1286. That is taking the longest and shortest periods of the year?—Yes.

1287. Mr. *Beveridge.*—In April the return shows that the lamps were commenced to be lighted at half-past six o'clock, and were finished at 7.55. That was an hour and a half it took in going round the city. The return also shows they commenced to be extinguished at a quarter past four o'clock. Here is another book that is laid before the Committee, which shows the testing taken every week. I find in some instances the illuminating power of the gas to be stated at twelve over sixteen candle gas, sometimes fourteen; and during the whole time I have been here the test was never under the sixteen-candle test. Not only is the average over it, but every individual test is over it, and it has been as high as 17 : 21.

1288. Mr. EXHAM.—Didn't the Corporation want to do something else in order to decrease the expense?—They did. They wanted to extinguish the lights in the morning earlier, by which means the Committee calculate they will save £500 a year.

1289. But didn't they want to do something else?—They did. To further economise, they wanted to reduce the consumption of gas to three and a half instead of four feet per hour, by which they would save £1,500 a year, but the gas company would not allow that.

Mr. JOHN BYRNE, T.C., re-examined.

1290. *Witness.*—I want to ask can you receive at this inquiry any evidence upon the defective nature of the borough franchise?

1291. CHAIRMAN.—No; that is expressly excluded; that is what the Select Committee are taking evidence upon.

1292. Mr. *Byrne.*—I will give you evidence, if you take it, and show it is highly unsatisfactory, and works very badly.

1293. CHAIRMAN.—In Dublin our inquiry is limited to four special points, and we are, I am happy to say, on the last of them now.

1294. Mr. *Byrne.*—I would wish it to appear on your notes that I tendered the evidence.

Mr. O'DONNELL'S examination resumed.

1295. CHAIRMAN.—The next item on the account is for domestic scavenging, £346 13*s.* 4*d.*, charged to the improvement fund, and you get back part of that on the other side of the account?—Yes. In the first instance there was lodged £338 8*s.* 10*d.*, which was paid, and £310 0*s.* 1*d.* remained to go against the expenditure that was incurred. We got back altogether £338 and £310.

1296. Does that form portion of the item Mr. Finlay alluded to in his report?—Yes. We paid £338 8*s.* 10*d.* on account of these demands, and we also expended a sum of £346 13*s.* 6*d.* You will find there is an amount of £144 1*s.* transferred from the horse account against the domestic scavenging account by the account furnished for August 31st, 1875.

1297. Why does it appear in two separate items?—Because £338 8*s.* 10*d.* is the sum included in repayment *contra* for domestic scavenging.

1298. The result of that is this:—that you charge the improvement fund £346 13*s.* 6*d.*, and you only benefit the improvement fund by £310. £338 was you mean, received on deposit, and is returned as deposited; and that leaves £310 to the credit of the improvement fund, against £346 which is the expenditure?—Yes; but taking one year with another the charges as nearly as possible follow each other.

1299. Of course, I can understand you may have a little more to come in in one year than another; but on an average of years, do the repayments balance the outgoings?—They do. I think it was Councillor Byrne who was principally instrumental in introducing this system.

1300. The charge of £3 9*s.* for advertising in respect of loan, will be defrayed out of that £50,000 I suppose?—Yes; that is the first charge against that loan.

1301. Then the proportion of the expenses of the City Hall charged to the improvenent fund was, I find, £524 4*s.*?—Yes.

1302. Have the particulars of that all been audited?—Yes.

1303. Then £32 11*s.* 6*d.* is the Local Government Board's proportion of the audit fee?—Yes; that was the proportion chargeable to the improvement fund.

1304. £1,144 12*s.* 7*d.* is the amount of repayments on account of deposits for licences, and for domestic scavenging, &c., by private parties. Was not that £338 8*s.* 10*d.* to which we have before referred as lodged for the latter purpose, included in those deposits?—Yes.

1305. The last item of expenditure not yet noticed is the sum of £673 17*s.* 1*d.* for widening and improving the streets?—That was a matter connected with portion of the money borrowed under the loan.

1306. Was not £426 8*s.* 2*d.* of this paid in respect of work and improvements on the streets; and £257 8*s.* 11*d.* for two instalments and interest upon the loan with respect to the College railings?—Yes.

1307. What we have now gone through brings the total expenditure, including balance at starting, to £64,312 2*s.* 6*d.*, leaving a balance of £483 7*s.* 6*d.* against the improvement fund?—Yes.

1308. Mr. *Byrne.*—But in relation to the College railings fund, I may say that the entire of that did not come on the public funds; for we got a donation from the College, a donation from the College library, and other sources; and as a matter of fact we only paid a residue.

1309. CHAIRMAN (to *Witness*).—I would just like to compare the total receipts and the total expenditure of the improvement fund for the year subsequent to this, with the audit we have just been going through. You began of course, the next year with a balance of £483 7*s.* 6*d.* against the improvement fund; and you left off, I believe, with a balance of £8,805 5*s.* 11½*d.* to credit?

Witness.—Yes; but that represents a certain portion of the money we borrowed.

1310. Practically the first instalment of the £50,000 loan account, I see, came into this year's receipts. What were the total receipts, exclusive of that £20,000, for the year?—£62,800 in round figures.

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April 28, 1877.
Mr. O'Donnell.

1311. Well, that is about £1,000 less than they were in the year we have been going through, exclusive of the loan. What were the receipts from rates?—£55,019 3*s.* 11*d.*

1312. That was £2,100 more than the receipts from rates in the year we have been going through?—Yes; but we explained that yesterday by stating that there is included in that the Government bounty for the first time.

1313. Is not the total amount which has been received on the improvement rate from 1850 up to 21st April, 1877, £1,299,568 1*s.* 6*d.*?—Yes.

1314. The 24th section of the Dublin Improvement Act authorized you to borrow £100,000. Of that £100,000, up to the present, I understand, you have received £48,550, and you have an agreement for £30,000 more?—Yes.

1315. Was not the first money you borrowed the £17,550 for the cattle market?—Yes.

1316. Did you not afterwards borrow more than that for the cattle market?—Altogether we borrowed £24,550 for the cattle market.

1317. At what rate of interest did you borrow the money for the cattle market?—At six per cent.

1318. Could you not obtain the money from the Hibernian Bank or elsewhere at less than six per cent.?—The money was borrowed altogether on the security of the improvement rate. The interest is only payable on some of these mortgages on the profits of the market.

1319. But why cannot you get a loan for the whole amount?

Mr. *Byrne.*—There is a risk, because if the cattle market does not pay they have not the power to borrow. The cattle market was got up by the salesmen lending the money to the Corporation and taking the Corporation bonds, with the understanding that if the profits paid six per cent. they were to get six per cent., and they lent the money for fifty years upon that condition. Smithfield market is still a free market to all comers, and it is considered advisable that the interest of the persons who originally lent the money should be retained in the Dublin cattle market. If we borrowed it at a low rate they would have no interest in the market, and the market might be left on our hands, saddled with the payment of taxes, &c.; and in order to prevent the market being a failure, we thought the original parties should be allowed to stick to their bargains and make it a paying concern.

1320. But surely the market now yields a very considerable profit?

Mr. *Byrne.*—But there is Smithfield to which all the profit might revert, leaving us the Dublin cattle market on our hands; and a dread of that induced us to make this arrangement rather than run that risk.

Witness.—The Corporation have reserved to themselves the right to call in those bonds at any time they wish; whereas, the holders of the bonds must be content to keep them for fifty years from the date of issue.

1321. Oh, of course, it is a one-sided bargain in that respect. But the reason given by Mr. Byrne—a desire to induce those people to send their cattle to the market—does not exist with respect to the last loan of £3,500. Why did you borrow that at this rate from the Hibernian Bank?

Mr. *Byrne.*—I do not think it was economy.

1322. Nor do I think it was economy either. (To *witness*).—Then you borrowed, for the improvement of College-green and the College railings, £2,000. At what rate did you borrow that?—At 5 per cent., repayable by half-yearly instalments of £200. Up to the present we have paid off £1,300, and all interest due.

1323. Then you borrowed from the National Bank £2,000 to buy horses?—And that is all paid off.

1324. What right had you to borrow that money?—It was for the purposes of the Act.

Mr. *Byrne.*—We had always been in the habit of setting the sweeping of the streets by contract, and the repairs and maintenance of the plant by contract, and we found the plant was not kept in order, nor the streets swept to our satisfaction, and very great shortcomings in those particulars—although payment was demanded to the day. At the close of the contract we found the conditions were very complicated, and, in fact, that we were not getting value for the money we were paying; that we had not sufficient control over this matter; and a sub-committee of three, of which I was a member, was appointed, and we came to the conclusion that by taking the horses and the scavenging into our own hands we could do the work more efficiently—because the contractor's horses were old and decrepit, and we found that by getting a superior description of horses, plant, and materials, we could do it better.

1325. Then, I suppose, because you could not afford to buy the horses out of your income, you borrowed the money from the bank?

Mr. *Byrne.*—Yes. We showed that in ten months the saving in our mode of doing the works paid for the horses.

1326. CHAIRMAN (to *witness*).—In what instalments did you pay back the £2,000?—The amount was advanced on the 28th of August, 1871; the first payment on account was on the 28th of March, 1872—£500; the second payment was for the 26th July, 1872—£500; the third payment was on the 19th September, 1872—£500; and the fourth payment was on the 21st February, 1873—£500.

Mr. *Byrne.*—You see the saving was effected in a little more than eighteen months, but in twelve months we paid off the whole loan.

Witness.—We paid it off in twelve months, but it was borrowed a year and a half.

1327. Then you borrowed another £20,000 in November, 1875, was not that the first instalment of the £50,000?—Yes.

1328. Did you enter into an agreement to borrow £50,000 from the Law Life Assurance Society?—Yes, the £20,090 already mentioned being the first instalment of that; and we paid off the first instalment of that £20,000 on the 13th of December last.

1329. Is that £20,000 all expended?—There was, I think, up to the 31st of August, 1876, close to £19,000 expended.

1330. What was that £20,000 specially taken out for?

Mr. *Byrne.*—For new paving works.

1331. What are the terms on which you are to get the loan of this £50,000 from the Law Life Assurance Company?

Mr. *Beveridge.*—That was got at four and a half per cent. interest.

1332. Is there any agreement for the extinguishing of that?—Yes, by £1,000 a year.

Mr. *Beveridge.*—And the first instalment has been paid, and the interest has been paid as it fell due.

1333. Irrespective of this £20,000 you last borrowed, has anything been paid off, or has a sinking fund been formed with regard to this £24,550 borrowed for the cattle market?

Mr. *Byrne.*—No; but the cattle market is a speculation which shows a surplus every year, and instead of paying off that they have erected new works, they have increased the market accommodation, they have paid all the expenses of the management, and instead of paying over the surplus to the improvement fund, they have spent this money on the improvement of the market.

1334. But under the Act of Parliament you are bound to form a sinking fund?—We are; but having got such favourable terms from the lenders, by their extending the repayment over fifty years instead of twenty, we think there is time enough to begin.

Witness.—Mr. Finlay makes a mistake; he says, "one twentieth part of the improvement fund" should be set aside, instead of one-twentieth part of *the money borrowed.*

1335. CHAIRMAN.—He quoted the Act.

Mr. *Byrne.*—The Act says so, but we took the opinion of counsel, and counsel advised us that the meaning of the Act is the twentieth of *the loan.*

1336. CHAIRMAN.—I see by the cattle market reports that you have expended £27,923 0*s.* 11*d.* on the works of the market chargeable to capital account?

Witness.—Yes.

1337. The remaining £30,000 of the £50,000 loan you are not required to take up until you want it?—We are not, and we may not take up the entire.

1338. Is it not a fact that you have got some Lloyd's bonds outstanding besides these loans we have heard of?—Yes. There were issued altogether £6,820 13*s.* 4*d.*, and £625 has been paid off in August, 1876. There were twelve bonds.

1339. But why issue Lloyd's bonds for works within your borrowing powers before you have exhausted those powers?

Mr. *Byrne.*—We are considerably within our borrowing powers, but I think it would be advisable for you to get on your note the agreement with the Asphalte Company, because it is very favourable to us. I think it is right to show its advantages. It is for the amount of only 6*d.* per yard per annum on the entire.

1340. Have you got a contract with this Asphalte Company for more works of this kind to be done?

Mr. *Byrne.*—We have an agreement with them, that when like conditions arise in reference to the other streets, they will asphalte them. Those bonds are only issued for a moiety of the cost, and the inhabitants pay the other moiety; and in those instances where the asphalte has been laid down, the company have taken the security of the inhabitants for the other moiety. The interest is five per cent.

1341. Before we leave the subject of the debt, looking at this report of No. 1 Committee, made out up to the 31st of December, I see there were outstanding to sundry creditors on the improvement fund account, at the commencement of the year ending the 31st of December, 1875, debts amounting to £15,535, and at the end of that year, the amount was £15,990. What are these debts?

Mr. *Beveridge.*—These debts are to the Alliance Gas Company for supplying the gas, and to various contractors for the supply of paving and macadamizing materials, &c.

1342. These debts I suppose do not include these Lloyd's bonds?—The latter sum, £15,990, includes three bonds (not then due), amounting to £1,875 (625 each).

1343. I was glad to see by Mr. Beveridge's last account that in 1876 those large liabilities had been reduced.

Mr. *Byrne.*—Oh, yes; they are reducing every year since 1875.

Mr. *Beveridge.*—As a matter of fact, on the 31st of December, I do not believe there was any account presented that was not paid.

1344. Were there bills that had not been presented for payment?—They were debts arising in the year, but which had not come in.

1345. Out of that £15,990 due in 1875, were all these bills paid off in 1876; and assuming £12,500 to be outstanding at the end of 1876, would that be solely for bills arising within that year?—The public accountant, with whose discretion we could not interfere in such a matter, had put in the three bonds issued to the Limner Asphalte Paving Company, not one of which were due in that year, and which should have been put down as contingent liabilities of future years. With that exception everything else has been paid off.

Mr. *Beveridge.*—Against that liability of £15,990 there should be set the outstanding arrears of improvement rate, which had not been collected.

1346. Is not the sewerage rate independent of this £15,990, and levied at 4*d.* in the pound; and is there not a separate account for the two districts—the north and the south?—Yes, there are separate accounts, but this sum includes £363 13*s.* 4*d.* chargeable to the sewers funds.

Witness.—One year it was threepence halfpenny.

Mr. *Byrne.*—We have not levied the entire fourpence in one year.

Mr. *Beveridge.*—In the year 1874 it was three pence halfpenny and in the year 1875 it was twopence.

Mr. PARKE NEVILLE examined.

1347. CHAIRMAN.—You are a civil engineer?—Yes.

1348. How long have you been engineer to the Corporation?—Since 1851. I became engineer immediately after the reformed Corporation came in, on the 1st January, 1851.

1349. You have charge, I suppose, of all the engineering works, and of the works done out of the improvement fund?—Yes.

1350. Tell me first with regard to the scavenging, is that under your supervision?—I generally advise the committee, but of course, the actual overseeing is by men for that purpose.

1351. On what principle is the scavenging of the city conducted?—The city is divided into six districts—three on the north side and three on the south. There is a ganger over each, and there is an overseer for the north side and one for the south, and they give a return every week with a pay-sheet, &c., to the committee that sits every week, called sub-committee No. 1, and they examine all the books up to that date.

1352. There are two overseers and six gangers?—Yes.

1353. What is the number of men employed? Do these tables for the years 1870, 1874, and 1875, in Mr. Beveridge's book give correctly the average returns of the men employed?—Yes. In 1870, we had 126 gangers and labourers, and ten depotmen and six overseers; the total cost per week being £74 19*s.* 2*d.* The labourers were receiving 10*s.* 2*d.* per week, and the overseers 20*s.* 10*d.*

1354. In 1874 you employed, I see, two inspectors, six overseers, sixty-one carters, 133 gangers and labourers, and twelve depotmen, at a cost of £171 5*s.* 6*d.* per week?—Yes.

1355. And in 1875 the cost was £181 5*s.* 7*d.* per week, being just £10 per week more. What are the numbers at present employed?—136 altogether, namely, on the south side seventy-three, and on the north side sixty-three.

1356. Does that include depotmen and overseers?—Yes.

1357. Then you have not so many as in 1875?—It only includes labourers and gangers.

1358. Then may we take the cost at about £180 a week?—Well, I dare say.

1359. In 1875 you had a man or two less employed, and the cost was £180, so that we may take it roughly at £180 a week?—Yes.

1360. In your opinion is the number of gangers and overseers sufficient to supervise this work?—Well, I think they are.

1361. Would you say the work was done to your satisfaction?—Well, they have not horses enough, the distance the mud has to be carried is great, and they certainly have not money to do the scavenging. If you look at the evidence I gave before the committee last year, you will see I went fully into the question, and I am only repeating my evidence now.

1362. Is not 15*s.* a week what you now pay the labourers?—Yes. That is 14*s.* a week, and a half-day's wages for working on Sunday morning.

1363. Is it the same rate of wages now as in 1875? Yes. There has been no change, practically, since I gave my evidence before the committee.

1364. Isn't it a fact that quite recently, during the present audit, Mr. Finlay drew attention to the fact that there were seven men nominally employed at Whitehorse-yard at the rate of 7*s.* per week, and that on inquiry he found one of them was dead, and the remainder were never at work there?—That is a fact. The fact is, they were very old men; they had been from thirty to forty years in the employment of the

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Corporation. The Committee had no power to pension them off, so they were set down nominally as being at work, but it was an understood thing that they were not working.

1365. Then, was their supposed employment there all moonshine, and was it perfectly well known they were not working?—Yes; one of them was blind.

1366. They seem to have continued one man's name after he was dead. How was that?—I cannot tell that.

1367. Who is the person who pays these people?—They are paid by the treasurer, but the ganger is bound to be present, and to see each man receive his pay, in order to be able to identify him.

1368. Mr. EXHAM.—The treasurer doesn't pay them with his own hand?—No, through his deputies.

1369. CHAIRMAN.—In his report for the year 1873 Mr. Finlay drew attention to the mode adopted by the Corporation in the payment of a large amount annually to mechanics, lamplighters, labourers, &c., residing, some in Dublin and some in county Wicklow, from whom no receipts could be or had been obtained, and so forth; and I gathered from his report that he advised the money should be paid through the treasurer's office, or through some officer of that department; and, therefore, I presume, that previously they were not paid through that department. By whom were they paid?—There were some persons paid directly by the gangers, but since Mr. Finlay's report I believe they are all paid directly through the treasurer's office.

Mr. *O'Donnell* (city accountant).—What Mr. Finlay remarked upon was the system of paying the workmen of the waterworks through the engineers who had charge. He considered there should be a clerk in connexion with the treasurer's office for that purpose. The lamplighters are now paid through the city treasurer's office direct.

Witness.—In consequence of Mr. Finlay's report all the workmen, except the firemen, are paid through the office. Those men are paid by the chief of the Fire Brigade.

1370. CHAIRMAN.—Do you mean that these men who never came to work at Whitehorse-yard, and the man who was dead, were paid by some person through the treasurer's office?—Yes. The payment to the dead man was through his wife, I suppose.

1371. I don't suppose the dead man came himself for the money?

Mr. *M'Evoy.*—The person who came was no relation at all.

1372. CHAIRMAN.—Well, I believe she represented herself to be the man's wife.

1373. Mr. EXHAM.—Suppose a man is sick, doesn't he get his wife to come for the money?—I dare say.

Mr. *O'Donnell.*—It was not the fault of the city treasurer, but of some overseer that that man was paid, because he would be paid on the certificate of the person in charge of the yard.

Witness.—There is a special report by Committee No. 1 on the subject.

1374. CHAIRMAN.—As to the general practice, do you mean that all these men are paid through the office by the ganger?—They are paid by an assistant from the treasurer's office in the Whitehorse-yard every Saturday.

1375. All the men?—Yes.

1376. I suppose there is a certificate from the overseer or the ganger?—He is present to identify the men and to see that they were at work. There is a report sent in showing that so and so worked a whole day, or half a day, as the case might be.

1377. He clearly could not have identified this man as at work?—No; but perhaps you will refer to the special report from No. 1 Committee respecting the payment of the workmen. (See Appendix 15, page 384.)

1378. We have heard you had a contract with the asphalting company for asphalting. Now, with regard to the macadamizing, and flagging, and paving, is that done by contract?—We have a contract for the material, which is dropped by the contractor on the streets, and the Corporation men spread it.

1379. You are trying to reduce the quantity of macadamizing in Dublin, are you not?—Yes, and to increase the paving, and with that view there is a special Council order. We have received great assistance from the tramway companies. There are at present eight miles seven furlongs of paving laid down by the tramway companies in the city. They paved the centres at their own expense, and I have an order of Council to complete the paving of the streets, the centres of which have already been paved by the tramway companies, so as to finish the spaces between the tramway and the footpaths. The North Dublin Tramway Company are just finishing up their line. They have made three miles five and three quarter furlongs; and then there is a contract advertised for the laying of a tramway from the back of the Grattan statue to Inchicore.

1380. Mr. EXHAM.—Could you manage to have the tramway companies' paving and the Corporation paving done at the same time, for one day I see the tramway men putting down stones, and the next day I find the Corporation men adding a bit alongside what the others have done?—You will find before the end of the year there will be a great improvement in the mode of macadamizing the streets.

1381. CHAIRMAN.—Are you paving altogether with Welsh paving sets?—Yes.

1382. Is not that the best description you can get?—Yes.

1383. In 1874 you expended, I see, £5,237 19*s.* in materials for the half year ending midsummer, 1874, and the tramway contractors appear to have expended only £233 13*s.* on the roadways. I suppose they were only beginning then?—Yes.

1384. What did the paving cost in 1876?—"Materials for general paving works, including presentment works, £3,100 3*s.* 4*d.*, but for the works commenced under the loan of £20,000, the materials cost £13,397 3*s.* 7*d.*

1385. In 1876, you mean, you had materials on what you call the general paving account to the extent of £3,110, and on the special account you purchased £13,400 worth in addition?—Yes.

1386. You are spending, then, a much larger sum now on paving than you did, and you are, I suppose, desirous of generally substituting paving for macadamizing?

Mr. *Beveridge.*—The engineer has year after year reported advising the putting down of these square sets.

Witness.—No matter what price you pay in Dublin you cannot get a first class macadamizing stone.

1387. Is not that one of the reasons why you have such a small return for the sale of manure from the streets—because the streets are generally macadamized?—Yes. The depôts are all full. It has been advertised, and we are actually glad to give it for nothing, but they won't take it.

1388. In Belfast look what a contrast! There £2,679 3*s.* was made in one year by the manure taken from the streets.

1389. Mr. *Beveridge.*—In Dublin the operation of the Public Health Act requires manure heaps to be cleared out rapidly, and the result is that people are obliged to sell the manure at a much cheaper rate.

1390. Can you tell me what amount has been laid out by the tramway companies in paving since they started in Dublin?—I cannot.

1391. Are they still extending their operations?—Yes, and they are advertising at present for contracts for a line to Inchicore three miles in length.

1392. Have you a resolution on your books that where the streets are paved by the tramway company they are to be completed by the Corporation?—No; but the Corporation have authorized me this year to do a great number of streets that have tramways through them—the quays, &c.

1393. Wherever the tramways are will you complete the paving?—Oh, yes, it will be done, but there is no resolution on the subject.

1394. What saving do you calculate you could effect if the streets were all paved instead of macadamized?—It would be very large. Of course there are

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certain streets we would never think of paving, such as the squares and some of the suburbs, where there is little traffic.

1395. This £20,000 of the £50,000 loan is to be appropriated, is it not, to the paving?—Yes. We buy stone from the quarry. They are landed at the quay for 25*s.* a ton. We formerly got them for 14*s.* We have to draw them, and to prepare the ground to lay them.

1396. Is there much flagging still required to be done in Dublin?—A great deal of flagging requires repairing on the present footways. With regard to the footpaths that are not flagged they are done with Limner asphalte or tar. Any new footpath work is done in asphalte, for we are not putting down any new flags. The cost of the asphalte is 5*s.* 6*d.* a yard, and of the paving 9*s.* 6*d.* a yard. The durability of the Limmer asphalte is, I believe, quite equal to the flagging. In Liverpool, London, Manchester, and elsewhere I know they have depôts for manure, and they can clear them out much quicker than we can.

1397. Mr. EXHAM.—Would it not be cheaper to take out the stuff in one of the Port and Docks Board lighters?

Mr. *Byrne*, T.C.—That would be a very expensive process; it would never work.

1398. If you had the streets paved there would be a better class of manure and there would be less stuff to be removed?—Yes.

1399. Have you calculated what would be the cost of having a steamer to take out the stuff into the bay?—I made a report on the subject.

1400. Do you think you could afford that?—No. I stated before that the fund was not sufficient to keep the streets properly.

1401. CHAIRMAN.—Abbey-street is, I believe, macadamized?—Yes, except the part called Old Abbey-street; that is paved with new stones.

1402. You have had no snow here, yet I never saw greater slough in the worst streets of London in snowy weather than I saw in Abbey-street this winter. The mud was, I should say, eighteen inches deep along part of that street, and my car went nearly up to its axle in it on more than one occasion?—In London, Liverpool, or Manchester such streets would be scavenged regularly every day, but here we cannot do it more than once a week.

1403. Do you put it all down, then, to want of funds?—Yes. The fact is, the Corporation have not the same fund at present to do an extended area of streets that the Paving Commissioners had. The cost has, moreover, nearly doubled for everything. For instance, wages were 8*s.* 6*d.* then and 14*s.* now.

1404. I suppose you will be able to swallow up the whole of the remainder of the loan?—Oh, yes.

1405. Mr. *M'Evoy*.—Will Abbey-street be paved?—Oh, yes, in the course of time.

Mr. JOHN BEVERIDGE re-examined.

Mr. John Beveridge.

1406. CHAIRMAN.—Are you the secretary of No. 1 Committee?—Yes.

1407. How long have you held that office?—Since May, 1875.

1408. Would these figures in the accounts for the year ending August, 1875, represent about the average cost of scavenging and macadamizing—£13,000 for macadamizing and £8,000 for scavenging?—£8,000 would not do the scavenging at all. The scavenging and watering of the city costs about £13,000 a year.

1409. How is it that in the year 1875 it was only £8,099?—There are sums to be added to that. It was never less than £12,000 a year.

1410. Can you give me the cost for the last six years?—Yes; in 1871 it was £13,971.

1411. Do these figures include the cost of horses and everything?—Yes. In 1872 it was £15,130; in 1873, £16,314; in 1874, £16,246; in 1875, £14,585; and in 1876, £13,045. The committee took the scavenging into their own hand, and built more stables, and made a great outlay on carts, and so on.

1412. There is a great falling off in the cost last year?—Yes.

1413. Was it in 1873 and 1874 you made that outlay on carts, &c.?—I can give you the particulars of it. In the year 1876 the committee made an order reducing the scavenging staff by twenty per cent., and the result or effect of it was that, although there was a saving of £500 on that alone, very little inconvenience was caused by the reduction.

1414. The reason why the scavenging is down here at £8,100 then would seem to be because the cost of the horses employed at the work is not included. I see that the whole expenses connected with the horses for that year amounted to £6,100?—Yes; that is where the difference arises. Of course the horses are only partly employed at the scavenging, and the cost of their keeping, &c., is distributed. If a horse, for instance, is away from the scavenging for one day, we keep an account of that one day. I may say that the committee in 1875 and 1876 effected a saving on the proportion of the horses account of £780.

1415. A good deal of that sum for horses was charged to other accounts—to the sewers for instance?—Yes.

1416. How, if it is said that you have not horses enough to do the scavenging work, can you spare some of them from it for other work?—It is in certain seasons. The amount brought in aid of the improvement fund in 1876 from the sewers fund for horses and labour was £748.

1417. Did not the scavenging and watering, including the proportion of horses and carts, cost £13,348 in 1876?—Yes.

1418. I am quoting from your distributive statement for that year, by which I see that out of that sum you got £303 returned, leaving the net cost £13,045?—Yes.

1419. Macadamizing, by the same statement, I see cost £12,893; general paving, £6,344, and special paving works under the loan, £17,805; asphalte paving, £2,318, of which you got £700 from some inhabitants, leaving the net cost £1,608?—Yes.

1420. Footways, flagging, and asphalting came to £9,415?—Yes.

1421. Public lighting came to £9,255?—Yes.

1422. That is a good deal more than it was for the year before?—It is.

1423. How does it come to be so much in excess of it—in the year before it was only £8,867?—Yes.

1424. Were you not paying the same rate—3*s.* 11*d.*?—We were.

1425. And the rent of lamps is—is it not—within £4 of what it amounted to the year before?—Yes.

1426. And the lamplighters' wages came to only about £50 more?—Yes; the increase in that item is owing chiefly to the fact that an additional week fell in in that year, and there was also some additional expenses connected with the reverification of standard gas measures. We had to bring persons from London to do it. It will also be perceived that the salary of the gas inspector is, for the first time, properly charged to this account, instead of being charged in the general account of salaries.

1427. Did not Mr. Finlay draw attention some time ago to the fact that £250 paid to Mr. Cotton, the late inspector of lighting, had been charged as a payment to him in advance of his salary, whereas it really turned out to have been given to him for assisting in the promotion of the abortive bill to purchase the Alliance Gas Company?—I believe the auditor commented on it.

1428. Were you then in the service of the Corporation?—No, I was not.

1429. Can you give me any explanation of the matter?—No, I cannot.

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Mr. *Byrne.*—The money was repaid.

1430. CHAIRMAN.—Mr. Finlay did not, I believe, surcharge the amount, because some of it was repaid before the audit, and £150 was repaid on his drawing attention to the matter; but it was an improper entry in the accounts; it was entered as an advance of salary to Mr. Cotton?

Mr. *Byrne.*—And so it was. Mr. Cotton had a salary of £600 a year.

1431. What is the salary of the gas inspector?

Witness.—It is very low now. He gets £150 as inspector of lighting, and £150 as tester of meters.

Mr. *Byrne.*—Mr. Cotton had a good deal more than the present man.

1432. CHAIRMAN (to Mr. *Byrne.*)—Did not Mr. Finlay ascertain that that £250 was really given to him for promoting the bill?—Mr. Cotton having a large salary, asked for an advance of £250 to be repaid, and they gave it to him.

1433. Do you mean it was not given as an addition to his salary?—No; it was not. It was merely a loan given to him, to be repaid; and as a matter of fact it was repaid.

1434. Mr. *M'Evoy.*—I believe that as a matter of fact Mr. Cotton drew the money just as he was going to London about the bill?

Mr. *Byrne.*—I do not know anything about that. I do not know what Mr. Cotton did with the money, but if he did apply it in the way alleged it would have been in the interests of the Corporation.

1435. CHAIRMAN.—Mr. Finlay's report gave me the impression that this was an advance of £250 to Mr. Cotton with reference to the costs incurred by this bill, and put down under a wrong heading by whoever was instructed by the committee to make out this account?—Apparently this was so; however you have seen it was repaid.

1436. The fact remains, however, that Mr. Finlay stated he should have disallowed it if part of it had not been lodged previous to the audit and the remainder on his drawing attention to it?

Mr. *Byrne.*—That shows that Mr. Finlay did not make a proper inquiry into the matter. I think it would be a proper thing to say that the Corporation were not right in lending money to their officers, but he over-painted it I think in saying what he did.

1437. CHAIRMAN.—I see, however, he said it was charged as an advance of salary—not as an addition to salary—and therefore to that extent it is my mistake?—Yes; it was merely a loan.

1438. Mr. *M'Evoy.*—I see in the book another officer getting an advance. Mr. Finlay put a stop to that system I think: they were in the habit of doing it.

1439. CHAIRMAN (to Mr. *Byrne*).—In the same year was there an advance given to Mr. Doyle of £35?—It was also repaid.

1440. Are you in the habit of making such advances—you are on the committee I think?—Yes; I am on the committee—there are very few of such cases.

1441. Are there any other cases besides those of Mr. Cotton and Mr. Doyle, that you are aware of?—I cannot say; there may have been one or two, but they must have been very few. The circumstances under which we lent that other one were this:—Mr. Doyle had been an officer of ours for a very great number of years: he became security for some one or other, and was obliged to pay the money. He required it very much, and he got it. Very few such advances are made, and they are never made except under very peculiar circumstances.

1442. To Mr. *Beveridge.*—I went into the matter of the payments to these men at Whitehorse-yard with Mr. Neville. There is, he told me, a printed report on that subject—can you let me have it?—Yes. I put it in. (Report handed in—*vide* Appendix.)

1443. There is one other matter; I want to know the circumstances under which the Town Clerk (Mr. Henry), cashed a cheque of the London and North-western Railway Company for £106 18*s.* 3*d.*?—There is a printed report about that also—a report of a special committee of the Corporation appointed to consider all the particulars; it embraces the facts concerning that cheque, and was read over to me at the meeting of the committee before being printed. (Hands in the report—*vide* Appendix.)

1444. You in the course of your duty, I believe, were the first person who drew attention to this matter?—Yes, it became my duty.

Mr. *Byrne.*—That case of the London and North-western Railway Company was an exceptional case.

Witness.—It could never have taken place except in the case of large firms such as the London and North-western Railway Company, where we knew we had only to send the account to get the money.

1445. CHAIRMAN.—Was it not the town clerk's duty to have given this cheque to the treasurer to lodge to the credit of that particular fund?

Mr. *Byrne.*—I have made an order in committee that all such accounts in future are to be made by receivable order to the Bank of Ireland.

1446. CHAIRMAN.—Was it in consequence of this matter that that order has been made?—Previous to the appointment of the present treasurer, the Corporation adopted the system of all payments being made to the Bank of Ireland by a receivable order, and now since this matter occurred—in relation to this particular case—an order was made that even such payments as this shall be made by a receivable order; so that, in fact no money now comes to the hands of any officer of the Corporation.

1447. To *Witness.*—You seem to have taken great pains in this distributive statement to apportion all these charges to their proper heads. Speaking as regards the item for horses—had this been done before?—Not to the same extent, but the proper distribution of the accounts has been the great care of the committee, and I have tried to carry out their views.

1448. Have you any other matter which you wish to put on our notes about the accounts of No. 1 committee?—In the case of each payment made, before the cheque is drawn the account is examined by a committee specially cognizant of the matters contained in it. The general committee meet on Saturday. For the sake of convenience there are two sub-committees, "A" and "B"; the one deals with scavenging, the other with paving and general works; and all accounts connected with scavenging are brought before the "A" sub-committee—the veterinary surgeon's accounts, rents of stables, and all matters of that kind. Each account is examined for the purpose of seeing if it is certified by the proper officer. In matters of contract the book-keeper must certify that the particulars of the accounts are correct, and the store-keeper must certify that the goods have been received. The committee then recommend them for payment. On Wednesday all accounts connected with sewerage matters—cement, bricks, timber, rents of the places in which these goods are stored, are brought before the committee. If there is no officer in the service of the committee cognizant of a particular matter, or competent to give a certificate, it is certified by a member of the committee who has a special knowledge of the particular matter. If an account is not certified it is sent for inquiry and brought before the general committee on Saturday, and if found satisfactory the committee order it for payment, and the cheque is then drawn—or as soon as funds permit. All these accounts are brought before Mr. Finlay.

1449. When you refer to the general committee—the committee that meets on Saturday—do you mean No. 1 committee?—Yes, the general meeting.

1450. Did you ever know a Saturday on which you had not a quorum?—No.

1451. Of how many members does the committee consist?—Twenty members.

1452. How many form a quorum?—Three.

1453. What is the average attendance?—I do not know, but the return of the attendance can be handed in. It must be about twelve or thirteen out of the

twenty. The sittings are very long. The amount of business to be transacted, of course, is very great, and the committee does not rise till four o'clock. We always have a quorum at one o'clock sharp, and indeed we very frequently have to wait for the hour.

1454. How many members form a quorum in the Town Council?—Twenty members.

1455. They are not so fortunate as No. 1 Committee in getting a quorum, I believe?

Mr. *Byrne.*—No, indeed we are not. That is a great difficulty in the Council.

Witness.—I should say that there are also several special meetings of No. 1 Committee held, from time to time throughout the year. Some comment was made in London before the Select Committee of the House of Commons, as to the payment of the accounts of the macadamizing contractors, that the committee deferred payment for a long time. The reason they are not paid is, that many of the contractors do not send in their accounts until the end of the month following that in which the materials were supplied. You will see the accounts are paid with great regularity. (Return handed in showing payment made within about six weeks after delivery of the materials by the contractors.)

1456. Mr. EXHAM.—Are the macadamizing materials taken by contract every year?—Those are by contract. The committee advertised for supplies for three years. On the last occasion the prices differed very much. Some of the contractors were too poor to bind themselves to send in a certain quantity; and the engineer, having considered the tenders very carefully, advised the committee it would be better to offer prices all round for various descriptions, because he feared if we took contracts with the larger contractors who would charge us, say 4*s.* 6*d.*, while the poor men from the mountains might do it for 4*s.* 3*d.*, he feared if we made this arrangement the poorer man's materials would be sent under cover of the richer man's contract, which would, after a time, throw us altogether into the hands of the richer man, who, by-and-by would charge us what he liked.

1457. CHAIRMAN.—I see the accounts are furnished monthly; are they paid in every case the next month but one?—The desire of the committee is to pay within the succeeding month; but owing to the irregularity of the contractors, who are generally illiterate and very careless, they are not always able to do so.

1458. Mr. *Byrne.*—As a matter of fact, the February accounts of 1877 are at present paid.

Witness.—Yes.

1459. Mr. EXHAM.—Do the contractors deliver the stones in quantities of so much a week, or so much a month; or is it according as they are required or written for?—The engineer arranges that; he either reduces the amount or increases it.

1460. Are these taken into stock in any depôt?—They are all delivered in the streets.

Mr. *Byrne.*—And sometimes, if our funds do not serve, we are obliged to cut them down arbitrarily 20 per cent.

1461. Mr. EXHAM (to *witness*).—Then how do you arrange about the checking of the number of loads delivered and the weight?—The contractor brings his load to one of our weigh-bridges in one of our depôts; the weight is there taken by our depôt-keeper, who issues him a ticket and directs him where to deposit it—the depôt-keeper having previously got directions from the overseer. The man delivers the load in the street, and gives up the docket; the overseer, if there, signs the docket, and notes it in his day-book.

Mr. *Byrne.*—And it is upon that docket he is paid.

Mr. *Neville.*—There is a block kept.

Witness.—Every depôt-keeper sends up every morning a return of the loads he has weighed, the name of the man, the quality of the materials, and the quantity of the material. The inspector compares it next morning with the macadamizing overseer's book, and he sends the account to the book-keeper who enters it in the large book. If the contractor sends us in a false docket it can be detected.

1462. Mr. EXHAM.—But was there not some case some time ago of some man altering a docket or something of that kind, and getting payment of something he ought not to have?—No; he did not get paid. The moment the contractor's account was taken in hands by the book-keeper he detected it.

1463. But as far as it is possible, in your experience, is every check that human ingenuity can devise adopted for the purpose of seeing that the contractors only get paid for the amount that they deliver and the price per load?—I really do think so.

1464. And is every cart-load of stones weighed?—Every cart-load of stones is weighed and registered in that way. In addition to that a book is laid before the Wednesday's committee with the various descriptions of materials delivered on the north side, and a similar book is kept for the south side; and these are checked by the inspectors of works and laid before the committee.

Mr. *French* (a member of the Council).—I would like you to ask Mr. Beveridge what are the first-cost prices of the materials.

Witness.—You have it there. (Hands in book).

1465. Mr. EXHAM (to Mr. *French*).—The list is in this book for 1875. The prices are given, and the net prices are also given, and the quantity given out on the streets. That is all the contractor has to say to it. Then, of course, it is a matter of figuring to see how much per ton it will cost in labour to lay those stones or spread them on the streets; but there is no labour on these stones in the way of breaking or that kind of work—they come in broken, ready to be spread, into the yard. In fact it is calculated with such care that they put down, I see, the very decimals, so it shows they must be weighed with the greatest care. If the weigh-master choses to weigh falsely, and give a false docket, Mr. Beveridge and the other officers are not accountable for that. (To *witness*).—Does the same thing apply to sand or anything of that kind?—Sand, as a rule, is brought into the depôt, and kept until required, and it is the same with lime and cement.

1466. Now, with regard to asphalte other than the Limmer, do you put down the tar asphalte yourself?

Mr. *Byrne.*—We do that also by contract. We, however, never do anything except on Mr. Neville's recommendation. Then the labourers' wages are calculated by there being men who give in time tables of each man's services, and the work he is employed on. Each overseer gives a return of each man and the place where he works, and if a man is idling he will not be paid.

1467. Mr. EXHAM.—Is it a fact, Mr. Neville, that men are paid only by the day or half-day, and that broken days are taken from them?—Mr. *Neville.*—Yes.

1468. (To *Witness*).—And this book then (a large ledger labelled "Materials Delivered") is before No. 1 Committee every week?—The book-keeper brings it up when called on.

1469. But the book is regularly made up every morning, and the committee have it to look into every morning if they like?—Exactly.

1470. There are some articles go into depot, you say, such as sand, lime, and those things. Is there any regular annual stock-taking?—There is no regular annual stock-taking. From time to time the engineer gets his officials to take stock.

1471. Is there any stock-book kept showing the things going out?—Oh, yes; the depot-keeper keeps it.

Mr. *Neville.*—Everything that comes in is entered into the stock-book.

Witness (Producing return).—This is a return of all implements in store at Winetavern-street. That was made out on the 1st of August, 1876, by order of the city engineer.

1472. Nothing, I suppose then, can go out of the store without a docket?—No; if a man comes in with a broken pick to get another, he is obliged to bring in a docket. No orders for supplies are given, except by

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Mr. John Beveridge.

the Committee; or, in case of emergency, by the city engineer.

1473. Mr. EXHAM.—Of course in the same way any new streets, or repairs of streets, or anything of that kind, are all done by order of the Committee?—Yes. We have our own carpenters and smiths.

Mr. *Byrne.*—We have our own factory. We buy the materials—the timber, &c.

1474. And then for shoeing the horses?

Mr. *Byrne.*—We shoe and physic our horses by contract.

1475. CHAIRMAN.—I have been requested to ask you, Mr. Beveridge, whether when you came into your present situation you did not find the accounts in great disorder?—The book-keeper had got behind. He was in delicate health, and a very old man, and, I believe, had troubles of his own; and the committee found it necessary to get in a public accountant. This public accountant, Mr. Browne, set the books into good order, but the public accountant had the basis laid before he came here. You see it is now a very accurate system of accounts. The improvement fund, at first, was regarded as a fund for everything; and No. 1 Committee having a large stock and works if anything was wanting to be done, No. 1 Committee was requested to do it, and the work was done, and no account returned. But when they began to be pinched for money afterwards, they began to keep a stricter account. The committee had adopted several resolutions before I came into office, and made great efforts to put matters right, and had got things to a great extent rectified; but there was no day-to-day supervision over these books, and finding the number of resolutions on the books, I followed them up, and, with the assistance of members, and notably of Town Councillor Byrne and the late Town Councillor Bury, very great changes were effected. The sum of £2,482 was brought to credit from the sewer funds, and now, instead of waiting until the end of the year for inquiry, and finding out how many horses have worked, sums due on account of this service are brought in at once weekly to the credit of the improvement fund.

1476. We saw yesterday that you had reduced the debt on the improvement fund from £3,000 and odd to £400, and that was principally from getting a recoup of £2,482 from the north and south sewers fund?—Yes; but beside that there is another matter the committee were behind at the bank, and the treasurer showed, week by week, by his returns, that the account was overdrawn. Instead of that this year, we opened with £3,500 to the credit of the improvement fund.

1477. But were you not only enabled to do that because you had borrowed this money?—No, this was apart from the loan.

Mr. *Byrne.*—We do not mix the two; the loan is separate.

1478. I do not know how else you could have a balance to your credit on the improvement fund. In 1875 you left off with a debt of £480. What is this £17,602 16*s.* 9*d.* which Mr. Browne, the public accountant, certifies for on the ledger at the end of December, 1875?—These are contingent liabilities which were not due upon that date, but will become due in future years.

1479. Now, you want to show what was the total indebtedness in 1876?—The total indebtedness in 1875 he makes £17,602 16*s.* 9*d.* From that you must deduct instalments for asphalting to be spread over a number of years, and three bonds for asphalting to fall due in future years; these should not be charged in an account of indebtedness up to 31st December, 1875. That leaves £14,115 0*s.* 11*d.* Deduct from this the amount of £363 13*s.* 4*d.*, chargeable to the sewer funds, and it would leave an indebtedness of £13,751 6*s.* 7*d.* Against this should have been set for credit the money due by the waterworks committee, the public health committee, and the gas company, and presentment moneys, which should have been transferred to the credit of the improvement fund before this; the works having been actually in progress, and partly paid for. Then there were the arrears of the improvement rate to be put against the balance, and, as in the year before, we received £10,424—taking them at the same figure, £548 would be the indebtedness in the improvement fund, and that without deducting the value of horses, plant, &c.

1480. You stated that you started this year with a credit balance of £3,500?—The treasurer's financial statement of 30th December, 1876, which may be subject to some rectification, consequent on Mr. Finlay's present audit, showed on that day to credit of the improvement fund £5,870 18*s.* Deduct from that the amount to credit of the loan, which I have taken at £1,865 7*s.* 6*d.*, but which is still subject to further deduction, because I have credited the loan with £446 5*s.*, the bank interest on an instalment while on deposit; this should go to the credit of the improvement fund; but even taking it at my figures, it would leave £4,505 10*s.* 6*d.* Deduct £613, portion of the Michaelmas presentments, 1875, for paving quays, which was transferred to us in the year by a clerical error, and it leaves a balance of £3,392 10*s.* 6*d.* Then of this, there is a sum of money due to Mr. Barrington, £167 11*s.* 3*d.*, which lies to the credit of the improvement fund as a security for paving stones lent him; this leaves £3,224 19*s.* 3*d.* to credit of the fund, and there is also the sum of £446 5*s.*, referred to.

1481. Then, in point of fact, the treasurer's account and the loan account are put to the same bank account—Yes, to avoid the trouble of drawing two cheques weekly. If we had two accounts the result would be drawing the two cheques for wages; but we indorse on the back, for the information of the city accountant, what is charged for the loan and what for the other account.

Mr. *Byrne.*—You should bear in mind the loan was £20,000, and that we had spent nearly £19,000, and had paid £1,000; so that this is really a balance of the improvement rate.

Witness.—If, in the course of Mr. Finlay's audit, there is any error discovered, of course then the account will be subject to rectification.

1482. CHAIRMAN.—£5,870 18*s.*, balance of improvement fund was, you say, the amount to the credit of the improvement fund; then, after making certain deductions, and allowing for a clerical error of arrears, there remains a sum of at least £3,200?—Yes. The improvement fund had a credit balance some years ago, but then contractors were not paid with the same degree of punctuality.

1483. In respect of this £20,000 you have taken out of the £50,000 loan, has any of it been expended on any other department than the improvement fund?—No. 3 Committee asked for a loan, but No. 1 Committee did not see their way to giving up that money.

1484. We have had it in evidence, I think, that everything spent out of that loan has been spent, not only in respect of the improvement fund, but in respect of a particular class of expenditure?—The Committee have not at the present moment to credit of their bank account more than £560; now, we ought to have to credit on account of loan this moment £1,000, so that in this way we have now £560 of the loan to pay current expenses. That is the system which Mr. Finlay calls lending the money from one department to another. That could be avoided by having a separate bank account, but it would entail an immense amount of trouble. Now, moreover, instead of paying our workmen with a single labour cheque, latterly we have to draw three cheques, two on the sewer funds, and link the two cheques for the week by number with the improvement fund cheque, a system which no business man would tolerate in his own business for an hour. The old system, if worked accurately, had advantages, and would save an immense amount of labour. The improvement fund might under it be debited with a balance to credit of the sewer funds of say £7,000. It is a loan on which we are paying no interest, and we pay the money out of these moneys until the improvement money comes in. We know how it stands

exactly in our own books, but we are getting a loan without the trouble of negotiating it, or the disadvantage of paying for it.

1485. That is very true, but it is a very dangerous system?

Witness.—The collection of the Collector-General is paid to us, you know, on Monday mornings, and that statement you had to-day only shows the collection for the last week, and there is money at present in bank untouched by us.

1486. Mr. EXHAM.—Your book and the bank-book will never tally now.

1487. CHAIRMAN.—Your staff have all they can do now in keeping the accounts in separate books: it seems simply a question of the amount of labour imposed?

Witness.—Yes. There is also labour for the committee, each cheque has to be signed by three members, and there are three cheques now in many cases in which one formerly sufficed.

1488. This extra trouble would surely be very well repaid by being able to balance your banking accounts separately?

1489. Mr. EXHAM.—If it were legal it would be a very great advantage to you.

Mr. *Byrne.*—We sometimes borrow from one fund to another in the interest of economy; and whenever we have an ample fund and require to borrow, we prefer to borrow from that ample fund, and not from the bank.

1490. CHAIRMAN.—Do you get this account every week from the bank?—Yes.

Witness.—If we had the option of selecting our own banks, then we could make arrangements by which the balance in the one account would be set off against the balance in the other, so as to relieve them from interest; but the law being to bank with the Bank of Ireland, we can make no such arrangement.

1491. CHAIRMAN.—I asked you just now, whether the report of the committee of the whole house with regard to the cheque for £106 18*s.* 3*d.*, which passed through the hands of Mr. Henry, the town clerk, had been handed in. That report, I understand, came up before the meeting of the Council. Town Councillor Gray then made a very elaborate statement of the whole facts, and moved:—

"That in consequence of the statement of facts submitted by the committee of the whole house in their report dated 23rd March, 1877, the town clerk be, and is hereby, required to send in his resignation."

That was not carried, although it was stated this was not the first occasion similar complaints had been made as regarded the town clerk. Then, an amendment was moved by Sir John Barrington:—

"That the report of facts from the committee of the whole house showed that the town clerk detained in his hands a sum of money which he, on receipt thereof, should have lodged to the credit of the Corporation; that such proceeding on his part, though not done with any fraudulent intent, was highly reprehensible and irregular, and calculated considerably to abate the confidence of the Council in him; that he be publicly reprimanded and suspended until he find security for £1,000 for his future regular conduct"

The casting vote of the Lord Mayor was given in favour of the amendment; and that is how the matter now stands—that Mr. Henry is still town clerk, suspended until he gets security, and if he finds security for £1,000 he will resume duty?—Yes. I understand so. I was not present at the meeting of the Council.

1492. Mr. EXHAM.—Do you know anything about these men who have been superannuated, and who have been the subject of complaint?—I looked into the matter very carefully. It was the intention of the Council to superannuate these men. They adopted the report of the committee on the question, and I find from the report on the subject the men were to do lighter duty in Whitehorse-yard (the Corporation yard). They were very deserving men, strongly recommended by the city engineer to the committee; and men of very long services.

1493. Mr. *Byrne.*—But they did as a matter of fact perform light work in Whitehorse-yard under that order?—They did. They always regarded themselves as pensioners, and for a time they did light work; and then becoming more feeble they were told to go about their business, and the entry continued until the auditor found it out.

1494. Was it perfectly understood these men were not to do any work?

Mr. *Neville.*—That is the fact. Two of the men were blind, and one was disabled with a broken back.

1495. CHAIRMAN.—This is a nominal way of giving them a pension.

Witness.—The matter alluded to by Mr. French, that payment was given to a person who was dead for two years arose through a curious concurrence of circumstances. The man was very old and bed-ridden. His wife for some time before he was dead was in the habit of receiving the money. This woman after his death came and made a false representation. If it had been made to the same officer the matter would have been discovered, but there was a succession of pay clerks.

Mr. *French.*—The woman was not his wife, but reported herself as such. She was merely a woman with whom the man lodged.

Mr. *Byrne.*—As to the point as to whether those men should have been superannuated by the committee, the shortest employment of any one of them was thirty-five years. They had entered the service of the Paving Board fifty-five years ago, some of them forty years ago; and when the Paving Board's duties were transferred to the Corporation we took them over as part of the Paving Board staff, and it appears to me that the Act of 1859 gives us powers to give them pensions as it provides that former officers may be superannuated.

1496. CHAIRMAN.—The question is whether they were officers. However, that is a question which has been raised by the auditor and which I think had better not be again raised before us.

Mr. *Byrne.*—As you have inquired, it might appear we were doing something we had not authority for by law. I want to allege we had lawful authority for it; and we did rightly.

1497. You did not pension them: you sent these men to Whitehorse-yard at 7*s.* a week?

Mr. *Byrne.*—Exactly; and if they did not do the work it was the fault of the officer who was placed over them, because, as a matter of fact, they did this work two or three years after this arrangement was made, and then they dropped off. I was a member of the committee during the whole time, and I did not know the men had ceased to do the work until afterwards.

Witness.—There is another point, which is this:—In all large establishments there are a few hangers-on, who get some small allowances. Several members of the Corporation have such hangers-on.

1498. CHAIRMAN.—Yes, in their own private establishments, but that is a totally different thing.

Hon. J. P. VEREKER examined.

1499. Mr. EXHAM.—How long have you been a member of the Corporation?—I have been a member of the Corporation for eighteen years, and I have been Lord Mayor. I am now a member of No. 2 Committee. I am a lawyer by profession, and I may say a landlord and land agent also. (Witness then expressed himself as strongly opposed to Corporations in general having the management of property left in their hands, as being totally unfitted, as a general rule, from habits or training, to transact this description of business. The Corporation, moreover, were heavily in debt, and consequently in the same position as that of the Irish landlords in the Famine year. When the Corporation were going to grant a lease they were not free parties to that lease. There were sixty members of the Corporation, and each of those sixty was influenced by different impressions, and, unfortunately, as generally happened in Ireland, by different political views. They let lands, not as holders of land, but as people seeking popularity out of doors. Witness, in

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April 28, 1877.

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conclusion, read the following resolution passed by the Council on April 3rd, 1877, as illustrating the manner in which the Corporation sought to throw their duties on the Treasury :—

"Resolved—That inasmuch as the Corporation are of opinion that the sums offered by many of the tenants are not sufficient, the memorials contain the following clause, in order to secure a fair value being offered for the several premises :—'That the memorials in reference to all cases for leases in reversion to our tenants shall pray for power to extend such leases, subject to the following :—1. That in no case the Corporation shall be bound to accept the rents fixed by the Messrs. Brassington and Gale, nor the other sworn valuators, nor in any case in which the Corporation shall be of opinion that same be insufficient. 2. That unless a sworn valuator be appointed by the Lords of the Treasury subsequently to their receipt of the memorials respectively, the fixing of the annual rent shall be by agreement of this Corporation with our tenants after the Lords of the Treasury shall have signified their assent to the general prayer of the memorials. 3. That, in the event of the rent reported by the sworn valuators being below the offer of the tenant, no sum below the offer of the tenant shall be accepted.'"

1500. CHAIRMAN.—Is it your opinion that, so far as the property is concerned, it would have been better to remain under the old by-law, or are you in favour of an amended by-law?—I think it would be advisable in all cases to set by auction.

1501. Mr. *Byrne*.—Do you think it fair or expedient, in the case of a person who some five-and-twenty years ago took a house in a business street from the Corporation, and had established his business there, that the interest in his business should be put up to competition?

Witness.—I do not think the Corporation have anything to do with such matters. They are mere trustees, bound to get the best rent they can for those they represent without reference to sensational clap-trap. The conduct which in a private individual may be designated as generosity will constitute a breach of trust or a legal fraud when pursued by trustees.

WEXFORD.
May 14, 1877.

WEXFORD.—MAY 14, 1877.

(Before Mr. Commissioner LAWLESS, Q.C.)

Mr. Thomas M. O'Leary.

Mr. THOMAS M. O'LEARY, Town Clerk, examined

1. Mr. LAWLESS.—Are you the town clerk of Wexford?—I am.

2. How long have you been town clerk?—Since August, 1867.

3. How is the Corporation of Wexford constituted?—By a charter granted in 1846.

4. Of how many members does the Corporation consist?—Of twenty-four.

5. Is Wexford divided into wards?—Yes.

6. How many?—Three wards.

7. What are their names?—Selskar, St. Iberius, and St. Mary's.

8. How many members do each of those wards return to the Council?—Eight—two aldermen and six councillors.

9. Can you tell me what the rateable valuation of Wexford is?—£15,796 was the last valuation. I may mention that in 1869 it was £720 less; it was £15,074 then.

10. Can you tell me the acreage within the municipal boundary?—Yes; 464A. 3R. 11P. statute measure.

11. Can you give me the rateable valuation of each of the three wards?—Yes; Selskar, £4,669; Iberius, £5,670 10*s*., and Mary's, £5,453 5*s*.

12. State the number of voters in each of these wards?—The number of voters in Selskar Ward is 94; in St. Iberius, 99; and in St. Mary's, 43.

13. I see that the valuation of Selskar is only £4,669, and yet there are ninety-four voters in it; the valuation of St. Mary's Ward is £5,453 5*s*., and there are only forty-three voters in it?—In St. Mary's Ward there are a great many small houses, under a valuation of £10; that is the poorer part of the town.

14. What is the qualification of members of the Council?—That fixed by the 3 & 4 Vic., chap. 108, and the Charter.

15. Is the Mayor chosen from the Council generally or from the Aldermen only?—From the Council generally.

16. Is the Towns Improvement Act—the 17 & 18 Vic., chap. 103, adopted here?—Yes.

17. When was it adopted?—In the year 1870.

18. Was it adopted in its entirety or only in part?—The entire Act was adopted, but no rate has ever been struck under it.

19. Have the powers of the Grand Jury of the county of Wexford over the borough been transferred to the Corporation?—They have.

20. How were they transferred?—By a provisional order of the Local Government Board, dated 15th November, 1872, which was confirmed by an Act of Parliament passed on the 16th June, 1873, by which order the jurisdiction and authority of the Grand Jury with regard to roads, bridges, footways, and public works within the borough were transferred to the Corporation.

21. And at the same time did the Grand Jury cease to have the power to levy county cess within the borough of Wexford?—Yes; they ceased to have that power.

22. Does the borough of Wexford still continue liable to contribute to the payment of county at large charges?—Yes; in proportion to its valuation.

23. How is the proportion of liability fixed?—By that Provisional Order and Act.

24. What power of rating was conferred on the Corporation by that provisional order?—They were empowered to levy in addition to the borough rate a further rate not exceeding 2*s*. in the pound.

25. Has there been any other Act passed or provisional order obtained affecting the powers of the Corporation of Wexford?—None, except the provisional order of the Local Government Board, dated the 2nd December, 1875, and confirmed by the 39th & 40th Vic., cap. 155, passed in 1846, empowering the Corporation to construct waterworks. I wish to state the position of and explain the advantages derived by the borough under the Provisional Order Confirmation Act of 1873. The valuation of the borough is £15,796 5*s*., but as the rate in lieu of county cess is leviable subject to the provisions of the 62nd section of the Towns Improvement Act, 1854, by which the lands are to be reduced to one-fourth, the valuation of the borough for the purpose of levying the rate in lieu of county cess is £15,443 5*s*., and upon this valuation the rate of 2*s*. in the pound amounted to £1,544 6*s*. 6*d*., which, after deducting £72 4*s*. 4*d*. (being collector's fees at 1*s*. in the pound), leaves the net balance collected and lodged, £1,472 2*s*. 2*d*. From that sum deduct town clerk's salary, £40, and town surveyor's salary, £40, and you have £1,392 2*s*. 2*d*. The borough proportion of Grand Jury cess for county at large charges payable previous to spring assizes, 1876, was £399 7*s*. 2*d*., and to summer assizes, 1876, £343 7*s*. 2*d*. These two sums deducted from the last balance leaves £649 7*s*. 10*d*. to be expended on repairing the streets and improving the town. Before the powers of the Grand Jury in the borough were transferred to the Corporation the average amount expended by the Grand Jury on the repairing of the streets and im-

provement of the town was £223 7*s.* 8*d.*, so that we gained for the borough, by the separation, the sum of £426 0*s.* 2*d.* The associated cesspayers of the barony of Forth and the Grand Jury for several years presented £100 a year, or more, for flagged footpaths and other improvements for the borough, but in 1871 and 1872 some members of the associated cesspayers objected to pass any presentment for the town except the repairs of the streets only, so that the townspeople had no alternative but to seek for a separation from the barony. The late Mr. Prendergast suggested the making of the borough into a separate barony, and the proposal was submitted to the Grand Jury; but it was found that the barony of Forth did not possess a sufficient area to enable it to be divided. The Local Government Act of 1871 being then passed, I called the attention of the Council to it, and urged the necessity of taking advantage of the 6th section to get the control of the taxation, and succeeded in satisfying the Corporation as to the benefit to be derived from it, and got them to take the steps necessary to obtain the Provisional Order. I waited on each member of the Grand Jury, and on my representation got almost every member to promise to support the Provisional Order, so that when it came before the Grand Jury it received their unanimous assent. I would not be stating the case fully and fairly if I did not admit that if the borough had not been separated from the barony the cess on the remainder of the barony would be nearly 2*d.* in the pound less than it is at present, which fact reduces the sum gained by £120, leaving, however, £300 of a net gain to the borough by the separation.

26. Was there an inquiry held here by the Local Government Board previous to granting the Provisional Order?—There was.

27. By whom was it held?—By Mr. Robinson.

28. Can you tell me what was the cost of obtaining that Provisional Order?—Yes, £39 5*s.* 2*d.*

29. What powers did the Corporation acquire under the Provisional Order of the Local Government Board of the 2nd December, 1875, and the Act confirming it passed on the 24th July, 1876?—The Corporation acquired the power of constructing public waterworks, and for that purpose to purchase lands.

30. Were they empowered to impose a water rate?—Yes, a domestic water rate not exceeding 1*s.* in the pound, and a public water rate not exceeding 6*d.* in the pound.

31. Did the Corporation acquire any borrowing powers under the Act?—Yes; the borrowing powers under the 40th section of the Public Health Act are extended and applied to the rates authorized by the Provisional Order, and to the costs, charges, and expenses to be incurred by the Corporation in the performance of their duties under the Order, and the Corporation are empowered to borrow any moneys necessary for these purposes.

32. Is that the last Provisional Order obtained by the Corporation?—Yes, it is the last.

33. Do you know whether there has been any other Act passed affecting the rights of the Corporation in any way?—None other.

34. Do the Corporation of Wexford possess any property?—They do.

35. What does it consist of?—It consists of some houses and lands.

36. Are they situated within or outside the borough?—The Corporation treasurer, who knows all about the property is present.

37. Do you refer me to him for information on the subject?—Yes.

38. Can you tell me what the population of Wexford is?—By the census of 1871 it was 12,077, and by the census of 1861, 11,734, so that there has been a small increase.

39. What rates do the Corporation levy in the town?—They levy a borough rate of 1*s.* in the pound.

40. Under what Act?—Under the Municipal Act, the 3 & 4 Vic., chap. 108, and under their charter.

41. How much was the borough rate assessed last year—I mean for the year ending the 30th September, 1876—and what was the gross amount of it?—The rate was 1*s.* in the pound; the gross amount of it was £787.

42. Has the borough rate for this year been the same?—No; it is only 10*d.* this year.

43. Have you anything to do with the collection of that rate?—No; I only keep the accounts of it, but do not collect it.

44. What other rate do the Corporation levy?—They levy a rate in lieu of county cess of 2*s.* in the pound, under the Provisional Order.

45. How much did it amount to for the year 1876?—£1,544 16*s.* 6*d.*, which is not quite double the borough rate.

46. Do the Corporation levy any other rate besides those you have already mentioned?—No other rate; the borough rate and the improvement rate are the only rates.

47. Have they ever levied any water rate under the Provisional Order of 1876?—No; they have not yet borrowed the money authorized to be borrowed by that order.

48. Have they ever levied any sewer rate?—No; the sewer expenses are provided for out of the money saved by the separation of the borough from the barony.

49. Does the revenue of the Corporation consist of anything besides the rates which you have mentioned, the rents of their property, and the small sums mentioned here in the last account audited by Mr. Finlay? For instance, I see in the account a small sum received as rent from fish stalls?—Yes.

50. And there is a small Government contribution for salaries and rates?—Yes.

51. What do the pipe-water receipts, represented in the account, consist of?—The present waterworks are carried on by the Corporation in the same way as they were formerly when owned by a private company. The Corporation give the water by agreement to those who choose to take it.

52. Then, have the Corporation any waterworks vested in them?—They have.

53. How did the Corporation acquire the works? Was it by purchase? Were the works previously vested in any private individuals?—The whole matter is explained in the recitals of the Provisional Order of 2nd December, 1875.

54. Are these works now vested in the Corporation of Wexford?—Yes.

55. Where are they situated?—At the back of the town, about 100 feet above the level of the sea.

56. Is the water from the works distributed through the entire town?—No, only through the main streets of the town; only to people who wish to take it.

57. Is, then, the taking of the water not compulsory?—No; but there are many seeking to get it whom we are not able to supply. The supply of water is quite insufficient for the requirements of the town.

58. At what rate do the Commissioners charge for the water which they supply in the town?—The charge is in proportion to the rent of the house. The water superintendent can give you the full particulars.

59. Who fixes the rate to be paid by each house?—There was a regulation made by resolution of the Corporation, that it should be charged in proportion to the rent of the houses in which it is used.

60. Do the Corporation receive any fines under the Towns Improvement Act?—They do. At present they only receive one-half of the amount of the fines. At one time they got all the fines.

61. Have you got a copy of the account audited by Mr. Finlay for last year?—I have.

62. Will you just look at the receipt side of it?—Yes.

63. Does that abstract show under the headings there mentioned the entire receipts of the Corporation for the year?—It does.

64. Look to the second part of the account, also on the receipt side. Does that also show under the headings there mentioned the entire receipts under the Provisional Order Confirmation Act, 1873?—Yes.

WEXFORD. *May* 14, 1877. Mr. Thomas M. O'Leary.

65. Will you mention the different officers employed by the Corporation, and their salaries. In the first place, does the head of the Corporation, the mayor, receive any salary?—No, the mayor of Wexford receives no salary.

66. What officers do the Corporation employ?—The town clerk, at a salary of £92 10*s.* a year out of the borough rate, and £40 a year out of the rate in lieu of county cess; the treasurer, at a salary of £30.

67. Do you receive £92 10*s.* out of the borough rate, and £40 out of the county cess rate?—Yes.

68. When was the salary of £92 10*s.* fixed?—When I was appointed to the office of town clerk. I should say that I am also mayor's registrar. There was a man named Furlong who was mayor's registrar at a salary of £20 a year, but I fill that office now.

69. You are both town clerk and mayor's registrar?—Yes.

70. And do you receive £72 10*s.* as town clerk, and £20 as mayor's registrar?—They are both combined.

71. Has that salary of £92 10*s.* been paid to you ever since the date of your appointment in August, 1869?—No; I think there was some slight addition made to it since then.

72. Was your salary increased at any time?—It was.

73. What are your duties as mayor's registrar?—The mayor has a court, of which I am registrar, for the recovery of small debts up to £2. My duties with respect to the court are of a very troublesome character, as the people make the payments in small instalments.

74. Does the mayor exercise jurisdiction in nuisance cases under the Towns Improvement Act?—Yes; and I act as clerk in that respect also.

75. Where do any fines imposed in nuisance cases appear in this account?—They are included in the other fines.

76. Under what heading are they?—Under the head of "fines." I have the account in detail in my ledger.

77. What other officers do the Corporation employ besides those you have already mentioned?—The treasurer, at a salary of £30 a year.

78. What are the duties of the treasurer?—He receives the corporate rents, and accounts for them; he is the collector of rents as well as treasurer, and he receives and passes all the cheques.

79. Are the rents that he receives lodged in the bank in his own name, or in the name of the Corporation?—They are lodged in his own name.

80. In what bank?—I think he keeps his account in the Provincial Bank.

Treasurer.—We never have anything to lodge; we are always very scarce of money.

81. Is that £30 a year a fixed salary?—It is. I am also paid £10 a year for another account—the pipe-water account.

82. To the *Town Clerk.*—Does the treasurer give security?—Yes; he gave security a great many years ago. It is a continuing bond.

83. Can you let me see the form of it. Are there sureties with him in that bond?—There are.

84. Does the treasurer, Mr. Lacy, receive any other salary?—He does; he receives £10 a year for receiving the water rents.

85. Then does he receive the water rents for the Corporation?—No; the superintendent receives the water rents from those who take the water, and hands it to the treasurer.

86. Do you say he is paid a fixed salary of £10 a year for that?—Yes.

87. Does the treasurer discharge any other duties under the Corporation?—None, but collect the rents.

88. Is he the collector of rents?—It is part of his duty as treasurer to collect the rents of the Corporation.

89. Have you now mentioned all the duties discharged by the treasurer?—I have.

90. What other officers do the Corporation employ?—The next officer is the town sergeant, or mayor's sergeant, who has a salary of £21 a year.

91. What are his duties?—He acts as messenger for the Corporation, and has the management of the markets. He is under the directions of the mayor; and makes regulations in the fish market, and the other market.

92. I suppose he is paid that £21 a year out of the borough fund?—Yes.

93. What other officers do the Corporation employ?—There is an executive sanitary officer, a sanitary officer, a consulting and a sub-sanitary officer; and they receive £20, £15, and £20 respectively. The half of these salaries is paid back by the Government. Then there is the pipe-water superintendent, who has a salary of £55 a year.

94. Are there any other officers?—The town surveyor at a salary of £40 a year. When he was first appointed he had only £10 a year, but taking his very heavy duties into consideration, the Corporation increased it to £40 a year.

95. By whom are the streets and footways of Wexford kept in repair?—They are kept in repair by the Corporation since the separation from the barony.

96. Since you got the Provisional Order Confirmation Act of 1873?—Yes; but under the provisional order any streets for which there was a contract were kept in repair by the contractors till the term of the contract expired. There is one street still repaired under an unexpired contract.

97. Are there some of the contracts made by the Grand Jury still unexpired?—Yes, one; and the payments in respect of it are included in the county at large charges, and paid to the Grand Jury.

98. Are those payments included in this item of £802 10*s.* 8*d.*?—Yes.

99. How is the town of Wexford lighted?—It is lighted by a gas company with whom we have an agreement.

100. Then the Corporation are not the owners of the gasworks?—They are not.

101. What is the rate paid by the Corporation to the gas company for the gas? How much per lamp?—I think it is £3 10*s.*

102. How many lamps are there in the town?—Eighty-four lamps.

103. Is there a contract between the Corporation and the gas company?—Yes; there is an agreement.

104. For how long is the contract?—It is only an agreement from year to year.

105. How much per lamp is the agreement for?—£3 10*s.*, I think.

106. Is the expense of lighting the lamps and the cost of keeping them in order and repair paid by the gas company or by the Corporation?—It is paid by the gas company.

107. Is that expense covered by the charge of £3 10*s.* per lamp?—Yes.

108. If new lamps are required are they put up by the gas company?—Yes; the only charge to the Corporation is for lighting.

109. Are the lamps lighted all the year round?—No; they are only lighted eight months in the year; they are not lighted from the 1st May to the 1st September.

110. Is the scavenging of the town done by the Corporation?—Yes; the Corporation get it done by contract.

111. Is it done by contract or do the Corporation employ people to do it?—They get it done by contract.

112. What is the amount of that contract?—A man is paid £3 10*s.* per week, and gets the manure besides. It is also part of his agreement to water the streets of the town.

113. Is that agreement made with the man for a year?—The contract is to remain in force so long as he continues to give satisfaction. It is not made for a year. He entered into a bond and is to perform the contract during his good behaviour.

114. When was the last contract made with him?—About six months ago.

115. Was it made since this account for the year ending 30th September, 1876, was passed by the auditor?—It was. The contract was advertised and tenders invited. His was the lowest tender.

116. Is it considered that the scavenging of the town is well and sufficiently done under this contract?—I think this man is doing it very fairly.

117. Is it efficiently done?—I think it is fairly done. I won't say it is sufficiently done.

118. Is it the duty of the scavenger to clean, not merely the principal and public streets, but also the lanes and by-ways where the poorer class of people live?—It is his duty to clean every street, lane, and alley in the town. The quay and the streets leading from the quay to the main streets are under the care and control of the Harbour Commissioners.

119. What staff does that scavenging contractor employ for the purpose of scavenging the streets?—I think about six men and two horses and carts. The horses he has at present are good horses, and that is more than could ever be said of the horses employed at this work before.

120. What is the name of the contractor?—Thomas Deegan.

121. Whose duty is it to superintend and look after the sewerage of the town?—The sanitary officer.

122. I mean as to the construction and repairing of the sewerage?—It is the duty of the town surveyor.

123. Will you look at the expenditure side of the accounts audited by Mr. Finlay for the year ending 30th September, 1876?—Yes.

124. Were all the moneys described on the expenditure side of those accounts—the borough fund and the improvement fund accounts—expended for the purposes for which they are said to be expended in this account?—Yes; they were.

125. Do those items on the expenditure side of the account represent the entire expenditure of the Corporation for the year mentioned?—Yes.

126. Do you know whether the Corporation exercise any control over the port and harbour of Wexford?—No; they do not.

127. Do they receive any income—derive anything in the way of tolls from the port and harbour?—No.

128. By whom are the port and harbour of Wexford regulated and managed? Are there Harbour Commissioners?—There are Harbour Commissioners under a local Act of Parliament.

129. Do these Harbour Commissioners exercise any control or power over any portion of the streets of the town, or over the quays?—They exercise control over the quays, and over the streets leading from the main street of the town to the quays. They have the sole charge of those places.

130. Do the Harbour Commissioners repair those streets?—They have the sole control over them—they repair them, sewer them, and in fact, do everything they require.

131. Do they also light them?—Yes.

132. That is, they light the quays?—Yes.

133. Do they also light the streets leading from the quays to the main street?—Yes.

134. Have the Corporation any jurisdiction with regard to the bridge across the Slaney?—No.

135. By whom is it kept?—By the Grand Jury. The borough only extends to the water's edge.

136. Is the road approaching that bridge considered a part of the quays which the Harbour Commissioners light, &c.?—No; the quays over which the Harbour Commissioners have control only extend as far as the end of Monk-street, near the court-house here. From a little beyond the old bridge they extend as far as Trinity-street.

137. Are the Corporation entitled to any representation on the Harbour Board?—Yes, the mayor and another member of the Corporation. The mayor is an *ex-officio* member of the Harbour Board, and another member is elected by the Corporation from their own body.

138. Do you know if when the member elected by the Corporation ceases to be a member of the Corporation, he also ceases to be a member of the Harbour Board. In other words, is he elected to the Harbour Board for life?—No, he is elected annually.

139. Supposing he ceases to be a member of the Corporation in that year—supposing he resigns his position in the Town Council, would he then cease to be a member of the Harbour Board, or would he remain on it till the end of the year?—Such a case has never arisen here, but I should say he would then cease to be a member of the Harbour Board.

140. Are there any public markets in Wexford?—There is a portion of the town set apart exclusively for a public market, and there are by-laws passed for the purpose of compelling the people to go there. At present there is a building for market purposes being erected there.

141. When were those by-laws passed?—Three or four years ago—about three years ago.

142. And has there been a public market constituted in that place?—Yes.

143. Is it the property of the Corporation?—It is; because they have taken the ground, and pay £50 a year rent for it.

144. Have they built any new market-houses there?—They are building at present.

145. From what fund?—They contracted to borrow £2,000 from the Public Works Commissioners for that building, and £400 was borrowed to buy the interest in it.

146. Was it also borrowed from the Board of Works?—Yes; £60 of it has been repaid.

147. Do the Corporation receive any tolls or dues from those markets?—No, not up to the present time.

148. Are they to be free markets for the use of the public?—That question will not arise till the building is erected.

149. Do they receive any rents from stalls?—There are no stalls erected yet.

150. Do they propose to receive any rents from stalls?—The place is not yet finished. The foundation has only been laid.

151. Are there fairs or markets held in the streets of the town?—There is a fowl market held in the streets, and potato market held in another part of the town, called the corn market. These markets are regulated by by-laws made by the Corporation.

152. Have the Corporation received any tolls or dues in respect of these markets?—They receive no tolls at all.

153. How often are these fairs held in the streets of the town? How many times in the year?—About once a month, I think.

154. Does not the holding of the markets in the streets of the town cause obstruction and a nuisance? Are not the streets in a very dirty state? Are they not nearly impassable after the fairs?—The people use for the fairs the place that has been purchased for the market.

155. They are not then held in the public streets?—With the exception of the live fowl market, they are not. The live fowl market is only held for two or three hours on Wednesday mornings. A vast number of cars with the fowl come into the town, and we could not accommodate them in any other way.

156. Does that market cause an obstruction in the streets?—It does while it lasts, but that is only a few hours in the morning.

157. Does it not give additional trouble to the scavenging contractor?—It does; but the manure pays him very well for it.

158. Are there any public slaughter-houses in Wexford?—No.

159. Are the existing slaughter-houses registered?—They are.

160. Is it the duty of any of the officers of the Corporation to look after the way in which those slaughter-houses are kept?—I should say the sanitary officer would do that.

161. Whose duty is it to see that the slaughter-houses in the town are properly kept?—I think it should be the duty of the town sergeant to do it.

162. Is there any registry of the common lodging-houses kept in Wexford?—There is not.

163. Was there never a registry of the common lodging-houses kept here?—Never.

WEXFORD. *May* 14, 1877

Mr. Thomas M. O'Leary.

164. Is there a public cemetery in Wexford or near Wexford?—No; there are only the ordinary churchyards.

165. Are there many churchyards in the town?—There are several.

166. How many altogether?—There are six.

167. Has there ever been any attempt made to have any of those churchyards closed up?—Yes, there was a meeting held with reference to it.

168. Was it because any of the churchyards were overcrowded?—Yes.

Mr. Thomas Lacy.

Mr. THOMAS LACY examined.

169. Mr. LAWLESS.—Are you the treasurer of the Corporation?—Yes; I am treasurer and agent of the Corporation.

170. How long have you been treasurer and agent?—Forty-three or forty-four years.

171. Were you treasurer under the old or former Corporation?—I was treasurer previous to 1840. I was appointed to the office in 1833.

172. Do you receive the rents of the property of the Corporation?—I do.

173. Can you tell me what their property consists of? Are they lands outside the town?—Chiefly lands outside the town, but there are some inside.

174. The lands, I suppose, are in the county of Wexford?—Yes, within a radius of a mile and a half from the town.

175. Do the Corporation possess any houses or lands in the town?—Scarcely any. There are some small holdings along the town wall for which we get 1*s.* a year.

176. Within the town?—No.

177. But within the municipal boundary?—Yes.

178. Do the Corporation pay any head rent?—No, we do not pay head rents except the £50 a year for the market and town-hall; there are instances in which the Corporation have become tenants of their own tenants, who held under very long leases. For instance, the Corporation hold a piece of land for a reservoir from Mr. Percival, who is himself a tenant to the Corporation.

179. I understand you to say that the Corporation pay no head rents to landlords except for the market and town-hall, and for some small portions of property which they took for certain purposes from their own tenants?—Yes.

180. Are the lands held by the present Corporation of Wexford the same as those possessed by the old Corporation?—Some of them are, but we recovered some property recently by means of searches that were made. I made searches under the direction of the solicitor of the Corporation, and we succeeded in adding £68 to the rental.

181. Where is that property which you say was recently recovered?—In various places outside the boundary of the town wall.

182. In whose possession was that property which you say was recently recovered?—In the possession of various persons, but the leases fell out. We made a search for it and got it. We receive £50 a year for a property at the West-gate—the hotel is built upon it.

183. Do you say that old leases which have been held by middlemen expired, and then you got an increased rent from the occupying tenant?—Yes; the property was lost sight of until we made searches in the Registry Office, and found out our title to it.

184. What is the present rental of the Corporation property?—£319 2*s.* 3*d.*, and then there is £11 1*s.* 6*d.* for the rent of the Pipefields besides. We pay £50 a year rent for the market ground; £13 8*s.* 8*d.* for the town-hall and market-houses, and £4 for a passage to the reservoir. That reduces the rental very much.

185. Are the Pipefields held by the Corporation from a tenant of their own?—Yes, from Mr. Percival.

186. Do you keep an account of the rents received annually by the Corporation?—Yes; they are all in this book. (Rent-book produced.)

187. I find the entire rental of the Corporation represented here at £319 2*s.* 3*d.*?—Yes; and you will also see £11 1*s.* 6*d.* for the Pipefields.

188. Are the lands of the Corporation held now by the tenants under lease, or do they only hold from year to year?—They hold by leases.

189. Do all the tenants hold under lease?—Yes, they do.

190. How many are there altogether; there appears according to your book to be fifty-four separate tenancies?—I presume that is right. Here is a document which I prepared for you (handing in document) showing the terms of the leases; some of them are for 999 years, and some of them for ever. That shows we would have a fine property only it was let for a nominal rent, and we never can recover it for centuries. The books belonging to the Corporation that would have given us the particulars of those holdings were all burned or lost during the rebellion of 1798.

191. With respect to those lands which you say you recovered for the Corporation, and by which you say the rental was increased by about £68 a year, was it in cases where old leases fell out?—Yes.

192. Then you discovered that the holdings were the property of the Corporation?—Yes.

193. Can you tell me at what time those leases fell out?—I could not charge my memory with the dates now, but I know we recovered them about the year 1850.

194. Was it long before that time the leases fell out, or just about that time?—Several fell out before that time.

195. Give me one instance in which a lease of property fell out?—A property at the West-gate, for which we only received one shilling a year, but for which we now receive £25 a year. For the premises adjoining it we now receive £25 a year, and formerly we did not receive anything.

196. From whom were you receiving that one shilling a year with respect to the West-gate premises?—From a man named Richards, a descendant of William Sherlock, for a small piece of twenty-two feet adjoining, and outside the town wall.

197. Could you tell me the date of the lease under which he held the property, and paid the rent of one shilling a year?—I could not say, unless it is set out on that document which I gave you. I could not exactly say whether it was held under a lease or not.

198. How was the letting made of these premises at West-gate to Walpole?—A lease was made to him; he was in possession of the premises at the time it was made. He was the tenant of a very respectable man named John Edward Redmond.

199. Mr. John Edward Redmond must himself have been a tenant under the Sherlocks?—He purchased the property from parties who were under a very natural misapprehension. He thought they had *bona fide* rights, but they had not, and he lost money on it.

200. When was the lease given to Walpole?—About 1850. It is a lease for seventy-five years, and the counterpart is in the hands of the town clerk. The Corporation were bound by the Act of Parliament not to give a lease for a long period, except it was a building lease, and they gave a building lease for seventy-five years.

201. How was that letting made; was the place advertised publicly to be let, or offered to public competition in any way?—I do not think it was; Mr. Walpole was the tenant of the premises, and had expended a large sum in building, and the Corporation did not like to disturb him, so they made the lease to him.

202. Did he build on the premises?—I think he must have made improvements.

203. How did the Corporation estimate the rent at which it should be let? Did they get the houses valued by any person?—I am not aware that they did; Mr. Walpole made a proposal to the Corporation, which they thought reasonable; they may also

have thought he had a prior right as the occupying tenant, and so made the lease to him. I think it was a fair transaction, that is my opinion of it.

204. Do you know what the Poor Law valuation of that property is?—I ought to know it. I know that the valuation is not up to the rent at all.

205. Do you know whether or not Mr. Walpole was a member of the Corporation at the time that lease was made to him?—I do not think he was a member of the Corporation then, but I think he was subsequently. I do not believe he was; I do not remember it. There was a family named Wheeler that held premises at Coolcots. Their lease expired in the year 1833, and when we made the search the rent that had been received by the Corporation was £4 19*s.* 2½*d.* These lands have been let subsequently by the Corporation, and they now receive £98 5*s.* 2*d.* for them.

206. Do you mention that circumstance, Mr. Lacy, in order to show at what very low rents the Corporation property was let by the old Corporation?—Yes.

207. And that a good deal of property was alienated in that way by the old Corporation?—Yes. I may mention but one case to give you an idea of that. There is a field at the Windmill-hill, which contains between four and five acres. I have heard it said, that it is now let at £4 an acre, and all we get for it is 1*s.* a year. It is held under a lease for ever.

208. To whom is that lease?—To a person named Roe.

209. At the nominal rent of 1*s.* a year?—Yes; it produces to Roe, I suppose £25 a year. That case shows you how lands were let in olden times.

210. When was that letting at 1*s.* a year made?—It was made to the grandfather of the present Roe. His name was Richard Radford Roe.

211. How much rent do the representatives of Roe receive for this holding?—I do not know with certainty myself; I have only heard it by rumour that they get something like £4 an acre for it. The field contains somewhereabout five acres, so that they might be getting £25 a year, while we only receive 1*s.* a year. It is as I said a lease for ever.

212. What is the acreage of the Corporation property in the county Wexford, outside the town?—I could not tell you that. I do not know it, but we have a map that I got prepared by Mr. MacDonnell, our surveyor, which would give the entire acreage.

213. Have any holdings fallen out of lease by the termination of the leases lately?—No; and I have made a search, and found that no leases will fall out for centuries.

214. Have there been any new leases of Corporation property made since the year 1840?—I do not recollect any with the exception of that to Walpole.

215. Who is the person at present holding that portion of your property called Coolcots?—The representatives of Richard Walsh.

216. Are those the only lettings of property made since the year 1840—I mean since the passing of the Corporations Act of 1840?—There was a field at Windmill-hill, which we recovered at the same time as the others, and which the Corporation let at £8 a year. The Corporation, however, sold it afterwards to the trustees of Tait's school, who built a school upon it, and turned it into a park and gardens for the use of the school. The Corporation sold it for £300.

217. When did that take place?—About the year 1856.

218. Was the sanction of the Lords of the Treasury obtained for that sale?—I do not know.

The *Mayor*.—It was.

219. Have you no trace in your books of a letting of lands of Clonroad in the year 1838, or between that year and the beginning of the year 1841?—I cannot at present remember anything of it. If I knew the names of the parties I might remember it.

220. Is there any tenant who pays the Corporation £15 a year as rent of land on Clonroad-road?—Yes; Mr. Peter Synnett pays me £15 a year for land on Clonroad-road.

221. When was that letting made?—It belonged to Mr. Richard Walsh, and I do not know if it was by an arrangement with Mr. Walsh that Mr. Synnett succeeded him as the tenant of the holding. Mr. Synnett used to pay the rent to me, and then the place came into the hands of Mr. Peter Synnett.

222. When was that letting made to Mr. Walsh?—Walpole's lease is dated 1st September, 1855, and Walsh's lease is dated 9th January, 1855. That is another lease made since 1840.

223. Can you find out whether there were any leases made by the old Corporation in the interval between 1st September, 1836, and 1st January, 1841?—I have no record of any, and I do not think there was. I am not sure however.

224. Have you any means at your disposal of finding out?—I do not think it is in my power to do it. Mr. O'Leary, the town clerk, has the counterparts of several leases.

Town Clerk.—There are a great number of them.

225. Can you find out if there were any in the interval between the 1st September, 1836, and 1st January, 1841?

Town Clerk.—By searching amongst the leases I can.

226. Were those lettings made to Walpole and Walsh the only ones made since the year 1840?

Witness.—There was a small letting made to a woman named Bridget Hoare.

227. Can you show me her name on this list prepared by you, or the name of whoever represents her?—The counterpart is in the hands of the town clerk, and it will tell the date; her rent would be £3 a year.

228. For what term was that lease made to her?—It must have been for a short term. I dare say it was not more than thirty-one years.

229. Was it a town holding, or was it part of the lands?—It was part of the lands.

230. Was there any other letting besides the three you have now mentioned?—I do not remember any other letting.

231. Either of lands or of premises in the town?—I cannot remember anything else at present. I would be inclined to think there was no other, though possibly I may forget.

232. The lease to Walpole of the 1st September, 1855, of premises at West-gate was made in pursuance of a resolution of Council, passed at their meeting on the 17th April, 1855, by which it was resolved on the motion of John Walsh and Thomas M. Vickory:—

"That on the possession of the premises situated at West-gate, now in the possession of William Walpole, being delivered to us by the sheriff of the county of Wexford, they be set to William Walpole, esq., at the yearly rent of £25, he paying our solicitor £20 towards our costs between solicitor and client on our writ of ejectment to recover possession of said premises. Mr. Walpole to get a building lease for the term of seventy-five years, with the necessary legal covenant to be inserted therein."

Did Mr. Walpole after getting the lease on the 1st September, 1855, build upon the premises?—He did; there were houses built on the premises since then.

233. Here is another resolution with regard to Walsh's holding, passed at the meeting of Council on the 17th April, 1855:—

"Resolved—That on the possession of the malt-house and stores at present in the occupation of Alderman Richard Walsh, and small houses adjoining thereto being delivered to us by the sheriff of the county of Wexford, they be set to the said Alderman Walsh, at the yearly rent of £25, provided he intimates to the mayor his wish to retake the said premises on the above terms, previous to the execution of the Habere, and that he gets a lease of the said premises for a term of thirty-one years if he so desires it."

Was this Alderman Walsh in possession of the malt-houses and stores in the year 1855, as undertenant of some person holding under the Corporation?—Yes.

234. Was Mr. Walsh as he was described an Alderman of the Council Corporation then?—Yes.

235. Was anything done about letting these premises except passing this resolution?—Not that I know of.

236. Was there ever a lease taken out by him?—Not that I know of.

237. Has he been in occupation of the premises mentioned in that resolution ever since?—Yes; and he is paying the rent for them ever since. £20 is the valuation of that holding.

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Mr. Thomas Lacy.

238. Do you know whether there was any valuation made by the Corporation of the letting value of those premises which they agreed to let to a member of their own body?—I am not aware that there was anything of that sort done.

239. Was there any advertisement of the intended letting of these premises?—Were they in any way put up to public competition before this resolution was passed by the Council?—I have no recollection of it—I do not think so. The persons were in possession and it was considered by the Council that the tenders made were fair, I never heard anyone criticise them.

240. Is Alderman Walsh himself in actual possession of these premises?—Alderman Walsh is dead.

241. Are his representatives in possession?—Yes.

242. Did he himself up to the time of his death continue in actual occupation of the premises?—Yes. He carried on business in the malt-houses.

243. Can you tell me of any other letting made?—There was a letting of premises at Barrack-gate—a lease made to Alderman Stafford of a small bit of ground adjoining the town wall.

244. Is this the resolution passed in the month of April, 1855, under which the letting was made?—

"Resolved, that the premises near the Barrack-gate, now in the possession of R. W. Ryan, T.C., be set to him by a lease for seventy-five years at the yearly rent of £3."

Yes. That lease was afterwards transferred by Mr. Ryan to Mr. Stafford.

245. Was there a lease taken out by Mr. Ryan?—I do not know; I think the lease was made to Mr. Stafford.

Mr. *Ryan.*—It was Mr. Stafford got the lease.

Witness.—Yes; the lease was made in Mr. Stafford's name.

246. Mr. LAWLESS.—I find by the lease which I have here that it was made to Mr. Ryan and not to Mr. Stafford; and it was made to him at the time he was a member of the Town Council.

Mr. *Ryan.*—I got possession from the former owner—a man named Roache. It was a piece of ground let at a nominal rent (1*s.* or so), and held by an old family named Meelish; the place was called Slaughter-house-lane: there was an old slaughter-house in it. The Council thought it was very good to get £3 a year for it.

247. Mr. LAWLESS.—What are the circumstances of the making of that letting to Mr. Ryan? I find that by a resolution passed on the 11th September, 1855, a lease is to be made to Mr. Ryan, Town Councillor, of a small piece of ground in Slaughter-house-lane at the rent of £3 a year for a term of seventy-five years. Then there was no lease made till the year 1867, and a lease was then made to Mr. Ryan for sixty-four years from 1st May, 1867. Then Mr. Ryan sold his interest in it in consideration of Stafford paying £40. On the 9th May, Mr. Stafford surrendered to the Corporation, and on the 11th May, the Corporation made a lease to Stafford of these premises at a rent of £3 a year for ninety-nine years, Stafford covenanting to expend £500 in building?—I am not aware that it was advertised to be let. The place would have been of very little use to anyone else. It adjoined Mr. Stafford's premises, and of course it was very useful to him.

248. (To Mr. *Ryan*).—Did you receive any money or consideration from Alderman Stafford for that holding?—The former tenant who held the place was in my debt, and Mr. Stafford agreed that if I gave the lease to him he would discharge the debt to me.

249. How much was the debt?—As well as my memory serves me I think it was about £40.

250. Did Mr. Stafford in that way actually give you £40 for the holding?—He did.

251. (To *Witness*).—Was there a lease executed by the Corporation to Alderman Stafford?—I believe so; if there was, of course the counterpart will be in the possession of the town clerk.

252. (To *Town Clerk*).—Can you show me that lease?—I'll look for it, and produce it to-morrow.

253. (To *Witness*).—Was the sanction of the Lords of the Treasury obtained to the making of that lease?—I am not aware.

Mr. *Vicory.*—The sanction of the Lords of the Treasury was applied for and obtained.

Witness.—I find that the letting which I before referred to was made to a person named Hoare; the woman, Bridget Hoare, was a widow. The letting was made to John Hoare, and the counterpart lease would also be in the possession of the town clerk.

254. You say it was only for a term of thirty-one years, at £3 a year?—I think so; it was held by the representatives of Hamilton Knox Grogan Morgan, and when the right expired I spoke to Lady Esmonde, the widow of Sir John Esmonde, and she at once gave it up to us. It consists of two roods of ground, on which there is a small thatched cabin.

255. Can you mention besides those lettings—the last was that made to Mr. Ryan—any other lettings that have been made by the present Corporation?—No, I cannot.

256. I find that the Corporation at the time appreciated your services in recovering this property. I find this resolution—

"That the sum of £25 be given to Mr. Lacy, our treasurer, for his exertions and labour in assisting so materially in the recovery of the Corporation property"?

Oh, yes; the sum was not a large one, but I am looked upon as a very small man, and they dealt with me in that way.

257. Do you think you can find out for me if there have been any other lettings made by the present Corporation?—I do not think there were any others; but there are one or two small holdings that we lost sight of. I don't know of any lettings beyond those I have already mentioned.

258. You mentioned five lettings?—Yes.

259. What portion of the property is this mentioned at No. 10 in the list of corporate lands "Representatives of Patrick Frayne, £7 11*s.* 11*d.*?" Do you receive £7 11*s.* a year from the representatives of Patrick Frayne?—Yes.

260. And you cannot state what the lands are for which you receive that sum?—I do know the lands.

261. Do you know their extent?—I should say that very probably they might consist of about two and a half acres. I never saw a survey of that property, but I know very well where the lands are situated.

262. Do you know whether or not there was a resolution passed by the Corporation as to the mode to be adopted by them in letting any lands that fell out of lease?—I am not aware that there ever was any particular course struck out for such cases.

263. I find here a lease made on the 10th December, 1839, between the old Corporation and David Robinson, of the lands of Coolcots, containing by survey, 10A. 2R., Irish plantation measure, for a term of ninety-one years from the 1st May in that year, at a rent of £42?—Yes, it had been let to a person named Williams, and Mrs. Wheeler was the representative. Robinson assigned his interest in that place to Mr. Roe, who has been paying me the rent ever since—paying me in fact the full value of the place.

Mr. *Vicory.*—I think I could produce Mrs. Wheeler's private map.

Witness.—All her lands passed into the possession of private parties—Doyle, Robinson, Stafford, and so on.

264. I find that Walpole's lease concludes with a covenant in the following terms:—

"In consideration of the agreement hereinbefore mentioned, and of the Act for the regulation of Municipal Corporations in Ireland, 3 & 4 Vic. chap. 108, he, the said William Walpole, covenants for himself, his executors, administrators, and assigns, shall and will comply with the provisions thereof, as relates to the administration of Corporation property in as full and ample a manner as set forth in the 143rd section of the said Act, and according to the full and true meaning to be applied to the same demised premises"?

Yes; that is his contract to build.

265. You mentioned a while ago that the rental of the corporate property was £319 2*s.* 3*d.*, and £11 13*s.* for the Pipefields. Now I find that in the receipts for

Mr. Thomas Lacy.

the year the Corporation are debited with having received £382 7*s.* 3½*d.*?—That may be; the difference may be made up of arrears.

266. For the year ending in September, 1875, the Corporation received £308 15*s.* 6*d.*?—Yes; the rental-book will give you all the particulars.

267. Are the rents of the corporate property well and regularly paid up?—They are paid very well.

268. Do you receive the water rents from Mr. Hughes, the superintendent?—Yes.

269. Do any other funds of the Corporation pass through your hands?—All the funds of the Corporation pass through my hands; no one else receives any of the funds.

270. You receive the rates from the rate-collector?—Yes; I receive the borough rate from him, but not the rate in lieu of county cess which is paid by the collector into the National Bank as treasurer for that rate.

271. How do you lodge the moneys which you receive? Do you keep an account with the bank in your own name?—I have scarcely ever any money in my hands. When I have any I lodge it in my own name in the Provincial Bank.

272. How do you apply the money that you do not lodge in the bank?—When I get a cheque from the Corporation I pay the money.

273. Do you mean a cheque drawn upon yourself?—Yes.

274. Do you know the amount of the present capital debt of the Corporation of Wexford?—I do.

275. Just tell me the sums borrowed by the Corporation, and the security on which they were borrowed?—The rents were given as security, and I believe the rates were also given.

276. You mean the borough rate?—Yes.

277. What were the sums borrowed by the Corporation?—I believe they borrowed £400.

278. Was that sum borrowed on the security of the borough rate?—Yes.

279. The property and the borough rate?—Yes. We paid six instalments out of it amounting to £60, and we also paid £74 for interest.

280. Is that sum of £400 the only sum borrowed by the Corporation?—That is the only sum they actually borrowed, and we only owe £340 at the present time.

281. You do not yourself collect the borough rate?—No; I receive it from the collector.

Mr. NICHOLAS MACDONNELL examined.

Mr. Nicholas MacDonnell.

282. Mr. LAWLESS.—Are you the town surveyor of Wexford?—I am.

283. How long have you been acting as surveyor?—Since the month of February in the year 1871.

284. What salary are you paid?—At the time of my appointment I was paid £10 a year. It was a merely nominal salary, because my duties were confined to looking after old houses, and to report on their condition. My duties then were of a very trifling character.

285. Your salary is now £40 a year, I believe?—Yes.

286. What are your duties now?—I am to look after the condition of the streets and sewers, and, in fact, to perform the usual duties of a town surveyor.

287. Is the scavenging department at all under your supervision?—No, it is not; though I was requested to sign the scavengers' pay-list every fortnight.

Town Clerk.—The town surveyor and the alderman for each ward has to certify that the scavenging is well done.

288. By whom are the repairs of the streets actually done? Are they done by people regularly employed by the Corporation, or people only employed occasionally as the work requires it?—The latter is the way. The men are only employed when there is work to be done. There is a time-keeper who is always on the look-out to see what work requires to be done.

289. Do you know what is the condition of the town as regards sewerage?—The sewerage of the town is very much improved lately.

290. Is there better sewerage?—Yes.

291. Are there main-sewers in the streets of the town?—No; not in all the streets, but there are works in progress now, and we are making sewers in some of the streets which were not sewered before.

292. Under whose professional direction are the contracts for carrying out those works made? Are they made under your direction?—The contracts are made by the Corporation.

293. I know that, but do you prepare plans and specifications of the works required to be done?—I do.

294. Do you make an estimate of the cost and expense of the works?—Yes. I do.

295. Do the Corporation advertise the contract—do they invite tenders?—They do.

296. And do you say now that there is considerable work being done in the way of making sewers for which the Corporation have accepted contracts?—Yes; they are contracted for and are at present in progress.

297. Does that contemplated work provide for main sewers in all the main streets of the town?—No; not in all the streets, but in such as we consider require it most. The works selected to be done were thought the most necessary by the works committee, and I also gave advice in the matter.

298. About how many miles of streets are there within the borough?—I should say about seven miles.

299. Of that seven miles of streets how many are properly supplied with main sewers?—Well I could not answer that question exactly. I should say there is about two miles properly sewered.

300. Is the town insufficiently provided with main sewers?—It is insufficiently provided with sewers at present but the drainage of the town has been very much improved within the last two or three years.

301. If there is only about a mile and a half or two miles of sewers and seven miles of streets in the town the town must be very badly off. Up to the year 1873, did the Council do anything in the way of making sewers in the town?—They were always doing something to the sewers I believe.

Town Clerk.—It was chiefly because there was so little done in that way, that we got the separation from the county.

302. (To *Witness.*)—Have you got any map of the town showing the existing sewers?—Yes; I shall produce the map in the morning. I have all the sewers in the town marked on the map. Mr. Timpson furnished me with the map and it is in my possession.

303. You have only been surveyor since the year 1871 I believe?—Yes.

304. Have the streets of the town with respect to the condition of the sewerage (apart from the streets in which there are existing sewers) been improved by the moneys recently expended upon them by the Corporation?—Very much improved.

305. In what way?—In the way of having their surface cleaned and levelled. The streets were very nearly worn out at the time they were given into our hands by the county. The centre of the streets served as a channel to carry off the water more than the water tables at the sides. That was the case in a great number of the streets and we are filling them up and improving them very much.

306. Have you done anything to improve the condition of the footpaths in the town?—Yes; we have done great deal.

307. Have any actual sewerage works been carried out under your inspection?—Yes; certainly.

308. Recently, by the Corporation?—Yes.

309. How much money has been laid out in doing

WEXFORD. *May* 14, 1877.

Mr. Nicholas MacDonnell.

that work?—About £60 was expended on a sewer in Green-street—it is mentioned in my report and was an open sewer up to the time that we commenced to make the improvements.

310. Does this report which you have handed in to me give a statement of all the works done since you have been acting as town surveyor?—No; it only gives the work done within the last two or three years. Most of them were done within the last twelve months—in fact the work has been going on very well this last year.

311. I see that in the accounts for the last year the Corporation take credit for having expended on flagging and repairing the streets and footpaths of the town, the sum of £251 1*s.* 4½*d.*?—Yes.

312. That sum included £119 for making a new road from Bride-street to Mill-road, and there is also a charge for making water tables in Trinity-street, and a sum of £26 1*s.* 10*d.* was expended in that year on sewers?—Yes.

313. Was that for new sewers?—Certainly.

314. I see by looking at your estimate for the present year that you propose to make a sewer of ninety perches, Irish, in length, from Tracey's to Castle-hill?—Yes; that sewer is now in progress.

315. Is that a main sewer?—Yes; a sewer in the centre of the street.

316. What size is it to be?—Twenty inches deep, fifteen wide, and made in the shape of a "V."

317. Is it a brick sewer?—Yes; it is a sewer on the most improved plan, approved of by the Dublin engineers.

318. I see that you propose this year to construct 185 perches of sewers, and you estimate the cost at £764?—Yes; the contracts for the works have already been entered into.

319. Is all this work to be done in one ward, or will it be distributed over the three wards?—It will be distributed over the three wards.

Town Clerk.—The sewerage and footpaths are to be given to the streets in rotation.

320. (To *Witness*).—I see you contemplate spending a very substantial amount of money upon the roads, footpaths, and sewers of the town?—Yes.

321. Is there any regulation enforced by the Corporation here with regard to compelling the occupiers of houses which are within a certain distance of a main sewer to have connecting drains with it?—Yes; that is part of the plan; we have hit upon a plan now of building a six-inch pipe into the sewer opposite every house, so as to receive the drainage of the house; we do this while we are constructing the main sewer.

322. You mean in the new sewers which you are at present constructing?—Yes.

323. The connexion, I suppose, is made by a piped sewer?—Yes, so that each house can drain into it.

324. Are there any regulations enforced in Wexford with respect to building of new houses?—No, there are not.

325. Are the persons building houses not required to submit their plans to you?—No; there has been no such rule enforced in Wexford up to the present, but I think there should be.

Mr. *Timpson.*—I brought this matter before the notice of the Corporation, but they did not like to enforce such a rule. Of course, they have the powers, but they will not exercise them.

326. Mr. LAWLESS (to *Witness*).—Do you consider it necessary that this should be done?—I consider it most important that it should be done—absolutely necessary, in fact. At present the people have no idea that they should consult anyone. They think they have a right to build in whatever way they please.

327. Have you anything to do with the waterworks? You are not the superintendent?—I am resident engineer of the waterworks.

328. I mean of the new work?—No, not the new works.

329. What has been done by the Corporation with respect to these new waterworks? Has anything been done?—Yes; the Corporation wrote to the Local Government Board recently on the subject, and in fact they have done everything in their power.

Town Clerk.—The plans are now before them.

330. I thought you might have been engaged in preparing the plans, but I see they were prepared by Mr. Hawkesley?—Yes.

331. Where is the reservoir?—About two miles and five furlongs from the boundary of the town.

332. Has the probable expense of these works been estimated yet?—£25,000 has been recommended.

333. Will it be necessary to purchase the site for the reservoir?—Yes.

334. Do you know anything about the condition of the town as regards a supply of water?—I do.

335. What is its condition?—The town is in a miserable state for want of water. It is no unfrequent thing for people who take the pipe-water to find the supply stop, and to be compelled to go out to try and get a quart of water to make the tea. In fact, if a person once begins to give water to those who ask for it, he may keep a servant specially for the purpose of attending to them.

336. Is there such a scarcity of water in the town?—Yes; the spouts are utilized in various parts of the town.

337. Is it found necessary to save the rain-water for domestic purposes?—Yes.

Mr. *Lacey.*—The water from the pumps and wells is so hard that it is only fit for slushing. There is one person who pays the superintendent for a supply of water, and for three weeks during hot weather last year, or the year before, he could not get a drop; that case illustrates the scarcity of water.

The *Mayor.*—At one time there was only one street in the town where there was water to be got.

Town Clerk.—And the people pay for it.

338. Mr. LAWLESS (to *Witness*).—Then, of course, there is no water available for the purpose of flushing sewers?—By no means.

339. Is there any water available for the requirements of water-closets?—Not at all; there is nothing available for that purpose but the rain-water. There is a perfect dearth of water in Wexford.

340. And must not the want of water have a very bad effect on the sanitary condition of the town?—Very bad, indeed.

341. Is there any other means of remedying this state of things than by getting the public supply of water as now contemplated?—There is not.

342. Do you consider that the obtaining of this proposed water supply is a matter of absolute necessity?—Certainly. We have the opinion of an eminent engineer in England, Mr. Hawksley, as to the proposed supply.

343. You have a local knowledge and might possibly be able to form as good an opinion on the subject as Mr. Hawksley. Do you consider that the plan proposed will be a good plan and give a supply of water sufficient for the requirements of the town?—I do.

344. Did you say the sum estimated was £20,000 or £25,000?—£25,000.

345. Do you know whether or not the water with which it is proposed to supply the town has ever been analyzed?—I do not know.

Mr. PETER CHANDLER examined.

Mr. Peter Chandler.

346. Mr. LAWLESS.—Do you wish to make some statement?—Yes.

347. Has it any relation to the water supply?—Yes. I am acquainted with the source of the water supply.

348. Do you mean of the present supply?—Yes, the present supply. I know the place for fifty years, I live within half a stone's throw of it, and I have the possession of the lands through which the water runs to supply the town since the year 1860. I have been at home there during the last twelve years, and I have an opportunity of knowing more about the facts of the case than anyone else. Now, I am able to state that I have seen an overflow from the reservoir fit to turn a mill. So great has it been at times that I have had to call the attention of the water superintendent to the way in which the road was cut up by the rushing of the water, and get him to draw loads of small broken stone for the purpose of filling it up. Since the month of October or November last there has been an overflow of water.

349. Is there an overflow at present?—Yes; it is running through my place. I have seen the water running to waste for months and months from a cock or pipe in John-street.

350. But is there a scarcity of water in the town of Wexford?—I believe there has been for the last few years.

351. I want to know what the drift of your observations is. You admit there is an insufficient supply of water in the town, but say there is a waste of water at the reservoir?—Yes.

352. You have known the place for a long time; have you ever known a scarcity of water at the reservoir—was there a scarcity last summer?—There was not much water there last summer.

353. And is the town to be depending upon such a supply as that?—Well, of course it might be scarce for a week or two.

354. Did you ever see the reservoir empty?—I saw one of them empty; it is only about six feet deep, and the other one is fourteen feet.

355. Do you mean to say that the present water supply is sufficient to meet the requirements of the town?—Yes, with the exception of a week or two in the summer.

356. Do you know how the water is distributed in the town or how many of the houses are supplied?—I do not.

357. Do you know whether one-half of the houses are supplied?—I do not know.

Mr. *Timpson*.—About one house in every twelve is supplied.

358. Mr. LAWLESS (to *Witness*).—Do you object to the proposed plan for supplying the town with water?—I do; the source is two miles away. We pay 6*s*. rates at present, and we will be overtaxed.

359. Will you go so far as to say that the present supply of water is a sufficient one?—No, I won't go so far as to say that.

360. Do not you think that it is the duty of the Corporation if they have it in their power to provide a water supply for both public and private use?—Four or five years ago the Corporation made a reservoir at a cost of £500, at least they partly made it, for they spent that amount on it. The hole is there, but it was never finished, and so of course the £500 has simply been thrown away. If that large reservoir was completed we would be able to save the water for the summer season.

361. Did you appear before Mr. Robinson, the Local Government Board Inspector, and make the statement you have made here?—No, I was at the inquiry, but did not tender myself to be examined.

362. Then you should have gone before him.

MAY 15, 1877.

May 15, 1877.

(The town clerk attended and handed in all the leases to be found, made by the Corporation between the 1st September, 1836, and 1st January, 1841.)

Mr. NATHANIEL HUGHES examined.

Mr. Nathaniel Hughes.

363. Mr. LAWLESS.—Are you the pipe-water superintendent under the Corporation of Wexford?—I am.

364. What salary are you paid?—I receive £55 a year as pipe-water superintendent, and £10 a year for collecting the water rents. I receive altogether £65 a year.

365. What are your duties as pipe-water superintendent?—It is my duty to see that the inhabitants are fairly supplied with water.

366. You mean, of course, the people who take the pipe-water?—Yes. It is also my duty to have the pipes repaired when they require it, and to lay down new ones when ordered to do so by the Corporation, to employ workmen for that purpose, and to pay their wages to them.

367. Do you know the town of Wexford well?—I know it intimately.

368. What would you say is the proportion of the houses in the town taking in the present supply of water?—I think about one-tenth of them take it. So far as I remember there are somewhere about 2,000 houses in the town, and there are only about 237 or 238 take the water from us.

369. Would the present source afford a sufficient or more extensive supply of the water to the inhabitants?—No, not in certain seasons of the year. We were obliged to refuse people who were anxious to take the water. At present we have too much water, but in certain seasons of the year there is hardly any.

370. How long have you been pipe-water superintendent?—I have been under the present Corporation somewhere about fifteen years, and under the former for about the same length of time.

371. Do you mean that you have filled that office for thirty years altogether?—Yes.

372. So that you have an experience of thirty years as to the character of the water supply?—Yes; I think I know all about it.

373. Has the supply of water ever failed?—Several times. Every dry summer season, in the autumn and in part of the winter we have had a scarcity of water.

374. Has it ever been scarce in the winter?—Yes, in part of the winter—in frosty weather.

375. How is the water paid for by the people?—It is paid for under a scale made by a resolution of the former Board, which was adopted by the present Board. I should state that all the property belonging to the Pipe Water Commissioners was handed over to them by Act of Parliament.

376. Was that in the year 1862?—Yes; I think it was about the year 1862.

377. What is the quality of the water afforded by the present supply?—I think it is a very fair quality.

378. Has it ever been analyzed?—Not to my knowledge, but I think it is pure water, and of a very good quality, except in the summer season. I do not consider it can be very good then when there are only a few inches deep of water in the tanks—the sun of course makes it almost unfit for use. We were obliged to stop the water at night, otherwise we would have had no supply at all for the day. We supply the water by means of stop-cocks, and there are only two streets in the town that get a constant supply. One of those is John-street, which is close to a reservoir. The people of John-street have a fountain which

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was given to them, I understand, in lieu of water which was taken from them.

Mr. Nathaniel Hughes.

379. Are the people in John-street charged according to the same scale as the other people?—No, they have the fountain free.

380. Is that the only water given free of charge out of the present water supply?—There is also a small fountain in Selskar and one in Corn-market.

381. Do you know anything of the supply of water which is afforded by pumps and by wells?—I know everything in connexion with the water supply of the town.

382. Are there many pumps in the town?—There are a few.

383. Were they erected by the Corporation?—Yes; there is one in Corn-market, one near the old Pound, one in Gubbins's-lane, and one in a place in Selskar called Well-lane.

384. Is there a good supply in private houses—do you know anything about that?—I think in some houses there is a very bad supply—in fact, no supply at all.

385. Were you examined before the Local Government Board Inspector?—I was, and I was also examined in London before the House of Lords.

386. When were you examined before the House of Lords?—Last June.

387. Was there an inquiry before the House of Lords?—There was. Mr. Robinson was here in the month of December.

388. Taking into consideration all the present sources of supply, do you think that supply sufficient for the town?—I consider it miserably insufficient.

389. I fancy that the Local Government Board Inspector came to the same conclusion?—Yes.

390. I see that last year your receipts on account of the pipe-water amounted to £207?—Yes.

391. That is for the pipe-water rents, and there is the rent of something called the Pipefields?—Mr. Lacy receives that.

392. For what is that land used?—A portion of it is set to some tenants.

393. For what do the Corporation use it?—For water purposes.

394. Is there a reservoir there?—Yes, and a portion of it is used for the purpose of breaking stones on.

395. Are the payments made yearly by the people who take the water?—They are paid half-yearly, except in a few cases, in which the payment is yearly. For instance, there are some malt houses that get water from the Corporation, and they pay for the season—there are five or six of those cases. They pay for the season in accordance with the size of the steep.

396. In case of a failure of the water, do the people resist payment of the rents?—They often refuse payment to me—frequently. In former years the old Corporation used to allow a certain proportion of the rates to the people who complained, but the present Corporation do not make any allowance.

397. Do they require the people to pay, no matter whether they get the water or not?—Yes; they have to pay so long as the pipe is in the house—of course, if they wish, they may stop taking it, and have the water cut off. There is no water rate, the charge is in the shape of a rent.

398. Was the £69 18*s.* which appears in the last account under the head of "Expenditure on the water-works," applied for repairs made under your supervision?—Yes; and also for paying the men for turning on the water.

399. Are the wages of the men employed on the works included in that sum of £69 18*s.*?—Yes; and the wages paid to mechanics, such as plumbers, and cost of some materials, are all included in it.

Mr. William Hughes.

Mr. WILLIAM HUGHES examined.

400. Mr. LAWLESS.—Are you the collector of the borough rate?—Yes.

401. Do you collect any other rate for the Corporation?—I collect nothing but the borough rate.

402. What are you paid for the collection of that rate?—I am paid five per cent. on the collection.

403. Do you hand over the rate when you have collected it?—I collect it and hand it over to Mr. Lacey the treasurer.

404. Do you then get his receipt?—Yes.

405. Do you give his receipts to the Town Clerk as vouchers for your having collected and lodged the rate?—Yes.

406. Do you hand in any abstract or account to the Town Clerk at intervals?—Yes.

407. How often?—Every fortnight.

408. Do you hand over your receipts every fortnight?—Yes; and during the fortnight, just as I get in the money, I take it to the treasurer.

409. And get his receipt?—Yes.

410. How often do you give those receipts to the Town Clerk—do you do so at any stated intervals?—Yes, every fortnight.

411. Do you deduct the amount of your own fees from the sum collected before you hand it in to the treasurer?—No; I send in my bill to the quarterly meeting of the Corporation.

412. You hand in your bill and get it paid at the quarterly meeting?—Yes.

413. Mr. Finlay called your attention to the arrears on unoccupied premises?—Mr. Finlay has mistaken the Act of Parliament. I have no authority to do what he says.

414. Why do you say he is mistaken?—Because I collect under the Municipal Act.

415. You only collect the borough rate?—That is all.

416. He says it is under the Towns Improvement Act?—Yes; and it is under the Municipal Act.

417. Did you explain that to Mr. Finlay at the time?—No; I did not know anything about it at the time until after Mr. Finlay said to me that I should make my year end with his.

418. Is that a thing for you to do?—No; it is not.

Mr Lacy.

Mr. LACY, Treasurer, recalled.

Witness stated that he had found no leases that had been made by the Corporation except those which he had alluded to on the first day.

419. Mr. LAWLESS.—Is there anything in the evidence given by you yesterday to which you wish to allude?—Yes; I wish to correct an error I made yesterday. There was a lease made by the old Corporation of a house at Westgate to Mr. Clifford.

420. I understand that to have been many years ago?—Yes; he leased to a man named Byrne who kept a grocer's shop on part of the premises. Mr. MacDonnell succeeded Byrne, and he also carried on business. MacDonnell built the hotel. The Corporation took the opinions of the late Right Honorable Abraham Brewster and Mr. O'Hara, as to their right to recover these premises, and were advised that any right they ever had was barred by the Statute of Limitations.

421. There was a lease made to Walpole of certain premises at the Westgate at £25 a year?—Yes.

422. Are those the premises you refer to?—No; I refer to the premises at the Westgate on which the hotel is built.

Mr. *Hughes* (pipe-water superintendent).—There is a pump which I have not mentioned to you at Black-cow-well. Several of the wells and several of the pumps run dry in the summer. I have seen people at one of the wells lifting the water with kettle covers and small articles of that sort, and I have seen them outside the town collecting the water so late as 11 o'clock at night.

Mr. Thomas Clancey.

Mr. Thomas Clancey examined.

423. Mr. LAWLESS.—Do you collect the rate in lieu of county cess for the Corporation?—I do.

424. What are you paid for collecting it?—Five per cent. on the total.

Town Clerk.—Under a particular agreement.

425. Mr. LAWLESS (to *Witness*).—Do you give security?—Yes.

426. How?—By sureties and myself.

427. By a bond?—Yes.

428. (To the *Town Clerk*).—Have you got the bond?—I have.

429. To *Witness.*—Are your sureties living?—They are.

430. In what amount is the bond?—£250 each.

431. Yourself in £500, and the others in £250?—No; myself and the two sureties £250 each (bond produced).

432. How do you lodge your receipts?—I lodge them in the National Bank.

433. Is there any particular form of lodgment docket?—None beyond what is required to be filled in at the bank. That of course must be filled when I lodge any money.

434. They do not give you any form peculiar to this rate?—No; they do not.

435. You merely use the ordinary bank form?—Yes.

436. How often are you required to make your lodgments?—There is no specified time except that I must have all lodged before the close of each assizes.

437. Is there no by-law or regulation of the Corporation requiring you to make your lodgments weekly or fortnightly?—Not that I am aware of.

438. Is there a regulation to the effect that you are not to keep more than £50 in your hands?—Yes; I believe that is expressed in the bond.

439. Do you always observe that regulation?—Yes; I do.

440. Do you account for your collection to the town clerk; do you furnish any account to him?—Yes; at the close of the rate I present the lodgment dockets that I received from the bank.

441. You present them to the town clerk?—Yes.

442. And then he lays them before the finance committee?—No; they go before the meeting of the Corporation.

443. Do you retain your per-centage out of the rates collected?—No; I do not.

444. Do you lodge the entire amount that you receive?—Yes.

445. And do you afterwards send in your claim for your per-centage?—Yes, I do.

Mr. O'Leary.

Mr. O'LEARY (Town Clerk), recalled.

446. Mr. LAWLESS.—Are you the executive sanitary officer of the Corporation?—I am.

447. The Corporation of Wexford of course are the sanitary authority in the town?—Yes; the urban sanitary authority.

448. How long have you been acting as executive sanitary officer?—I commenced in January, 1875.

449. What salary do you receive as executive sanitary officer?—I receive £20 a year, of which the Government pay one-half.

450. Is there a sub-sanitary officer under you?—Yes; the mayor's sergeant acts as sub-sanitary officer. I forgot to mention yesterday that he, in addition to his other duties, serves summonses for the Mayor's court, and takes charge of the fire-engine.

451. What are your duties as executive sanitary officer?—When the sub-sanitary officer discovers a nuisance, he reports it to the sanitary officer who reports on it through me to the Corporation. The whole of the Corporation are, by a resolution, constituted a Sanitary Committee. There is no part of the Corporation a separate committee for sanitary purposes. I submit the reports of the sanitary officer to the meeting, when an order is made in every case that the nuisance is to be abated. I then fill a notice which the sub-sanitary officer serves on the person concerned.

452. Is it not your duty to see that the orders of the Council, in relation to sanitary matters, are carried out?—Yes.

453. Are you required to do anything of yourself before you get directions from the Sanitary Committee?—I do nothing of myself. I wait till I get the orders from the Corporation.

454. The sub-sanitary officer reports to the sanitary officer, who makes a report to the Council. The Council then make an order, and you see it carried into execution?—Precisely. (Form of notice for requiring the abatement of nuisances produced.) I may say that when one of these is served, the person generally complies without our taking any legal proceedings. In some cases, of course, we are obliged to take legal proceedings.

455. Is there a separate book kept in which the proceedings of the Sanitary Committee are recorded?—There is no separate book. The proceedings in relation to sanitary matters are entered on the general minute-book of the Corporation.

456. The proceedings of the Corporation as a sanitary committee are not kept separate from the ordinary proceedings of the Council?—No, they are not. The first sanitary report was made on the 4th February, 1875.

457. I want to see the form in which the business is brought before the Board?—The Council meets as Town Commissioners sometimes, and sometimes as a Town Council, and this minute-book contains the proceedings of both.

458. Are these minutes copied into any other book afterwards?—Yes, they are copied into two books.

459. Does this book, containing the blocks of the notices that were served upon the people, represent the entire amount of sanitary work done by the urban sanitary authority for the year?—Yes; all the work that has been got done by means of serving notices on people, but a great number of persons abate nuisances without getting a written notice from the sub-sanitary officer. When he finds anything wrong he goes to the people, speaks to them, and if they comply with what is required without being pressed, the matter is not brought before the Council at all, and of course there is then no record of the transaction. Double or treble the number of cases are settled in that way that are done by means of serving notices.

460. I find here that from the 16th January, 1875, when you commenced to serve notices, and act under the sanitary laws, there appears to be a substantially good amount of work done. Then, for the year 1876, there does not appear to have been nearly so much done. I suppose that Dr. Sheridan found the town in a very bad way at first, and it being improved in the first year there was not so much to be done; and I suppose also in the second year more of the people abated nuisances without notices being served on them. Is that so?—I think it is.

461. Who is the person named Heron referred to in these reports?—He is the sub-sanitary officer.

462. Have you had occasion frequently to summon people before the magistrates?—Not very often; in some cases it is done, and they are then required to comply with the Act of Parliament.

463. I see many complaints of premises being kept in a very filthy state, also the rores of houses badly kept, and piggeries kept in bad positions, and very dirty?—Some of those cases were brought before the magistrates, but very few of them, because the people when they get the notice generally comply with it, and there is no necessity to issue summonses.

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Mr. O'Leary.

464. Have the Corporation here, as the urban sanitary authority, any disinfecting apparatus?—They have no apparatus, but they cause chloride of lime and other things to be used for disinfecting purposes.

465. Do you find that the reports of the sanitary officer are acted upon generally by the council?—They are always acted upon by the council. The council have hesitated to act on some of them for a considerable length of time, because the work was of a very extensive character, but ultimately they have done it. That sewer that was made at a cost of £60, and which I referred to yesterday, had been recommended to be made by Dr. Sheridan a good while before they did it.

466. What street is that sewer in?—In Green-street; sometimes it is called Green-street, and sometimes Thomas-street, and sometimes Black Cow-lane.

467. Do you find it difficult to compel the poorer inhabitants of the town to do what is required by the sanitary authority?—As I said before, they do it when they are noticed, and very often without it.

468. In what state are the houses of the poorer people of the town with regard to privy accommodation?—I think some of them are in a very bad state, and some of the corner houses have no privies at all.

469. And no means of making them, I suppose?—No, there are no backyards.

470. I suppose, then, all the filth and night-soil from these houses which have no reres or privies are thrown out into the street?—In some cases, at all events, they are.

471. Has the urban sanitary authority done anything in the way of causing privies or water-closets to be built in houses where there was room for them?—Very little in that way has been done. One or two has been constructed, but no more. There was notice served on people with reference to this.

472. When was that?—A few months ago, after we commenced to make sewers in Mary-street or Chapel-lane. The sewers were made, but the other work was not done. I am told that in one case the owners employed people to do it.

473. Are there any cases in which the owners of property have been called upon to do work of this kind besides the case you have just mentioned?—No, I think not.

474. Who is the owner in that case?—Two men named Hayes. The property belongs to two brothers, who are joint owners.

475. Is it your duty at all to make reports to the council?—It is not my duty to examine nuisances. Occasionally I go about with the committee to do so.

476. Do you mean to say that the committee, or members of the committee, go out to examine places?—Yes, the members of the sanitary committee do.

477. They go out and examine places which have been the subject of reports by their officers?—Yes, and to examine some places which have not been the subject of reports. They make examinations generally with regard to houses which require sewerage, and also with the view to compelling people to make connecting drains where there are main sewers.

Mr. John Heron.

Mr. JOHN HERON examined.

478. Mr. LAWLESS.—Are you the sub-sanitary officer?—Yes.

479. Is it your duty as sub-sanitary officer to inspect the houses through the town?—Yes.

480. How often do you do so?—Nearly every second day, or sometimes every day I inspect some streets.

481. You are also town sergeant, I believe?—Yes, I am.

482. Do you inspect the different streets of the town every day?—Nearly every day, unless on Wednesdays or market days, when, of course, I am too busy to do it.

483. Do you consider that you have sufficient time to perform the various duties which devolve on you—are you able to attend to them all? Is it enough for a town like this with 12,000 or 13,000 inhabitants, to have one man only, to inspect the houses of the poor people?—One person, who had a good knowledge of the town, would be able to do it far better than two who did not know it so well.

484. But should you not have two people who were acquainted with the town?—There are some parts of the town where it is not necessary to go into the houses for the purpose of inspecting them more than once in the month, but there are others which must be examined twice a week.

485. In the poorer parts of the town?—Yes.

486. Do you make your reports to the sanitary officer, Dr. Sheridan?—I do.

487. When you find a nuisance existing do you ever call upon the people to abate it, before you make a report to Dr. Sheridan?—Yes; and three-fourths of the people do so.

488. I suppose they are chiefly cases of dirty back yards which you get remedied?—Yes; but I also get sewers made. The people in general are very agreeable. I have got a good many sewers made.

489. Do you mean connecting drains with the main sewers?—Yes. The fact is I do not report more than one case out of every seven or eight to Dr. Sheridan at all.

490. Do you mean to say that the owners of houses made sewers on your requiring them to do so, without your bringing the matter before the council at all?—Yes.

491. Do you find that the poor people, when a nuisance exists, are willing to get rid of it? I suppose they regard a notice from you as a kind of direction which ought to be obeyed?—Some do. Where there is sickness and the people are too poor to do what is required, I get it done on my own responsibility, and the Corporation bear the expense. When there is sickness in any part of the town, the Corporation give out lime and brushes, and have the houses whitewashed. I disinfect them or else attend and see that it is done properly.

492. Do you ever require any persons suffering from infectious disease to be removed to the hospital?—Not often.

493. Do the poorer people here keep pigs in their houses?—Some do and some don't, but generally speaking they do.

494. Generally speaking they do keep pigs in their houses?—Yes. Generally speaking. There may be some cases in which they do not, but generally speaking they do. They keep pigs, but they keep the place clean.

495. Did you ever find that they kept pigs or animals in the houses in which they themselves live—for that is what I mean?—I did; but I took the necessary steps and had them removed.

Town Clerk.—A man named Howe in Abbey-street kept a pig up-stairs in the house.

496. I see amongst the reports many which have reference to keeping pigs too near the dwelling-houses. Did you report those cases or cause the pigs to be removed?—When they are kept too near the house, or if the pig-houses are not kept clean, I bring the people before the bench.

497. Are the houses of the poorer class of people badly off, for want of privies or back yards?—There are privies in some places, but in others there are no means of making such. The yards are too small.

498. Are there many houses without privies?—The great majority of the houses are without privies. (Hands in the book kept by the sub-sanitary officer since May, 1875). Nuisances are very often made known to us by the people, in informing on each other. If a man creates a nuisance one of his neighbours generally complains of it.

499. They are in the habit of making complaints?—Yes, and I am very thankful to them for doing so.

500. Do you believe, as a result of your observation, that the state of things in this town, in a sanitary point of view, would be improved by having a plentiful supply of water?—I think there is nothing so much required as a supply of water in the town.

501. Would the existence of a proper supply assist you in improving the sanitary state of the town?—It would very much. For instance, there is a meat market, and we have not a drop of water for the purpose of washing it out.

502. Where is the meat market situated?—At the quays. There is no portion of the town requires it more. There should be a couple of pumps supplying water to wash it out with.

503. Are there no means of doing that at the present time?—No means, except by using the salt water.

504. Do you inspect the slaughter-houses here, and in what condition are they?—I do. They are in a very good condition—they are washed out every day after the beasts have been slaughtered.

505. Do you mean washed out by the owners?—Yes; by the owners.

506. Have you ever had occasion to report any of the slaughter-houses?—I had to bring the doctor to one place, not because the slaughter-house was dirty, but because the manure was kept there. The slaughter-houses are washed out on Saturday mornings, after Friday's killing—that is to say they are washed out if the water can be got to do it.

507. What is done if the water cannot be got?—They are then swept out.

508. Is it also your duty to inspect the common lodging-houses?—I have not yet got any order to that effect, but I do inspect them nevertheless.

509. Do you mean to say that you inspect them as you inspect other houses, but not specially as lodging-houses?—If I consider they are dirty after I inspect them I order them to be whitewashed.

Dr. MICHAEL J. SHERIDAN examined.

Dr. Michael J. Sheridan.

510. Mr. LAWLESS.—Are you the sanitary officer of the urban sanitary authority—the Corporation—in this town?—Yes.

511. How long have you been in that office?—Since they commenced here to work under the Sanitary Acts in the beginning of 1875.

512. Are you well acquainted with the sanitary condition of the town?—I know it pretty well. I would say that the sanitary condition of the town at the present time is very fair.

513. Do you refer to the health of the people?—Yes; I mean as to the health.

514. What about the condition of the houses of the poorer people—have you occasion to know in what condition they are?—Yes.

515. When you receive reports from the sub-sanitary officer do you yourself visit the place reported?—Yes; on all occasions.

516. I am informed that there are a great number of houses in the town which are absolutely without any sanitary accommodation?—Yes; there are a great number. Duke-street is in a very bad state, so also are Bride-street and some small houses in the Faythe.

517. Are there any of the houses in those places which have sufficient room at their reres to admit of privies or water-closets being constructed?—In some cases the yards are very small.

518. Are there not, I suppose there must be, some of them in which privies could be built?—Yes; there are.

519. Have the Corporation, as the sanitary authority in the town, done anything to improve the state of things existing in regard to want of private accommodation?—I consider they have the power at all events.

520. But do they exercise the powers?—I do not think that the matters you have referred to were brought before them.

521. Is it not the duty of the sub-sanitary officer to bring those matters before your notice, and your duty to report them to the Corporation?—Yes.

522. Did the sub-sanitary officer do so?—Unless something concerning manure he did not.

523. He has not brought before you any of those cases in which structural alterations would be required to be made?—He has not.

524. Have you ever in your reports to the sanitary authority recommended any privies to be built?—No; I do not think I did anything of that sort at all. I only report about nuisances that were required to be removed.

525. So that in fact all that has been done here in a sanitary point of view has been in the way of superficial cleaning and work of that kind?—Yes; only cleaning.

526. That of course is a great deal in itself, but it is not all that would require to be done?—No.

527. Do you not consider that it is the duty of the sanitary authority to go somewhat further than they have done—to see what the houses actually require, and to make substantial improvements so far as they have the means?—It may be the duty of the sanitary authority to do so, but I do not consider that it is their fault that it is not done. They are most anxious that it should be done, but the fact is these matters are not reported to them.

528. Do you think it would tend to the preservation of the public health if it was done?—Yes; I consider it would.

529. Do you find that your reports are promptly and fairly acted upon by the sanitary authority?—On all occasions.

530. Have you ever had occasion to complain of their not being acted upon?—I had to do so on one or two occasions. I had to make a report with reference to the road approaching the river twice.

531. Was your first report not acted on?—They had a meeting about the matter, but still it was not cleaned.

532. Had you occasion to report a second time the want of a sewer in Green-street?—I had; those are the only two cases I think, which I had to report a second time. The sewer referred to has been made since.

533. In what way are the houses of the poorer people here occupied? Are they very much crowded?—In some streets they are very much crowded.

534. I am informed that there is no registration of the common lodging-houses?—No; there is not.

535. Would it not be an advantage if there was?—I consider it would be an advantage.

536. Don't you consider it absolutely necessary that there should be?—I do.

537. Are you aware why it was that the regulations for the lodging-houses were never enforced?—I am not aware of the reason.

538. As regards cases of sickness or infectious disease—do you find that there are sufficient means available in the first instance, for having the persons sick brought to the hospital?—I always, so far as I am concerned, advise the people to go into the hospital, but it is a thing impossible to get them to do it. I consider there should be some power given to the medical sanitary officer to compel the people to go into the hospital.

539. Supposing you find a case where you consider it necessary that the person should go into the hospital and that you find him willing to go, what means have you of conveying him to the hospital?—There is one car for the fever cases, and there is another for the union hospital. There is a fever hospital, county infirmary, and the union hospital.

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Dr. Michael J. Sheridan.

540. Have you sufficient means at your command to have places disinfected?—Yes.

541. As a medical man a great deal of responsibility devolves upon you in this respect. Are you satisfied with the means at your disposal for doing that?—Yes.

542. Have you ever found in your experience as a medical man, any difficulty arising from the want of a supply of water?—We have not a sufficient supply of water in the summer time. The poor are then in great need of water.

543. Do you consider the want of a more efficient supply of water injurious to the health of the poor in this town?—I consider that a more efficient supply of water is required in Wexford.

544. Were you examined before the Local Government Board Inspector at the inquiry?—No; I was not.

545. Was there any medical gentlemen examined at that inquiry?—Not to my knowledge.

546. I suppose you have very frequently to enter the houses of the poor people here, and you see the condition in which they are?—I am continually going into them.

547. Are you satisfied with the way in which they are kept?—In some cases I may say that the sanitary state as regards want of cleanness is fearful.

548. Has there been since the Sanitary Act came into operation here, any improvement in the state of things in a sanitary point of view?—Yes; there has so far as cleanness is concerned.

549. Does sickness prevail much in this town?—We had scarlatina since last August. I think it continued in the town till about the 1st of April.

550. Do epidemic diseases prevail at all?—It was very hard to get sickness out of the town once it has got into it.

551. I understand there is no public cemetery, but that there are seven churchyards in the town?—Yes, that is so.

552. Are any of those churchyards overcrowded in your opinion?—I consider there are some two or three of them which are in a fearful state. Some of them are worse than the others.

553. Do you consider some of them to be injurious to the public health?—That is my opinion.

554. Has any attempt been made do you know to have any of those places closed?—An attempt was made a couple of years ago, but it was resisted.

555. I understand there was no actual application made?—No, not to the Local Government Board. With reference to the poorer class of people, I think that power should be given to the medical officers to compel them to go into the hospital. It is a disgraceful thing that they should be allowed to keep their children at home, when they are attacked by infectious disease, to spread it through the town. The disease is usually carried from one family to another.

Mr. William Timpson.

Mr. WILLIAM TIMPSON examined.

556. Mr. LAWLESS.—Are you a member of the council?—I am.

557. I believe you were Mayor last year?—Yes. With regard to the extension of the borough. I took some interest in the matter last year, feeling convinced that if we were successful it would reduce the rates. There would be a gain of £70 to the town, after paying for the lighting, and the expenses incurred by the increased repairs to roads, additional lamps, and the various costs in connection with it. I take it for granted, if we got it passed without opposition, that the costs of the Act would be just about £40. If we were opposed, the probability is that the matter would not be proceeded with, and if we got it without any opposition, it would make a difference of a penny in the pound on the rating, and it would be going back to the original borough boundary of Wexford.

558. What do you mean by the original borough boundary?—I think the old borough boundary is the present Parliamentary boundary. The Parliamentary boundary is larger now than the municipal boundary. That boundary would take in a larger number of houses, and probably would bring us about £90 or £100 more, but we have only allowed £70 after paying all the extra expenses.

559. Are the houses which would be taken in by the change of the boundary residences or villas?—Yes, occupied by merchants and gentry. Three gentlemen outside the borough boundary mentioned to me that they wished to be taken in because they would then be entitled to receive a supply of water, which they are very badly in want of at present. One of these gentlemen has erected a lamp at his own expense, and has two pumps, yet, for the sake of getting a good supply of water, he would come inside the borough.

560. Have you the calculation made out on paper?—I will make it out. I had it prepared, but the Corporation do not wish to take up the matter unless the ratepayers urge them to do so.

561. Would the extension that you propose apply only to one side of the town?—It would take in all the three wards. It would add to all the wards.

562. Would it be necessary, in your opinion, to have a redistribution of the wards?—I think not. There would be a nearly equal addition to the wards just as they are at present. The greatest increase would be on the Selskar and St. Iberius wards.

563. As I understand, the principle on which you recommend the proposed extension is that extension would bring increase of the borough property, and secondly the greater power that the Corporation would have of working the town properly as regards sewerage?—Yes; and it would give us additional security with regard to the money for the waterworks and increased gain to the water rates. Yesterday we heard that there was above one and a half miles of main sewerage in the town. The Corporation, I hope, will compel the people to make connecting drains.

564. Are you of opinion that a great deal more main sewerage requires to be made?—I am. If the ratepayers do not fight against us and make us pull down the rates, we will yet have a system of sewerage through the town. I should say that I fully agree with everything that has been said about the scarcity of water and the necessity of getting the new supply.

565. Has anything been done by the Corporation (I ask you as a member of the Corporation) with reference to the proposed water supply beyond going to the expense of getting the plans from Mr. Hawkesley?—They have gone through it thoroughly. They were compelled to go into the question. We have several other schemes laid before us from previous years and amongst them was the one alluded to yesterday. We found after the reservoir was made that Mr. Manning, after he came down, would not recommend the Government to lend us the money on it. There was another scheme to bring two or three small streams into the reservoir, but we found that the water was being used by some manufacturers who had a right and that we could not take it from them. Then the inhabitants had a meeting about the matter, and a committee from them waited on the Corporation. It was under that pressure that the Corporation at last took action, because they said that if we did not take the matter up they would memorial the Local Government Board to give a proper supply of water to the town. Then the Corporation took the matter up. They wrote to Mr. Hawkesley, and, after visiting several places in the neighbourhood which were mentioned as places from which the water might be obtained, he selected the present one as being the best to give the required high pressure for which the

Government would advance the money. He then gave us a plan which would cost £28,000. This was not correct. He gave us another at £18,000, which did not include the money for compensation—simply the expenses of the works. He could not tell the cost of the compensation. The costs were increased by the Dublin, Wicklow, and Wexford Railway, but it was ultimately carried, and the compensation which they wanted was partly granted to them and partly refused. They wanted one-fourth of the rating and that was given to them, but only on their own land. We then got Mr. Hawkesley to make out working plans, giving all the details, with the exception of one, which the Local Government Board require—the pipe laying through the town. All the streets and lanes were to be piped.

566. What size did he recommend the pipes to be?—The mains through the town were to be 10-inch and down to 6-inch, but he had to reduce that estimate to 9 inches and down to 4 inches. The Local Government Board now require the plan of the pipes through the town, and Mr. Hawkesley has engaged to make it out.

567. You are, I believe, limited as to rating powers?—Yes, we are; but it is the impression with some of the ratepayers that we can levy any amount of rates that we like, but the fact is we cannot go beyond 1*s.* Our rates would give security for £25,000, and Mr. Hawkesley says that £24,000 would cover everything. There is a place in Wexford called the Faythe, in St. Mary's ward—most of the houses are probably valued at from £3 to £5—and the people would have the water at a cost of from 5*s.* to 10*s.* a year. When any disease visits Wexford no other place suffers so much as it, though it is the most open and airy part of the town. There is neither sewerage nor water there. This is the letter from Mr. Hawkesley:—

"I will immediately prepare the plan of distribution required by the Local Government Board, and forward it to them. I have already supplied the plan of the pipe laying."

568. What expense has the Corporation incurred up to the present with reference to the waterworks?—The actual bill of expenses for so far furnished to us is only £500. I should say, in rough, that amount of our expenses for so far was £700.

569. I mean including Mr. Hawkesley's charges?—It would be certainly under £2,000. Mr. Hawkesley says that the supply of water is the purest he has ever seen.

570. Have you had an analysis made by any public analyst of the water taken from the source which is proposed for the new supply?—No; but we all drank of the water and found it was pure.

Town Clerk.—Mr. Hawkesley said it was so good that it was not necessary to send it up to be analyzed.

Witness.—What we got in town was so diluted with mud that it was sometimes undrinkable. The fountains are supplied from the present supply, and some of them are so completely dry that they are useless. At present we cannot give a supply of water to the military barrack. The quarter-master said that he had to throw out tubs of water in consequence of the amount of animal matter in it.

571. Will the proposed waterworks supply the military barracks?—Yes; it will supply the whole of the town with the exception of some elevated buildings outside the boundary. Mr. Hawkesley hopes to supply them also, but he is not certain of being able to do so. Every street in the town will get a supply. I would like to see the Sanitary Act better carried out here than it is. There is a great want of sewers, and of water for flushing sewers. The people come to their front doors, and throw the slops into the streets. They cannot help doing this of course, and it was sometimes very painful to me, when I was mayor, to be compelled to fine them for doing it.

572. Has it ever occurred to any members of the sanitary authority to send carts about—adopt the pail system—for the purpose of preventing that?—It was spoken of here at one time, but it was found that the cost was too heavy. I advocated tubs instead of ash-pits. The shopkeepers instead of putting the sweepings into the street should put them into the tubs, and then the scavengers could carry them away.

573. Don't you think it would be an advantage if the Corporation did that?—Well, it would "Bell the cat." There is also some clauses of the Towns Improvement Act that the Corporation do not enforce, such as the building clauses—compelling persons about to build to submit the plans of the houses to the town surveyor. It would be very useful if those clauses were put in force here.

574. Those clauses, as I understand, were never put in force in Wexford?—No; I brought the matter up last year, but it was allowed to drop through.

575. There are very important clauses in the Act with reference to providing privies in the houses?—I do not press the matter, as I had in the first instance consulted the Council, and did not like to go against them. It would be very wise to have those clauses enforced in this town. It would be better for the landlord to make proper sanitary arrangements in the house when he was building it than to be compelled to make alterations, and do it afterwards.

576. Do you receive any opposition in your endeavours to have the building clauses of the Act enforced from any builders who were members of the Council?—They were not members of the Council who were building houses.

577. Had you in your view any particular building that was then going on?—Yes; there were some buildings being erected in New-street. I would also advocate strongly that there should be parapets for stopping the falling of slates from the houses. It is very dangerous when there are no parapets on the houses in stormy weather. We have had cases here of very narrow escapes from being killed from falling slates.

578. That matter would be, more or less, under the control of the Corporation and the town surveyor?—It is hard sometimes to get out of an old beaten track, but once the first move is made it becomes easy enough.

Mr. *MacDonnell* handed in the following report:—

"There are seven miles of streets to be kept in repair within the borough. Till recently they were very much neglected. The centre of the roadway was worn away and rendered concave, and the water tables were useless for the drainage of the surface water. The footpaths were in a dilapidated state, so that foot passengers preferred taking the road. More than a year ago we made a new road forty feet wide to take the place of an old crooked one called the Boher. About the commencement of this year we made a covered sewer through Green-street, where an offensive open sewer existed for years; as also a new footpath. We made a footpath in John-street with granite kerbing and screened gravel; another at Wigram-place; as also a piped sewer and other improvements; repaired kerbing, and gravelled footpath in Upper George-street; repaired footpath at Redmond-road, and gravelled same; repaired footpaths along Trinity-street and William-street, and gravelled same; repaired the sea wall at Trinity-street, and filled and gravelled the low places which held pools of water, and secured the drainage of some; repaired Summer-hill footpath, and footpath in Waterloo-road; repaired water tables in several streets; made new footpaths in Upper Bride-street, with kerbing; and at the lower end of Boher, and in the Folly-road. The footpath in the Distillery-road was kerbed and gravelled, which was a desideratum, as it is a leading outlet of the town. We metalled and gravelled Maudlintown-road, which was a great eye-sore, but is now a good thoroughfare; repaired and gravelled footpath in the Faythe; repaired the drainage of Corn-market by setting new grates and other improvements; we set two new grates in Wigram-place, five in John-street, one in Old Pound, two in Rossiter's-terrace, three in Green-street, two in Distillery-road, one in Waterloo-road, one in Summer-hill, and one near the College gate, two in Batt's-street, one at the Bullring, and one at the foot of Gibson's-street. The repairs of all the streets, lanes, and footpaths, breaches in sewers, &c., have been attended to. We have also set two grates at Redmond-place; we built a tower on the parliamentary boundary in place of the windmill stump at Windmill-hill; we overhauled and built King-street bridge.

"(Signed), NICHOLAS MACDONNELL,
"Town Surveyor, Wexford.
"14th May, 1877."

WEXFORD.
May 15, 1877.

Rev. Michael Vicary.

The Reverend MICHAEL VICARY examined.

(Witness hands in Wheeler's map of premises recovered by the Corporation with the names of witnesses.)

579. Mr. LAWLESS.—Do you mean that this is a map of the property recovered by the Corporation from 1850 to 1855?—The leases of the Corporation and all the valuable documents were destroyed in the year 1798. The books are marked A B C.

580. Which books?—The books of the Corporation. The old books of the Corporation were destroyed in 1798, and so also were two-thirds of the leases, and very few of the valuable documents remain. There was a lease in 1774 of Coolcots, and one in 1732 for ninety-one years, so that it expired in the year 1821.

581. It appears that Mr. Lacey, the treasurer, took proceedings which resulted in securing the title of the Corporation in these lands of Coolcots?—Yes; at the time my father became Town Clerk, the rental of the corporate property was only £100, and it is far more now.

582. It was £147 at the time of the report of the Commissioners of 1835?—In the year 1812 there were £10 or £12 taken from the rent of George Harrison Reid.

583. So I see. "At a meeting of Council on the 29th June, last" (it would be very difficult to find out what year that meant), it was resolved at that meeting, in consideration of the expenditure of a sum of money on the land by George Harrison Reid, to reduce his rent from £35 13*s.* to £25 yearly. The tenant had a lease for 999 years, and the Corporation at the same time considered that the expenditure of a sum of money for the improvement of the premises would be of advantage to the Corporation?—It should have been the other way, the rent should have been increased instead of decreased.

584. Mr. *Lacey.*—There has been an increase of £117 and £68 since that.

Witness.—A lease was made in 1772 to Emilia Betts, for 900 years at £5 5*s.* a year, Irish, and it is now worth £100 a year or more to the lessee. It contains about thirty acres. It is part of Coolcots. It is adjoining Coolcots. When the Corporation on two occasions endeavoured to recover a valuable piece near that last mentioned, which was let for a term something under 100 years in 1786, they failed. About the year 1810 opinion of counsel was taken as regards Emilia Betts' lands. Counsel agreed that it would be madness to proceed for the reason that the charters gave the Corporation unlimited power.

Mr. *Lacey.*—There was a committee appointed at the time he alludes to, who because the rents were so low, and that so much injustice was done to the ratepayers thereby, took the opinion of counsel—Mr. Brewster—and he said it was useless to proceed.

585. Of course that opinion applied entirely to alienations made before the year 1836?—Yes; it was long before that period.

586. There was a statute enacted then that prohibited alienation, and that was the reason I asked yesterday for any disposition of property made in the interval between the years 1836 to September 1840. I find but one letting made in the year 1839.

Town Clerk.—I can give you three or four now.

587. Mr. LAWLESS.—There is one to David Robinson for ninety-one years, and the rent appears to be reasonable enough. It was made in the prohibited time, and consisted of 10A. 2R. Irish at the yearly rent of £42.

Witness.—That was a fair rent for it, with regard to the piece of ground sold for a burial-ground. I may say that it was also part of Colcotts, part of Mr. France's holding, who sold it to the Poor Law Commissioners, and gave the greater portion of the premium that he got to the Corporation, and they agreed to reduce his rents in proportion to the value of the severance.

588. Was the assent of the Lords of the Treasury given to that?—Yes.

589. Was that a portion of the Windmill Hills?—No.

590. I think it was stated yesterday that there was some portion of the Windmill Hill sold for the sum of £300.

Mr. *Lacey.*—That was for Tait's school.

The Mayor.—That got the sanction of the Lords of the Treasury.

591. Mr. LAWLESS.—Do you know how that £300 was applied? Did it go into the borough fund?

The Mayor.—Decidedly it went into the borough fund; there is no mistake about that.

Mr. *Lacey.*—That was one of the holdings I recovered for the Corporation by the searches, and we were paid £8 a year for it, but when the trustees of Tait's school made application to the Corporation, it was sold for £300, which went into the borough fund.

Witness.—The old Corporation up to about the year 1800, made ducks and drakes of the property, but the action of the Corporation in the present century was different, all the members of it, and the officers as well, did what they could to improve the state of affairs as regards the property.

592. Mr. LAWLESS.—You mean, I suppose, that the Corporation did their duty from the year 1800 to the year 1840?—Yes.

Mr. *Lacey.*—The old Corporation previous to 1800 robbed the people.

Witness.—I find that there was a lease made about the year 1840, of three roods, at the yearly rent of 7*s.* 6*d.*

593. For what term?—I cannot say exactly; I think it was for 999 years.

Mr. John Hinton.

Mr. JOHN HINTON examined.

594. Mr. LAWLESS.—You, I believe, have been Mayor of Wexford?—Yes, I have been a number of years a member of the Town Council, and in the year 1870 I was elected Mayor.

595. Do you wish to give any evidence upon any subject of the present inquiry?—In my capacity of member of the Council, for the last fifteen or sixteen years, I wish to say something as regards the insufficiency of the present supply of water. It has been generally complained of, and application was made to the Corporation to have it improved in some way or other. Representation was made by some one outside the Council that water was to be got in the neighbourhood, and in the year 1870, when I presided as mayor, I asked the members and officers of the Corporation to go and examine the different sources from which it was said the supply could be got. A minute examination of all the places spoken of in the neighbourhood of the town was then made, but none of them were found satisfactory—they all failed. Wherever there was a considerable supply of water we were prevented from touching it by some existing rights, and I came to the conclusion that all the proposed places had failed, and that we had no alternative but for to go in for a large scheme. The movements with regard to getting a better water supply did not originate with the Corporation, but with the inhabitants generally. I hold in my hand the minutes of a meeting that was held on the subject.

596. A meeting of ratepayers?—Yes. The meeting was held in the year 1874, and a deputation was appointed to wait on the Corporation and demand that a more plentiful supply of water should be provided for the people. The deputation also said that if the Corporation did not do so, the people would

Mr. John Hinton.

take the matter into their own hands. A meeting of the Corporation was called for the purpose of conferring with the deputation appointed by the ratepayers, and seeing what could be done.

597. By whom was the meeting of the Corporation called?—That was done on the Mayor's requisition, issued in September, 1874. Amongst the names of the gentlemen who appeared on that deputation appointed by the ratepayers, I find the name of Mr. Hickey, Collector of Customs, and I find that Mr. Chandler, who appeared before you here yesterday evening, also signed in favour of the requisition. I find this resolution passed by the Council, on the 11th September, 1874:—

"That having heard the statement of the deputation representing a meeting of ratepayers asking for an increased supply of water, that the recommendation contained in the letter of the Local Government Board, of the 26th August, 1874, in reply to a letter from the Council, be adopted; and that Mr. Hawksley be employed to inspect the town and its vicinity, and to report on the best means of procuring a supply of water, and to give plans and estimates of the probable cost, and that Mr. Hawksley be at once written to asking for his charges for these services. Previous to the passing of the foregoing resolution, Alderman Walsh read the resolutions passed by the Committee appointed by the inhabitants, in one of which it was said that the inhabitants would not be satisfied with any plan for supplying a less quantity of water than 360,000 gallons per day."

The following is a document, dated the 17th February, 1854, which was, before the waterworks came into our hands, directed to the Secretary of the then Pipe Water Corporation, signed by two highly respectable gentlemen in the town, who were very large ratepayers:—

"DEAR SIR,—Being for some time past, in common with a large proportion of the inhabitants, unable to obtain even the usual small quantity of pipe water, we have been forced to turn our attention to the means of augmenting the present inadequate supply, and being prepared to submit a measure of much importance for the consideration of the Pipe Water Corporation, we beg that you will have the goodness to call a meeting of that body at an early date."

And it is signed by the proprietor of White's Hotel and by Mr. Walker. In the year 1870 the want of water was very badly felt, when we had very limited means at our disposal, and I had endeavoured as far as possible to remove the evil, and I may mention one particular district—Duke-street, near which there are two or three churches, and I was told by a clergyman, that the street was seldom without some epidemic or other. By the assistance of a member of the Corporation, we constructed a very valuable sewer in that street, and afterwards when we had forced them to get the town separated from the Grand Jury, there was almost no sickness in that street. In 1870 I had prepared a scheme which I laid before the Grand Jury, and asked that the town should be separated from the barony of Forth, inasmuch as the Grand Jury refused to give much money to the town. They refused to give us any assistance so far as sewerage was concerned.

598. Was it to have necessary sewerage made that you made the application to the Grand Jury?—Yes. I may also say that having consulted with the magistrates that presided in the courts here, and the clergymen of the town, as well as the greater part of the inhabitants, I endeavoured to have the Towns Improvement Act adopted, and after considerable difficulty we agreed to do so by a majority of two to one. In the year 1870, a cry was got up in the town about large taxation, but I found that in many cases it was got up by people who had invested money in small tenements, and who did not like to pay taxes for supplying water to the occupiers of their houses.

599. Do you not think it important that the regulations with regard to common lodging houses should be put in force here?—I think so.

600. And also that the building clauses of the Towns Improvement Act, which require that houses should be built on a plan subject to the approval of the corporate body, should be put into operation?—I think so, because it would ensure proper sanitary precautions being taken.

601. Mr. LAWLESS (to Mr. *Lacey*, treasurer).—Has there, within your recollection, been any fund distributed in charity by the Corporation?—There has not, to my recollection.

Mr. ROBERT SPARROW examined.

Mr. Robert Sparrow.

602. Mr. LAWLESS.—Are you a member of the Corporation?—No, I am not.

603. Are you a ratepayer?—Yes.

604. Do you wish to make any statement with reference to the affairs of the Corporation?—Yes. I wish to say something with reference to the affairs of the town generally, and especially with regard to the taxes. It is the taxation I wish to refer to. In the month of September last we formed a society in Wexford called the Taxpayers Protection Society.

605. Are you the hon. secretary of that Taxpayers Protection Society?—I am. The object of forming the society was to ascertain the amount of taxation paid under the different headings, and to see how it was applied.

606. To see what value you got for the taxes you paid?—Yes, that was our object. We conceived we were taxed very highly, and that there were many of those taxes of which we could not understand the purpose for which they were levied, more particularly the poor rate.

607. I am afraid I must exclude any consideration of it as it is not a municipal tax?—Well, I just mention it; the poor rate, and also the Grand Jury cess. Our object was to look after the way in which the taxes were received, and what then was done with them, and how we could, if possible, have them reduced.

608. Will you have the kindness to confine your observations to the municipal taxes, and to leave out all reference to the poor law taxation, and the application of the rate, which goes to county at large purposes?—That last is one of the matters to which we wish to draw your attention particularly, because we conceive we are paying a large sum of money and we get no account of how it is expended. There appears to be about £1,000 a year paid in to Mr. Wynne, the secretary of the Grand Jury, and that is all we know or hear about it.

609. According to the accounts for this year, do you mean?—One year it was £1,000.

610. So far as I can make out it will be less next year, and last year there was paid to the Grand Jury as proportion of county cess and unexpired contracts the sum of £802 10*s.* 8*d.*?—Yes; but we do not know for what that sum of money is levied, because we have no presentment sessions belonging to the town of Wexford. We are not called on as ratepayers to look into this tax before it is assessed, and we do not know what it is for.

611. You object to the mode in which the sum of money applied for county at large purposes is ascertained?—Decidedly.

612. It is not ascertained by the Corporation?—We have asked the Corporation for an explanation about it. I asked for the accounts; Mr. O'Leary can tell you that I did; and he furnished me with a memorandum showing the amount of money paid, and then said that if I went to Mr. Wynne he could give me whatever information I wanted.

613. I think that was the only answer it was possible for Mr. O'Leary to give to you?—My only reason for referring to that matter is for the purpose of showing you that we were looking into everything and trying to get all the information we possibly could. Another matter I was to bring under your notice is the fact that there is not a single cesspayer of the town of Wexford represented at the barony of Forth. There is not a single Wexford person amongst the associated cesspayers. The sum of money which has been collected for the county cess this year is 2*s.* in the pound, and the barony of Forth, from which we

WEXFORD. *May* 15, 1877.

Mr. Robert Sparrow.

have been separated, is paying only 1*s.* 10*d.* in the pound.

Town Clerk.—It is more than that. It is 1*s.* 11*d.*

614. *Witness.*—We are therefore paying more in the pound than we would if we were still connected with the barony.

615. Is the sum of 1*s.* 10*d.* that you mentioned for the entire year?—It is.

616. And therefore you say you are paying 1*d.* or 2*d.* in the pound more than if you were connected with the barony?—Yes; and besides that we are paying 1*s.* in the pound for the collection of it, whereas in the barony of Forth the charge for collection is only 10*d.*, so that in fact we are paying 4*d.* in the pound more than if we were still connected with the barony.

617. In fact you complain of the arrangements made in and by the Provisional Order Act of 1873?—Yes.

Mr. *Timpson.*—Mr. Sparrow leads you astray as to the amount to be paid for the collection.

618. Mr. LAWLESS (to *witness*).—Do you say that it is 1*s.* in the pound, and in the barony it is only 10*d.*?—Yes.

619. And that you pay for collection 2*d.* in the pound more than they do in the barony?—Yes, we pay 4*d.* in the pound more than they do. I wish to say something with respect to the water question. I should like to have it clearly understood that the cess-payers of Wexford, so far as I represent them, wish in every possible way to have a proper supply of water for the town. It is their wish to encourage efforts in that direction in every way they can; we never opposed the giving of water to the town; we only oppose the extravagant expenditure that is attempted to be made in getting water.

620. As far as I have seen of the records of the Corporation they prove to me that the ratepayers have been asking for the water supply?—We are asking for the water, but we don't want to get it by the present proposed plan, because it is an extravagant one, and an enormously expensive one, and one that will swamp us with debt. The question was first started with Mr. Hawksley who seems to be a favourite, and who seems to be worthy of being so, as he is a man of great talent. In fact, our idea is that he is too great a man for our very small means, for we only number 12,000 inhabitants. If we could get the water at a lower price we would be glad to have it, but the idea of our paying £30,000 for water when the town is already supplied (for I say that if the water was properly saved at present there would be a supply for culinary purposes), is perfectly absurd, though we are wanting it very badly for sanitary purposes. The water we have at present is very pure. We might not have a sufficient rush of water to put out fires, but if the water was saved, and the sources at present in existence were looked after properly, we would be pretty well off. Mr. Hawksley at first proposed to supply us with water at a cost of £14,000, and afterwards Mr. Green, who was the mayor, said that £2,000 might be taken off that.

621. When was Mr. Hawksley's first proposal?—It was in the year 1863 or 1864.

622. Was he consulted so far back as that?—He was.

623. And his estimate, you say, was £14,000?—Yes. He was in Waterford at the time and came over here. His offer was made somewhere about that date.

624. And did he afterwards alter his estimate to £16,000 or £18,000?—There were other estimates made; one was for £7,000 and another for £9,500, and those sums were considered so much under Mr. Hawksley's that we threw the whole of it overboard.

625. Were you a member of the Corporation then?—No. I have never been a member of the Corporation.

626. Because you say you threw it overboard?—Of course I speak for the townspeople. Since the Corporation was changed I had nothing to do with it.

627. You say Mr. Hawksley made that estimate of £14,000 about the year 1864?—Yes.

628. Do you object to the expense of the proposed works now?—Yes; in consequence of their cost being so much beyond what we conceive we are able to pay for.

629. Will you tell me whether the work for which Mr. Hawksley, in 1864 or 1865, estimated the cost to be £14,000 is the same as that now contemplated to be done?—The water is the same.

630. Do you mean that the source of supply is the same?—Yes; and the running stream was the same as he at present estimated for. The water is the same; but it is not at the same level that he has estimated for. We understand that his first estimate was for bringing the water from Leared's mill, but that now it is from a distance up the mountain.

631. Further back you mean?—Yes; and at a greater height.

632. Is the scheme somewhat more extensive than that proposed in the year 1864?—It is less extensive if you consider only the quantity of water to be obtained, but it is more extensive with regard to its being raised higher.

633. Will there be a greater power of gravitation by the plan now proposed?—Yes.

634. Was the difference between £16,000 or £18,000 and £14,000 caused by having to go further back for the source, and by the increased price of materials?—The increase in the price of materials is not so much, but the cost of going further back for the water is very considerable.

635. Is there anything else you wish to say? A good deal of what you referred to is now closed by the Provisional Order of December, 1875?—Then I'll confine my observations to matters since 1875, since which we had from Mr. Hawksley three different estimates for the water supply. We had an estimate for £16,000, and we understand there was another for £18,000 and one for £20,000, and now within the last few days we have one for £24,000.

636. Have you seen that estimate?—I have seen it in the newspapers that he now wants £24,000. I understand that the requirement has gone up to the Local Government Board only for £20,000, but now it is to be tried to get £24,000 or £25,000 to carry the works out. We as taxpayers consider that we must look into this matter and see how this money is to be repaid, and also in fact to see what we do pay. We get neither estimates nor specification laid before us and we are quite at a loss to know in what way the money is expended. We want water and are willing to pay a fair price for it, but we don't want to pay so much as they wish to expend on it.

637. But there is where the Provisional Order comes in. The Corporation have got powers under it to levy rates—one a domestic water rate of 1*s.* in the pound, and one a public water rate of 6*d.* Beyond that they cannot possibly go?—Not unless they get another Act of Parliament.

638. But under their present powers they cannot go beyond the rates I have mentioned. Those are the powers of the Corporation so far as rating is concerned, and beyond that they cannot go?—But those rates I think cannot possibly amount to the sum of money required to pay the interest on the loan.

639. If it does not the Commissioners won't give the money?—That I am not certain of, and it is one of the reasons why we are so anxious to lay the particulars of the matter before you, because we conceive that the Public Works Commissioners won't grant the money unless they see they have fair security for it. If it is sufficient they are satisfied. We don't make any objection to having the water and don't object to the rates; what we want to do is to make sure that we won't hereafter be taxed to a larger amount to pay the money.

640. Under the present powers they cannot impose a larger tax than a domestic rate of 1*s.*, and a public rate of 6*d.* in the pound?—Those rates won't give more than £600 a year. I have made a calculation and know that.

641. If that be your opinion the Corporation cannot have been very extravagant, because they might easily have asked for greater powers?—I am not saying anything against the Corporation; but I do not see why we should go into debt that we are not able to pay.

642. That will have to be taken into consideration when considering the amount of money they are to borrow?—That money won't be paid off until this rate is struck, and I hope the rate won't be struck simply for that purpose.

643. I have been just now handed a copy of the *Wexford Constitution* of the 5th May, setting out in full a letter signed by you, written on behalf of the Wexford Taxpayers' Protection Society, to the Local Government Board. Have you seen the report, and did you write and send the letter there set out to the Local Government Board?—Yes, the report is quite correct. I wrote and sent that letter.

644. The *Town Clerk.*—The Local Government Board sent it to the Corporation.

645. Mr. LAWLESS.—Now I must say that there are very important and serious charges contained in that letter. I think it would be fair for you to verify them, and if you cannot do so, to withdraw them. You say, for instance, "There is no security to give for this sum of £20,000" (proposed to be borrowed by the Corporation) "except a heavy tax on your already over-taxed holdings;" and you also say, "We hope to show that those statements now made are correct." Do you mean before this Commission?—Yes.

646. Did you receive any answer from the Local Government Board to that letter?—No.

647. You conclude your letter by saying, "We hope to show that those statements made now are correct." Now here is one of them:—

"We have good reason to believe a considerable portion of this money applied for, will be required by the Corporation to pay debts already incurred by them, as they pledged or mortgaged all their property, rents, and taxes, for years to come, for moneys taken up and spent on schemes that we taxpayers derive no benefit from."

That appears to be a very serious charge. Can you verify it?—Part of that you heard verified already. There is £2,000 laid out already.

648. There is, as I understand, a liability of £2,000 already incurred?—Yes, and that is what is meant by this statement.

649. Is that all that you meant to express by this charge against the Corporation, by saying that they mortgaged or pledged their property, &c., for moneys spent on schemes from which the ratepayers derived no benefit?—And you will find there is property mortgaged—any documents in the possession of the treasurer, belonging to the Corporation, at present show that it had been pledged to raise £400 and was afterwards pledged to raise £1,000.

650. Are those the only two sums that you can point out as having been raised by the Corporation on a mortgage of their property, because it is a very grave charge to send against the Corporation to the Local Government Board, and you write—

"We have good reason to believe a considerable portion of this money applied for, will be required by the Corporation to pay debts already incurred by them, as they pledged or mortgaged all their property, rents, and taxes, for years to come, for moneys taken up and spent on schemes that we taxpayers derive no benefit from."

That is a deliberate charge of an intention to misapply the money borrowed. Can you substantiate that charge?—I did not say they would apply it to any illegal purpose.

651. Their applying the money to any purpose other than that for which it was borrowed would be applying it to an illegal purpose. Every one of the members of the Corporation would be individually and personally liable for it?—This money I have mentioned has been expended, or is to be paid out of it, in the first instance.

652. The expenses they incurred in parliamentary matters about the waterworks of course must be paid, and you admit it is necessary to set out by incurring some parliamentary expenses. I fail to see on what grounds your apprehensions rest, and on what grounds you brought this very serious charge against the Corporation. I am perfectly willing to receive any evidence in support of the charges in your letter. If you can show me that there are any well-grounded apprehensions of the Corporation getting this £25,000 for the waterworks for something else, I'll have it taken down and sent in with the other evidence. Can you now adduce any?—We want to have a thorough investigation of every item. We got no accounts with reference to this money, and we don't know anything about it, though we have asked Mr. O'Leary about it.

653. When the Corporation get the money they will, I presume, expend the necessary portion of it in paying the expenses of obtaining the Provisional Order, and having it confirmed, but they will have to account for every shilling of it?—We have asked for several explanations and we cannot get them; that is one of the reasons for our making those insinuations.

654. I do not think that justifies the insinuation. If you had said "We, the taxpayers of Wexford, are not satisfied because we required the Corporation to furnish us with explanations, which explanations they would not give; then the Local Government Board might have acted in a very different way, instead of sending down this letter of yours to the Corporation of Wexford, in doing which, I think, if I am at liberty to express my opinion, they acted very properly, because it contained a very serious charge against the Corporation. I agree with you in saying that the subject is a very important one. The expenditure of £25,000 on works which you admit to be of great importance to the town, is a subject of very great importance, and I do not suppose the Corporation will object to your looking very closely into it?—It was not my intention to impute anything dishonest to the Corporation, but only wished to say that they are not acting to us in a straightforward manner, while at the same time we are obliged to pay the money.

655. Did you give evidence or were you examined before the Local Government Inspector when he held the inquiry here?—I was not exactly examined before him, but we employed a solicitor to represent us.

656. Were you represented at the inquiry?—Yes.

657. Were the ratepayers' association represented or you individually?—It was a number of the ratepayers who were represented by a solicitor—a number of us who agreed to employ a solicitor.

658. Were there any witnesses examined? Who was the officer that came down here? Was it Mr. Robinson?—Yes.

659. Were there any witnesses examined on the part of those gentlemen who employed the solicitor?—Yes.

660. Were you one of them?—Yes.

661. Do you put forward the same views to Mr. Robinson that you have expressed to me?—The pith of them is just the same. Our object was to explain that we were not against having a proper supply of water, but only against paying too much for it.

662. Did you know at the time that it was contemplated that the Corporation should have power of levying a 1*s.* rate for domestic and 6*d.* for public purposes?—The matter was discussed; it was said at one time that 3*d.* was sufficient instead of 6*d.*

663. Was it not after that discussion that the Local Government Board passed the Provisional Order fixing the rates at 1*s.* and 6*d.*?—I should suppose so. I do not know exactly what was the result at that time.

664. Did it not result in the Provisional Order of 2nd December, 1875?—I know it was discussed at all events.

665. Is there any other matter to which you wish to refer?—I do not think there is. It was suggested by some of our people that we should ask to be allowed to cross-examine the witnesses, but the investigation now made has been of that fair kind that I do not think it is necessary to do so.

WEXFORD.
May 15, 1877.

Mr. Joseph Walsh.

Mr. JOSEPH WALSH examined.

666. Mr. LAWLESS.—You are the mayor of Wexford?—Yes. I want to correct some of the mistakes made by Mr. Sparrow with regard to the county cess since Wexford was separated from the county; in the year 1874 the rate in lieu of county cess levied by us was only 1*s.* 6*d.* in the pound, and the county cess for that year levied in the barony of Forth was 1*s.* 10¾*d.*, and in 1875 the town cess was 2*s.*, and the barony of Forth was 2*s.* In 1876 the barony of Forth was about 1*s.* 10*d.* or a little over, and in Wexford the cess was 2*s.* There is another matter I wish to refer to. Since we have been made into a separate barony several instances occurred in which the Grand Jury presented for malicious injuries, and the town is not represented on the Grand Jury.

667. Do you mean for malicious injuries done within the municipal limits?—Yes, and levied by the Grand Jury, and we have no representation. This might turn out a very serious matter if any large transaction occurred.

668. Yes, I quite see the meaning of that. Your complaint is that the townspeople are excluded from all representation on the Grand Jury?—Yes, and we have to pay our contribution towards keeping up every mail-road in the county. With regard to the waterworks, Mr. Sparrow said he appeared for some ratepayers before Mr. Robinson. I was one of the ratepayers who were joined with him then; at present he represents the ratepayers' association, which only includes a very small portion of the rating in Wexford.

669. What case did you wish to present to Mr. Robinson, or desire to have made before him?—My object was to prevent the rates from being any higher than they are at present. Not to have them over 2*s.*, and we succeeded in doing so. The expenses incurred by the Corporation, for which accounts have been sent in, amount to £597 17*s.* 8*d.* which includes everything that Mr. Sparrow referred to (and unless he be blind he must have seen it in the papers) except our solicitor's account, a small account for printing, Mr. Ryan, the valuator's account, and Mr. Hawksley's account.

670. Do you mean to say that the preliminary expenses will exceed £2,000?—I do not think they will.

671. Have you got any account from Mr. Hawksley?—No. There was never any estimate from Hawksley except the one of £16,500.

672. I was going to ask you about that?—I never heard of any other. That was for laying the pipes through all the town with the exception of a few uninhabited lanes, and any further expense would be for the purpose of purchasing land, and the parliamentary expenses that we have gone to.

673. How is the cost of the land and water rights to be ascertained?—By arbitration. They got Mr. Fishbourne down to arbitrate. In pursuance of a resolution of the Corporation the other day we simply asked the Local Government Board to give us an advance of £25,000 to complete the thing instead of £20,000 on our security. We have security of 1*s.* 6*d.*, which would give security for £24,000, without touching the rates of the town.

Mr. *Sparrow.*—I should like to see that calculation.

674. Mr. LAWLESS (to *Witness*).—Do you propose to get £25,000 to cover every expense?—In fact I take the meaning of the letter of the Local Government Board to mean this, "You want £20,000, but it won't cover the expense, and you must get more." We cannot charge more than 1*s.* 6*d.* in the pound. We may safely leave it to the Board of Works. I wish they would give us £50,000 on the same security.

675. With reference to the property that was sold to the trustees of Tait's Charity, was there ever any charity administered here by the Corporation?—I was not in the Corporation at the time, but Alderman Green can tell you about it. There was a charity left by a gentleman named Tait, and there was a sum of money left in the funds to establish a school. The matter came before the Lord Chancellor in the year 1866 or 1867, and he appointed a means of administrating it.

676. Was it administered by the Corporation?—Never by this Corporation.

677. Was not this charity administered by the old Corporation?

Mr. *Ryan.*—I was the solicitor to the present Corporation when the question arose as to who should be the trustees.

678. Mr. LAWLESS (to Mr. *Ryan*).—Had the charity passed out of the hands of the Corporation then?—Yes.

Mr. O'Leary.

Mr. O'LEARY, Town Clerk, re-examined.

679. Mr. LAWLESS.—What do you wish to say Mr. O'Leary?—Mr. Sparrow said that no one could give him information as to the proportion of Grand Jury cess levied in the town, and I make it my business every year to examine the abstract of account, and see that it is correct, which I do by simply employing the rule of three.

680. What abstract do you mean?—I mean the Grand Jury abstract.

681. That sent to you by Mr. Wynne?—Yes. I have no other means of knowing anything about it, and every other ratepayer in the county has the same.

682. Do you satisfy yourself that the amount claimed by the Grand Jury every year is the just proportion of county at large charges payable by the town?—Yes.

683. Did you ever refuse to give any information to Mr. Sparrow on this subject at any time?—No, indeed.

Mr. *Sparrow.*—He had not it in his power to give it to me, because Mr. Wynne had not given it to him.

Mr. Jasper Walsh.

Mr. JASPAR WALSH examined.

684. Mr. LAWLESS.—Are you the secretary of the Harbour Commissioners?—Yes.

685. Do the Harbour Commissioners regulate and control the port and harbour of Wexford?—Yes.

686. Do they receive all tolls and dues of every kind payable for vessels entering the port?—Yes.

687. Do they pay any portion of that to the Corporation of Wexford?—No; they do not.

688. Does the Corporation receive any toll, or due, or fee of any kind from the shipping coming into the harbour of Wexford?—No.

689. Do the Harbour Commissioners undertake the care or management of any portion of the quays or streets of the town of Wexford?—Yes; they undertake the care and management of the quays and the streets leading to the quays, from one extreme of King-street to the other; they maintain them, keep the sewers in order and light them.

690. At their own expense?—Yes; out of their own funds.

691. Not at the expense of the Corporation or the town?—They receive no money or contribution towards these expenses from the town.

692. Do you know whether or not these quays or streets are, as property, vested in the Harbour Commissioners or in the Corporation?—In the Harbour Commissioners, under the Wexford Harbour Act of 1874, and they had for years previous been vested in them—the old Acts were renewed in 1874, but they have power to arrange with the Corporation to take them off their hands.

Mr. BENJAMIN HUGHES examined.

Mr. Benjamin Hughes.

693. Mr. LAWLESS.—Do you wish to make any statement?—Yes; I wish to say that I was present when the first claim for malicious injuries was heard after the separation of the town from the barony. Previous to that, the applications went before the barony sessions, and after the separation the barony still continued to hear evidence and pass presentments though the borough was not represented.

Mr. JOHN HINTON recalled.

Mr. John Hinton.

694. Mr. LAWLESS.—Were you examined before Mr. Robinson at the inquiry in 1875?—I was. I wish to say with regard to the fines, more than £250 in fines was imposed under the Towns Improvement Act during the year, which used to go to the Corporation, and which they applied for the benefit of the town, but at the present time we find that one-half of the fines pass into another fund away from us altogether.

695. When was that system commenced?—In March, 1876. I wish to say that I object to that system; it is a great loss to a poor town like this.

Mr. JOHN GREENE examined.

Mr. John Greene.

696. Mr. LAWLESS.—Are you a member of the Corporation?—Yes.

697. Have you been mayor of Wexford?—Yes; I have been mayor seven times between the years 1854 and 1875.

698. Do you wish to make any statement with reference to any matter the subject of this inquiry today?—Yes. The impression has been made on the public mind that the Corporation has not practised that economy which it would be their duty to do as trustees of the public funds. In reference to that I have to say that the mayor of Wexford has always acted without any salary, has given his time, and made many sacrifices for the welfare of the town. Within the last six years one of the mayor's sergeants, who had a salary of £30 a year, died, and with a view of economizing, I did not fill up his place, and it has not been filled up since, and by that means, from that time to this, saved £150. In the year 1854 I and some other gentlemen constituted ourselves a committee for the purpose of ascertaining what lands, in the vicinity of Wexford, formerly belonged to the borough of Wexford, and might be got back again. Here is my report on the subject, dated October, 1847. (Hands in report referred to). I may now say that I was one of the persons who took up the question of water supply. The doctor prohibited the use of some of the water because some matter percolated from the churchyard into the wells.

699. How long ago?—As far back as 1854. There are many wells in the town, and many of them are in the immediate vicinity of the churchyards. We used our best exertions to get a supply of water. Mr. Hawksley was down about the Waterford waterworks, and I said we were anxious to get a supply of water here, and would like to have his opinion. He said he would come over, and he did come. I may inform you that the military authorities said the regiment must be removed from the town altogether if there was not a better supply of water to be obtained. Our action was taken in accordance with the wishes of the inhabitants, for the preservation of the public health, and for the purpose of promoting the welfare of the town. Up to 1874 the lowest sum charged to any person for using the water was 20*s*.

700. Do you mean 20*s*. per year?—Yes. I may read you the following minute of the special meeting of the Corporation on the 16th February, 1854.

701. It is not a meeting of the Municipal Corporation?—No; it is a meeting of the Pipe-water Corporation:—

"Resolved, That the supply of water that we have now, being scarcely sufficient to supply the houses already paying for it, any diversion of the funds or reduction of the rates at present would deprive us of the power of increasing the supply hereafter, and giving water to a larger number of inhabitants, and at lower rates; and that measures be taken to ascertain how far it is possible to supply such a deficiency of water;" and "Resolved, That in order to afford every person an opportunity of taking the pipe-water, that the rates from December, 1854, be struck on houses under £20 of 10*s*., and above £20 of 20*s*.; malt-houses and breweries charged as at present."

I may also read this resolution:—

"At a meeting of committee, held in the mayor's office, on Wednesday, 9th September, 1874, Alderman Hickey in the chair—it was unanimously agreed to by the meeting that the best means be adopted by the Corporation to procure a supply of water for the town that will suit its requirements, and that money be borrowed from the Board of Works, on the most suitable terms, to carry out the same. The above proposition to be laid before the Council, at the meeting on Friday, by our chairman."

702. Can you state whether it was the intention of the Corporation to apply this money which they seek to borrow *bonâ fide* for the waterworks, or whether they intend to apply it for the purpose of paying off old debts?—Such an idea did not enter into the head of anyone. It was to be applied *bonâ fide* for the waterworks.

703. Are you satisfied with the way in which the sanitary affairs of the town are regulated?—I am not. I think we want another man as sub-sanitary officer. There are a great many poor people living in the vicinity of the town, and their places cannot be properly looked after from day to day by one individual. I would like very much that the Lodging House Clauses Act should be enforced in the town. I think you will find it very necessary that that should be done.

(The town surveyor then produced a map, which showed that there was four miles and two furlongs of main sewers already in existence in the town, and five furlongs at present in progress of being made at the present time.)

Mr. O'LEARY (Town Clerk) recalled.

Mr. O'Leary.

704. Mr. LAWLESS.—Were there any leases made by the old Corporation whilst the temporary Act of the 6 & 7 Wm. IV., cap. 100, forbidding alienation of their property by the Corporation, mentioned in the schedule to that Act, which Wexford is, and the several Acts continuing it were in force; that is between the 20th August, 1836, and the 20th September, 1840?—Yes; there were three, of which I produce the counterpart originals now in possession of the Corporation—No. 1, a lease, dated the 26th July, 1837, made by the Corporation to Richard Leured, of 1A. 0R. 16P., Irish measure, for ninety-nine years, at the yearly rent of £5 10*s*.; No. 2, a lease, dated 31st July, 1837, by the Corporation, to John Muddock, of 1A. 0R. 16P., Irish, for ninety-nine years, at the yearly rent of £5 10*s*.; and No. 3, a lease dated the 10th December, 1839, by the Corporation to David Robinson, for ninety-nine years, at the yearly rent of £42.

The inquiry then terminated.

Sligo.
May 18, 1877.

Mr. James M'Kim.

SLIGO.—May 18, 1877.

(Before Mr. Corbett, Chairman of the Commission.)

Mr. James M'Kim examined.

1. Chairman.—Are you the town clerk of Sligo?—I am.

2. How long have you held that office?—Eleven and a half years.

3. Sligo, I believe, is one of the ten corporate towns whose old charters were preserved under the Act of 3rd and 4th Vic. cap. 108—the municipal Corporations Act?—Yes.

4. Have you adopted the Towns Improvement Act?—No.

5. What local Acts have been passed for Sligo?—The Sligo Borough Improvement Act, 1869.

6. Is that the only Act, besides the Municipal Corporations Act, under which you are now governed?—Yes.

7. What are your rating powers under the Act of 1869?—4*s.* 6*d.* in the pound. Under the 149th section of that Act we can levy rates not exceeding 4*s.* 6*d.*, including the old 3*d.* borough rate.

8. Can you levy up to 4*s.* 6*d.* under this Act?—Yes; it is a general purposes rate and an improvement rate combined. Perhaps I may mention that previous to that there were other rates.

9. What rating powers had you?—Nothing but the 3*d.* rate. The Town and Harbour Commissioners levied 1*s.* 10*d.* for the year, and the Grand Jury levied their cess twice a year—it varied from 1*s.* 4*d.* to 1*s.* 5*d.* each levy.

10. Those Grand Jury cesses were, I presume, levied on presentments?—Quite so.

11. And under what Act were the Town and Harbour Commissioners incorporated with rating power?—The Town and Harbour Act of 1803.

12. Did the Sligo Borough Improvement Act abolish the rating powers of the Town and Harbour Commissioners under the previous Act and those of the Grand Jury?—Yes.

13. Were the Town and Harbour Commissioners, as a joint body, abolished by the Act of 1869?—Yes.

14. Was not a Board of Harbour Commissioners constituted by that Act?—They were.

15. Is the Corporation necessarily represented on the Harbour Board?—Yes.

16. What is the representation?—There are two members appointed by the Corporation, and the mayor is an *ex officio* member besides.

17. As a matter of fact there are, I see, ten members of the Corporation members of the Harbour Board?—Yes.

18. But that is, I presume, purely accidental?—Yes.

19. Has the Corporation anything to do with the tolls and dues of the harbour, either with their collection or expenditure?—No.

20. Was that 1*s.* 10*d.* in the pound levied by the Town and Harbour Commissioners for the benefit of the town generally?—Yes, generally for lighting and cleansing.

21. That was in the nature of an improvement rate?—Yes.

22. What rates have you levied since 1869?—Up to the full amount.

23. This Act of 1869, I believe, also gave you powers to purchase all tolls, fees, and other rights of Mr. Owen Wynne, whose forefathers were the old patrons of the borough, in the fairs and markets, including the butter market?—Yes.

24. But those powers were not to be exercised after the 1st July, 1872?—No; the Corporation ceased to have the power to purchase the tolls of the markets after 1872.

25. I gather from the report of the Municipal Commissioners of 1835, that all the tolls and dues leviable in the town were the private property of the then Mr. Owen Wynne, of whom the present Mr. Wynne is the representative?—Yes.

26. Have those powers been exercised? Have the Corporation purchased any of those rights from Mr. Wynne?—They have not.

27. Under the Act, the Corporation had, I see, power to establish slaughter-houses and markets of their own—have they done so?—No.

28. This Act also gives the Corporation powers to borrow the sum of £50,000, of which £25,000 was to be expended on waterworks, and £25,000 was applicable to the purchasing of those rights and other improvements?—Yes.

29. Was any of this money borrowed?—No.

30. How was that?—We applied for it, but did not get it.

31. How was it you failed to get it?—They would not give it.

32. To whom was the application made?—To the Public Works Loan Commissioners, and they refused to sanction the granting of the loan for waterworks under the limiting clauses of the Act.

33. Alderman *Kidd.*—The Public Works Loan Commissioners were quite disposed to lend the money at the time, but I believe their objection was that there was no special rate for the water supply, and that the interest upon the borrowed money should be taken out of the general rate, and the Commissioners thought the margin left for the payment of the interest was rather low—there was a good deal of calculation based on what would be produced by the sale of water, the receipts of the markets, and what would be saved by economy in the management of the rates.

34. Chairman.—In short, I suppose, the Commissioners did not consider the security sufficiently good?

Alderman *Kidd.*—I suppose that was it.

35. Chairman.—The 168th section of the Sligo Borough Improvement Act, and following clauses are, I see, those applicable to the borrowing powers of the Corporation—

"The Corporation from time to time may borrow money at interest for purposes of this Act, not exceeding in the whole the sum of £50,000, and not exceeding for the purposes of waterworks alone the sum of £25,000, as portion of the said sum of £50,000, and may mortgage the borough fund as a security for the repayment thereof."

The 172nd section says—

"The Corporation shall not borrow any money under the powers of this Act, except with the previous approval of the Town Council by a resolution in favour of which not less than thirteen members shall have voted."

Did you get a resolution passed in favour of borrowing the money supported by thirteen members?—Oh, yes.

36. Then there was no difficulty on the part of the Corporation?—There was not.

37. How much did you intend to borrow?—£35,000.

38. That was £10,000 more than you could borrow unless you established waterworks?—It was with the view of establishing waterworks, and building markets.

39. The Corporation then, I presume, passed a resolution to borrow £35,000, and the Public Works Loan Commissioners declined to grant the money not being satisfied with the security?—Yes.

40. What year was that?—Immediately after the passing of the Act, in 1870—'71, instructions were immediately given to the solicitor.

41. Of course you wanted to borrow money to pay off the expenses of the Act?—Yes.

42. How were those costs to be paid?—Two-thirds of the costs of the Act were to be paid by the Corporation, and one-third by the Harbour Commissioners.

43. Have the two-thirds of the costs of the Act been paid?—They were. We had to borrow money

on debentures for the purpose of paying the costs of the Act.

44. Have the Harbour Commissioners paid their one-third?—They have.

45. What authority had you for borrowing the money you did? Had you any authority beyond the general borrowing powers of this Act?—No.

46. How much did you borrow?—The costs of the Act amounted in round numbers to about £3,000.

47. What have you borrowed?—We borrowed that sum, and in addition other sums.

48. You seem to have borrowed last year, £7,150?—Quite so. The total amount we have borrowed is £11,566. Part of that was borrowed previous to the passing of the Act, 1869.

49. Out of the money you borrowed since, you say, you paid the costs of the Act, but have you exercised any of the other powers given to you by the Act in the expenditure of capital?—No.

50. What are your revenues besides this 4*s.* 6*d.* rate?—Rents.

51. I saw when looking over the report of the Municipal Commissioners of 1835, that at the time they reported on Sligo, in 1833, you had only a very small landed property, nineteen and a half acres, Irish, formerly a common. Is that still the property of the Corporation?—Yes.

52. You had also about one rood, the site of a pound, and then occupied by cottages and producing about £10 a year. Do you receive those rents still?—We do.

53. Do they still produce that rent of £10?—It is now £9 4*s.* 6*d.*, English currency.

54. The other property at that time produced £98, Irish currency. What does it produce now?—£66 16*s.* 1*d.*, English. In 1848, I should say, that the Lord Lieutenant authorized the Corporation to make over to the people, for the purposes of making a cemetery, a portion of those lands. The cemetery was very much required at the time.

55. How much of the nineteen and a half acres was appropriated for the purposes of a cemetery?—Well, I am informed about five and a half acres.

56. Then there are about fourteen acres productive?—Yes, and they produce about £66 16*s.* 1*d.*

57. Is this property let to more than one individual?—Oh, yes, to more than one.

58. How many?—I think about four. (Map produced, showing the position of the lands, which contain twenty-nine and a half statute acres, which are let to tenants, and five and a half statute acres in the cemetery. The Ordnance valuation is £48 9*s.*, and the lands are let to tenants, producing rents amounting to £66 16*s.* 1*d.*)

59. Have these lands been let on lease since the passing of the Act of 1840?—I don't think there are any leases at all.

60. Are they all annual lettings?—They are let by the year—all yearly tenancies.

61. Are any of them let to members of the Corporation?—Yes.

62. There are, I see, nine lots. Which of them are let to members of the Corporation?—Nos. 1 and 7—only two lots—and the sub-sanitary officer has got a small holding, which he had before he was appointed. No. 1 lot is let to Alderman Tighe, and contains 3A. 1R., Ordnance valuation £5 4*s.*, rent £7 5*s.* 6*d.*

63. Was that let to him when he was a member of the Corporation?—I am not aware. No. 7 lot is let to Mr. William A. Woods, a member of the Corporation, contains 6A. 1R. 10P., Ordnance valuation £9 15*s.*, rent £14 19*s.* 6*d.*

64. Who is the sub-sanitary officer?—William Feeney, who holds lot No. 8, containing 2A. 1R. 30P., Ordnance valuation £3 15*s.*, rent £4 15*s.* 3*d.* He held that long before he was appointed.

65. When any of those lots fall vacant how are they let? Is it by public advertisement?—In 1849 all the lands were advertised by order of the Corporation.

66. Are some of your tenants persons who took up the lots from the tenants to whom they were let in 1849?—Yes, and some of the tenants are continuing tenants since 1849.

67. When any of the lots have fallen into the hands of the Corporation since 1849, what course of proceeding has been adopted? Have they been put up to auction?—No; the people who had the land let it to another tenant, with the approval of the Corporation, which is given if they consider the incoming tenant as good as the outgoing tenant, they allow them to do so.

68. Have they inquired as to how much the outgoing tenants got from the incoming tenants for surrendering their lots?—Well, I don't think they interfered. Probably if the Corporation did, the outgoing tenants would not give up the land. If the incoming tenant is solvent, they make no objection.

69. Have any of those lands been let by the Corporation *per se* since 1849?—No, not since I have been town clerk.

70. Then they are all either old tenants or tenants substituted by the original lessees, with the sanction of the Corporation?—Yes.

71. You say you had a valuation of those lands? When was that valuation made? Was it before 1849?—Not before 1849, but it was long before my time. Probably the lands were vacant, and they advertised them. There was a re-valuation of the lands in 1855 by Mr. Yeates, for the information of the Corporation.

72. What was the valuation then?—It was £3 15*s.* per Irish acre. I also find by the book that the tenants who were then in possession were to get the preference if desirous of taking them on at that valuation.

73. Then are they let substantially at the valuation made in 1855?—Yes.

74. So that you got an increase of rent upon the public tenders of 1849?—Yes; in 1852 they were let at an average of £3 5*s.* per Irish acre, and now they produce £3 13*s.* 6*d.* per Irish acre. The Ordnance valuation of the five and a half acres given for the cemetery is £11 7*s.*

75. That includes, I suppose, some buildings?—Yes, the cottage gatehouse only. There is no mortuary chapel.

76. Is that all the property belonging to the Corporation except the town-hall?—Yes.

77. And the cottage property, which produces £9 4*s.* 6*d.*?—Quite so.

78. When was your first 4*s.* 6*d.* rate levied?—In the year 1870, the year after the passing of this Act.

79. Have you since that time maintained all the streets in the town?—Yes.

80. And do you maintain the roads in the rural part of the borough?—We do.

81. First of all, I see this Act altered the boundaries of the borough?—Yes, from the old municipal boundary to the Parliamentary boundary.

82. I understand the old municipal boundary was very limited?—It was.

83. Can you tell me what it was? May I take it from *Thom* that the Parliamentary borough was 3,001 acres, of which 407 acres were in the town? Were the old municipal boundaries limited to those 407 acres?—Yes.

84. Then by the Act of 1869 you got rating powers over the difference in acreage between the old municipal and the Parliamentary boundaries?—Yes.

85. Since that time have all the roads and streets been kept in repair within the enlarged boundaries by the Corporation?—Yes.

86. Now, do you light beyond the old municipal boundaries?—We light only within the old municipal limits.

87. Is there, as regards the rating, a difference between the municipal and Parliamentary areas?—There is. Land outside the municipal area is rated at 2*s.* 3*d.* in the pound, and houses at 2*s.* 6*d.*

88. I see the limit of your rating power is 4*s.* 6*d.* until you establish waterworks, and then you can raise it to 5*s.*, including the 3*d.* borough rate?—Yes.

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89. How do you distinguish between the old municipal limits and the new part as regards rating?

Alderman *Kidd*.—We can levy on houses 100 yards beyond the gas-lamps 2*s*. 6*d*. in the pound, and lands are the same.

90. CHAIRMAN.—By the 3rd sub-section of the 147th clause, the rate is limited to 2*s*. 6*d*. in the pound upon houses at a distance exceeding 200 yards from any public gas-lamp; or 100 yards from any main-pipe for the purpose of supplying water, with this proviso, that so long as it is limited to a 2*s*. 6*d*. rate, the Corporation are not bound to supply gas or water to any such house?

Witness.—Yes.

91. There has been, I assume, no 3*d*. borough rate levied since 1869, the 4*s*. 6*d*. covered all?—Yes.

92. First of all, what is your entire rateable valuation?—Our rateable value is £18,109 8*s*.

93. Is it not a very small proportion of the property which pays only half rates?—Yes.

94. What is the rateable value of the property which pays full rates?—£13,629 19*s*.

95. How much is the rateable value of lands upon which you levy only a rate of 2*s*. 3*d*. in the pound?—£3,621 17*s*.

96. And the valuation of houses that pay the half rate of 2*s*. 6*d*. is how much?—£857 12*s*.

97. Upon these several valuations how much does your entire rate under the Act of 1869 amount to?—In 1875 it amounted to £3,540 4*s*. 1*d*.

98. That was the last rate audited by the Local Government Board auditor?—Yes. Our year ended in October, 1875, and it was audited in September, 1876.

99. Your rates, including arrears from previous year, then amounted to £3,628 8*s*. 8*d*. to be collected?—Yes.

100. Out of that there was, I see, collected and lodged in the bank £3,310 17*s*. 2*d*.?—Yes.

101. You also, I see, collected and lodged £25, "sanitary rate." What rate is that?—That is a 3*d*. sanitary rate for sanitary purposes under the Public Health Act.

102. Is that in addition to the 4*s*. 6*d*. rate?—The £25 is a small portion of the rate. In addition to the 4*s*. 6*d*. rate we have laid, since the passing of the Sanitary Act of 1866, two sanitary rates—one 6*d*. rate previous to the passing of the Act of 1869, and one 3*d*. rate since, in the year 1875. In this audited account there is £25 of the rate laid in 1875 brought into account.

103. Is that rate all collected by this time?—No; there is a sum outstanding yet of £10 which has not been collected.

104. Then, I see, you received on debenture mortgages £7,150 in that year. What was that for?—Partly to pay the expenses of the Act of Parliament.

105. What is the meaning of "£283 2*s*. 10*d*., proceeds of bill discounted by bank"?—That was a running bill. Mr. Chism, the treasurer, will explain that.

106. You received also, I see, £72 13*s*. 3*d*. for rents, £155 13*s*. 6*d*. for the letting of apartments in the town hall, and £36 19*s*. 9*d*. for petty sessional fines?—Yes.

107. Are you the petty sessions clerk as well as town clerk?—Yes. I receive those fines in the first instance, I then pay portion to the Corporation, get their receipt, and send them forward to the Registrar in Dublin.

108. The sum of "£13 19*s*. 8*d*., dog licenses," is paid, I presume, direct from the office in Dublin. That, with the sums I have enumerated, and the balance in the treasurer's hands of £36 19*s*. 9*d*. (viz., £24 16*s*. 5*d*. upon the town hall account, and £12 3*s*. 4*d*. upon the sanitary account), made up your total account for the year to £11,097 10*s*. 5*d*.?—Yes.

109. You started that year, did you not, owing the Provincial Bank on overdrawn account £647 14*s*. 11*d*., irrespective of any bills discounted?—Yes.

110. The first item of "Salaries—Mayors for 1868, 1869, 1870, 1871, 1872, and 1873"—wants a little explanation. How did you come to let your Mayors' salaries run so much into arrear?—We had no money to pay them.

111. But this particular salary has not been once paid since 1868 until 1875, and yet you have been levying rates since 1870?—When you go on to our payments you will see they had something to do with it.

112. Had you very heavy debts to pay?—We had.

113. Is the next sum—"Town clerk, treasurer and accountant, and borough surveyor, £397"—all for more than one year's salaries?—Oh, no.

114. You kept those salaries then paid up?—Yes.

115. What are the salaries of those officers?—The town clerk's salary is £90, and the treasurer and accountant's salary was then £60.

116. What is it now?—£80.

117. What is the borough surveyor's salary?—£80.

118. Are the salaries of the constables and watchmen included in that £397?—Yes; they get 12*s*. a week each.

119. What other officers are there?—That is all, with the exception of the collector.

120. But the salaries of those officers for one year do not come to £397?—There may have been a balance from the former year. They were regularly paid, but it is the actual payments within the year the auditor looks into, not the accounts from year to year.

121. Who looks after the scavenging of the streets? Is the cost of that included?—There is a contract for that.

122. Are your public health officers included in that sum of £397?—They are not. You will see that they are included under the head of sanitary expenses.

123. As executive sanitary officer did you receive an additional salary?—I did, £20.

124. Do any of those officers you have enumerated hold any offices under the Sanitary Act?—No.

125. What is your collector's poundage?—Sixpence in the pound.

126. Does he collect anything besides the rates? Does he receive the rents?—No. The rents are paid to the treasurer direct.

127. Is he paid for that by salary or by poundage?—By poundage.

128. Then there is I find "collector's poundage," including balance due in 1874, £118 13*s*. 4*d*.; printing, advertising and stationery, £22 5*s*. 9*d*.; rent and taxes, £1 18*s*. 6*d*.; and office expenses, £12 6*s*. 3*d*.?—Yes.

129. The next entry is "payment to Sligo Grand Jury, £881 5*s*. 5*d*." What is that for?—That is for general expenses and the repair of the county roads outside the Parliamentary boundary throughout all the county.

130. That sum included of course the gaol and the Lunatic Asylums?—Yes, and the petty-sessions court-houses.

131. I take it for granted that is paid as it accrues due every year?—Yes.

132. So that there are no arrears in connexion with the item?—No. It is for one year only and paid by two payments in each year.

133. Then there is "interest on debt, £392 3*s*. 9*d*." That is interest on mortgages, I presume, as distinguished from bank debt?—Yes.

134. I see there was "interest on bills and bank account, £75 8*s*. 10*d*." Has the auditor given you any intimation you cannot legally pay interest on overdrawn accounts in the bank?—No.

135. Then there seems to have been a small sum of 15*s*. 9*d*., rate paid in error and refunded; and then comes "erection of boundary stones, £14." Were those stones for the purpose of making out the new boundaries?—Yes.

136. The borough coroner's fees and expenses of inquests came to £18 11*s*.; and £932 3*s*. 1*d*. was expended on the repair of streets and foot-ways, which last sum, I see, included a balance due from the preced-

ing year. £135 19*s.* 10*d.* was expended on scavenging. Have you always done your scavenging by contract since 1869?—Yes, we have always advertised since then.

137. Is the scavenging done to the satisfaction of the town generally?—I believe so.

138. And, I suppose, the contractor makes what he can of the manure?—He does.

139. What is the amount of your present contract?—£133 6*s.* 8*d.* We have a contract for three years.

140. Then your lighting, including arrears due from 1874, came to £749 17*s.* 3*d.* Is the lighting carried out by contract with the gas company?—Yes.

141. Do you contract at so much per lamp, or so much per thousand cubic feet?—At so much per thousand cubic feet.

142. What rate per thousand cubic feet do you pay?—6*s.* 3*d.*

143. How many public lamps do you maintain?—110 were erected originally, and three more have been erected since.

144. Have the Corporation any connexion with the gas company?—No.

145. The next item is "Expenses of pumps, £29 9*s.* 6*d.*" Are these public pumps the only public water supply you have?—They are the only public water supply.

146. How many public pumps maintained by the Corporation are there?—About twelve.

147. Is the supply sufficient for the wants of the inhabitants?—Sometimes it is not sufficient.

148. I presume from the fact of your seeking powers to borrow £25,000 for waterworks in 1869, that the existing supply was not then sufficient for the town?—It was not sufficient.

149. Is the water of good quality?—It is not considered very good.

150. Had you it analyzed by Dr. Cameron?—Yes.

151. What does he say substantially about the water?—Some of the pumps are worse than others. One of them is condemned.

152. Has the one that is condemned been closed?—We had two or three of them cleaned last year. The people do not like to have them closed.

153. When you say you have twelve pumps do you mean you have twelve pumps in actual use?—Oh, no. (Hands in copy of Dr. Cameron's analysis).

154. CHAIRMAN (reading):—

"Both Nos. 12 and 13 are largely contaminated with animal matter, no doubt derived from sewage, and should be rejected for drinking purposes as dangerous to health. No. 13 is a tolerably fair water, but might be greatly improved by filtration as it contains vegetable matter suspended in it."

Have those pumps been disused?—No; but they were cleaned out immediately after that report.

155. Have you any public filters?—No.

156. Has number 13 been cleaned out?—Those three (numbers 12, 13, and 14), have all been cleaned out.

157. Are those the only three that have been analyzed?—Yes; we were doubtful about those.

158. £29 9*s.* 6*d.*, I see, was your expenditure on those pumps this year?—Yes.

159. "Law costs" came to £24 6*s.* 10*d.*?—Yes.

160. "Weights and measures, £19 13*s.*" What is that?—That was for expenses under the Weights and Measures Act. The Constabulary are bound to inspect the weights and measures from house to house and then report on them.

161. Have you no inspector of weights and measures of your own?—No; these are the expenses paid to the Constabulary for inspecting the weights and measures.

162. "Amount paid to meet bills drawn on treasurer, £785." What are these transactions with the treasurer by bills?—They are moneys advanced by the public treasurer to meet pressing accounts.

163. When you have not money enough from the rates is it your practice to draw on your treasurer?—We had to do it once or twice.

164. When you say the treasurer do you mean these are drawn on the bank or treasurer and accountant?—They are drawn on our officer, the treasurer, and discounted at the bank. The treasurer accepts the bills.

165. Had you many bills of this nature outstanding when you got your Act of 1869 passed?—Not very many. I cannot tell you from memory.

166. Then you paid £33 12*s.* for two years' audit of accounts, in 1875, to the Local Government Board, and £12 4*s.* 10*d.* for small miscellaneous items?—Yes.

167. Then there is £2,462 5*s.* 4*d.* expended altogether in respect of the town hall?—Yes.

168. Is that mainly in respect of the erection of the town hall, but including £50 for the rent and other small expenses?—Yes; interest on current bills, expense of gas-fittings, &c.

169. The town hall has been built recently, I see. With what funds was it built?—£2,790 given from Government Reproductive Loan Fund, subscriptions given by private individuals in the town, and something about £5,000 drawn from the borough fund.

170. Of which I see £2,415 2*s.* 4*d.* forms the balance?—Yes. (See audited accounts in Appendix 17, page 388.)

171. It was taken by anticipation from the borough fund, the fund which you were entitled to raise under this Act?—Quite so.

Alderman *Kidd.*—It was raised in the first instance by members of the Town Council borrowing money from the Provincial Bank, and giving their own personal security; and afterwards money was borrowed on debenture mortgages and all cleared off.

172. While it was in course of building did certain members of the Town Council become responsible for the £5,000?

Alderman *Kidd.*—There was not £5,000 borrowed. I think it would be right to have that corrected.

173. I see there has been spent from the borough fund between 1870 and the present year £4,720 9*s.* 8*d.* on the town hall.

174. Alderman *Middleton* (to *witness*).—What is the amount of the private subscriptions for the town hall?

Witness.—The expenses of the town hall altogether would be about £9,000.

175. CHAIRMAN.—Did you get £2,700 from the Reproductive Loan Fund?—Yes.

176. You got a certain amount by private subscription, and then the remainder, I suppose, the borough fund was liable for. I see Thom says, in reference to it—

"The town hall was erected in 1865–6; the ground floor consists of an exchange, free library, and reading-room, chamber of commerce, borough court and council chamber, and other offices. The upper floor comprises a large assembly-room, seventy-four feet by thirty-two, also a room for the harbour commissioners, town clerks, and other officers. To defray the expense a sum of £2,700 was granted from the Reproductive Loan Fund for the county, and the balance, £2,300, was raised by voluntary subscription."

That would imply it cost only £5,000, you know, but it seems it cost nearly £10,000. Here is a list of the subscribers. (Hands in list of subscriptions.)

177. How much were the Corporation liable for?—They were liable for the balance from the subscriptions and the Reproductive Loan Fund.

178. Is that all paid now?—It is. Those are the actual payments now. There are debentures out for some of those.

179. You got in round figures £5,000 from subscriptions, and £4,720 9*s.* 8*d.* since, either from the borough rate, or in money borrowed on security, either one or the other?—Quite so; that is the way of it.

180. Your sanitary expenses in 1875 came to £110 13*s.* 2*d.*, which included £50 for the salaries of the officers. Would that £50 include your own salary of £20 as executive sanitary officer?—Yes. One of the sub-sanitary officers, Feeny, gets £10 a year.

181. What other office does he fill beside that of

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sub-sanitary officer?—None else under the Corporation. There is 15*s.* a week paid to Doherty, another sub-sanitary officer; and the two medical officers get £5 a year each.

182. As a matter of fact, does this £50 not cover a year's salaries?—No; the salaries amount to £89, and now we have a consulting sanitary officer, who gets £20.

183. Had you a consulting sanitary officer in 1875?—We had.

184. There was, in fact, only half a year's salaries paid in that account?—That was all.

185. Out of that £110 13*s.* 2*d.* you only expended £36 15*s.* 10*d.* on sewerage. Has any sewerage work been done by the Corporation?—Yes.

186. £36 15*s.* 10*d.* would only pay for the opening and cleaning of them. Since the scavenging has been taken over from the Grand Jury have the Corporation made any main sewers?—No main sewers; they have, however, made some small ones; there are some very large main sewers in the principal streets.

187. Were not those sewers made by the Grand Jury in 1869?—Yes.

188. Are the houses of the town as a rule well connected with the main sewers?—In the principal streets they are; and the outlying portion of the town are, generally speaking, built on a hill, and the houses there are pretty well connected with the main sewers.

189. I see that at the end of the year, instead of owing the bank money, as you did at the close of the preceding year, there was a balance in the hands of the treasurer of £36 19*s.* 9*d.*, made up of £24 16*s.* 5*d.*, town hall account; and sanitary account, £12 3*s.* 4*d.*?—Yes.

190. Are all the salaries paid by cheques drawn by three members of the council?—There is a finance committee, and three members sign the cheques.

191. Which do you draw on, the treasurer or the bank?—On the bank.

192. Is the account kept in the bank?—Well, virtually it is. Everything is lodged in the bank.

193. And lodged in the bank to the credit of the Corporation?—Yes.

194. And is there only one account kept?—One account.

195. Have you separate rates for separate purposes?—We have the sanitary rate, which is separate. There are three accounts—the borough fund account, the sanitary rate account, and the general account. We keep separate accounts for everything.

196. Do you keep a separate account for the town hall? That is a capital account, you know?—Yes.

197. In fact, the only rate accounts you keep are the borough rate and the sanitary rate?—The others are very trifling.

198. Just tell me the constitution of the Corporation? How many members of the Council are there?—Twenty-four.

199. How many of those are aldermen?—Six.

200. Is the mayor elected from the general body?—He is.

201. What is the salary of the mayor?—£120.

202. How many wards are there?—Three.

203. What were those wards fixed by?—By the Act of 1840.

204. Have they been remodelled since?—No, with the exception of the change of boundary of 1869. There was no change in the wards; they have only been extended. (Refers chairman to 6th section of the Improvement Act.)

205. CHAIRMAN (having read the section).—I see you adopted the Parliamentary wards as defined for Poor Law purposes under the 6th section of the Improvement Act?—Yes.

206. Were those wards as far as refers to the municipal portion of the borough the same in the parliamentary as they were in the municipal?—They were.

207. And you merely extended them into the rural portion according to the old parliamentary boundaries?—Quite so.

208. What are the names of the three wards, the rateable value of each, and the number of burgesses in each?—They are named the North, South, and West Wards. The valuation is £6,212 5*s.*, £5,334 7*s.*, and £6,562 16*s.*, and the number of burgesses 91, 114, and 138 respectively. Each ward returns two aldermen, and six town councillors.

209. Are they, roughly speaking, tolerably equal?—I believe they are.

210. Is the number of councillors for each the same?—Yes.

211. I see from some newspapers that have been sent me that there has been a good deal of agitation in the town with regard to the butter-market?—Yes.

212. What are the circumstances at the present moment in regard to the butter-market. First of all, who is the weigh-master?—Mr. James Tighe.

213. Is he a member of the Council?—Yes.

214. At the present moment is the right of appointment vested in the Town Council or not?—If the appointment were vacant it would be.

215. Was the right so vested prior to the passing of the Act of 1869?—The power of appointment was vested in the Corporation, but not on the same terms.

216. I gathered from the report of the Municipal Corporation Commissioners of 1835 that the right of appointment vested with the family of Mr. Wynne. Was that Mr. Wynne the patron of the borough, and weigh-master and butter-taster?—He was. In 1850 there was a suit taken by the Mayor, Mr. Kelly, against the then weigh-master, Mr. Wynne, and he continued to hold it during his life by the decision of the Queen's Bench in his favour. At his death Mr. Clarke, his deputy weigh-master continued to hold it.

217. Was that Mr. Owen Wynne or Mr. John Wynne?—Mr. John Wynne.

Alderman *Kidd.*—At Mr. Wynne's death his son succeeded him in office, as he believed, by hereditary right, and exercised the right for a little time. Then the Corporation denied the right, and he appointed Mr. Clarke.

218. Was it a matter of dispute between the Corporation and the Wynne family that the latter had an hereditary right to the position?—Yes. Mr. Wynne was appointed originally, and at his death his son thought he had a right to succeed him. The right was then disputed, and Mr. Wynne then appointed Mr. Clarke as weigh-master, and an action was taken against Mr. Clarke in assertion of the rights of the Corporation.

219. What year was that in?—In 1868.

220. Was that gentleman the Mr. Owen Wynne named in the Act of 1869?—The same.

221. Was he the son of Mr. John Wynne who asserted his right against the Corporation in 1850?—Mr. John Wynne died in 1867, I believe, and then Mr. Tighe was appointed by the Corporation as weigh-master the same year, in 1867. Then another action was brought to try the right by Alderman Tighe against Mr. Clarke.

Alderman *Kidd.*—I am inclined to think the decision of 1850, was about the tolls and not about the right at all.

222. CHAIRMAN.—I want it to be known that I have neither any right nor power to express an opinion on this subject. I am simply here to take a note of the facts. I shall read you what are my powers from the warrant (Reads):—

"To ascertain the facts connected with the revenues of such municipal bodies; the rates levied by them for municipal and sanitary purposes; and the mode in which the property, revenue, and rates are administered and applied."

Therefore this question of the butter-market, or any market or tolls whatever comes under my cognizance only in that way. Some gentleman has sent me some newspapers which I have read. I gather from them there is a good deal of discussion in Sligo, as to whether Mr. Alderman Tighe, a member of Corporation, is at present justified in holding the position of butter-taster and weigh-master. Some people think he

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is in for a certain time only, while others and he himself think he is for life. The first question is whether the Corporation have a right to the butter-market. The fact that the right rested with them was established by the action of 1868, by Mr. Alderman Tighe against Mr. Clarke. I suppose you have a record some where or other of the judgment of the Court of Queen's Bench on that subject, which would probably clear the position; or you could give me the appointment of Mr. Alderman Tighe, and the decision of the Court of Queen's Bench, when I could better understand what the terms of the appointment were; whether he was to pay anything out of the butter-market, and what the considerations were. (Minute containing the appointment of Mr. Alderman Tighe in 1867, produced by Witness).

223. CHAIRMAN (having read minute).—Has the appointment previous to this been in the hands of the Wynne family?—Yes.

224. In 1833 did the Wynnes, father and son, ever pay anything to the Corporation out of the butter-market?

Witness.—Not a shilling.

225. Up to 1867, when Mr. Alderman Tighe was appointed, did the Corporation ever derive revenue from the butter-market?—No.

226. The point is, whether the Corporation, since the action of 1867, have any right to receive any such revenue. Alderman Tighe, you say, holds the office of weigh-master and butter-taster?—He does.

227. By whom was he appointed?—By the Corporation.

228. In what year?—In December, 1867.

229. Meanwhile, at that time was there another person performing the duty of weighmaster and butter-taster?—There was—Mr. William Clarke.

230. By whom was he appointed?—By the present Mr. Owen Wynne.

231. Did the present Mr. Owen Wynne claim to hold the right of weighmaster and butter-taster as hereditary from his father?—He did.

232. Was an action brought to try the question by Mr. Alderman Tighe against Mr. Clarke?—Yes.

233. What was the decision in that action?—It was decided in Mr. Tighe's favour in Galway in 1868.

234. Was there an appeal against that decision?—I believe the matter was brought before the Court of Queen's Bench in Dublin.

235. Was the decision confirmed by the Court of Queen's Bench?—There was some point reserved by the Court.

236. I will not go into the subject further now, but between this and to-morrow morning I shall be glad to have the Act of Parliament, the 52nd Geo. III., chapter 152, together with any documentary evidence you can show me about the appointment of weigh-master and butter-taster previous to that, as well as a copy of the decision of the Court of Queen's Bench, if you can possibly let me have it. If it can be shown me that the Corporation have a right to the appointment (and unless they are debarred by the Act of Parliament they have the right), I then want to know what terms they made. First of all I want to know what are their existing rights in the matter, what rights they have hitherto exercised, and what rights they exercised at the time of Mr. Tighe's appointment.

Mr. EDWARD CHISM examined.

Mr. Edward Chism.

237. Are you the treasurer and accountant?—Yes.

238. Have you held the office long?—For over seventeen years.

239. As treasurer and accountant, do you receive the rents for the Corporation?—Yes.

240. Do you receive any other moneys?—Of late, since the town hall began to be perfected, I have received all the moneys for the hiring of the rooms.

241. You received £155 13*s.* 6*d.* in 1875 for the letting of the rooms for public purposes?—Yes.

242. Are any of the apartments in the town hall let for such public purposes as to the militia, for instance?—No. The commercial news-room is set at a rent of £25. The Harbour Commissioners have the use of certain apartments which they pay no rent for, as they contributed £500 to the erection of the building.

243. Do you receive any other permanent annual rents besides the £25 a year for the commercial news-room?—We receive no other permanent rents but that.

244. Then the other lettings are for casual purposes?—Yes. The gross rental is £76 0*s.* 7*d.*

245. Is that well paid up?—Yes, there are no arrears due. In fact we never let them be due.

246. Are these all the moneys you receive?—Yes.

247. Do you pay them to the account of the Corporation at the bank?—Yes; there are constant weekly outgoings which I have to pay.

248. I see you have a small balance on the town hall account, and a small balance on the sanitary account?—Yes, at the end of the year.

249. Do you pay the sanitary officers, or are they paid by cheques like the other officers?—Since 1874, when we came under the Public Health Act, the money for this purpose is all lodged in the bank, and they are paid by cheques.

250. You do not pay any of the salaries then?—They are all paid on the order of three members of the finance committee, countersigned by myself.

251. Do you merely pay them by cheques drawn by the committee?—That is all.

252. How came you to have a balance of £6 7*s.* 9*d.* on the town hall account, and a balance of £42 16*s.* 6*d.* on the sanitary account in your hands?—It arose in this way. Before the rate I speak of, struck under the Public Health Act, there were other rates; and at the close of the year there was that amount to credit in my hands.

253. In fact there was no sanitary account on your books at that time?—There was not.

254. You were going to explain to us this system of the drawing of bills on you by the Corporation?—Previous to the passing of the Act of 1874 the Corporation were often very much in want of money for current expenses. They have been very much more pressing since the passing of the Act. We had nothing at that time, our only income being a three-penny rate.

255. When the Act of 1869 was passed, I understood from the town clerk the Corporation was considerably in debt?—Oh, necessarily.

256. Before the first rate was collected, had they occasion to borrow money by bills?—Yes, frequently.

257. Were those bills drawn upon, or discounted by the bank?—The bills were discounted at the usual bank rate, and the proceeds given credit for in the bank account.

258. And has that system been continued more or less up to the present time?—It was only a temporary expedient, but so recently as 1875 it was made use of. They were all cleared off, however, as soon as they came to maturity.

259. From the audit account for 1875, now before me, there was, I see, a fresh bill drawn and discounted by the bank for £283 2*s.* 10*d.* What was that bill for?—It was for £285. Our road contractor wanted money, and we gave him the £285 raised in that way.

260. And there were three other bills within that year?—Yes.

261. Were those paid out of the money borrowed during the year?—Yes.

262. You received on account of debenture mortgages £7,150. Was that the full amount you had to receive, or had you mortgages for more than that?—The Council determined on raising £5,000 for the purpose of clearing off all their current liabilities, both on the town hall account and the general account. They succeeded in getting the £5,000; and on my own recommendation they also afterwards raised £2,000 for the purpose of paying £2,000 Irish currency on old debentures left on the passing of the bill as legacies to the Corporation. They were paying at the rate of

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Mr. Edward Chism.

six per cent. interest in Irish currency. We saw it would effect a saving of £18 or £19 a year by changing this into ordinary currency, and we then got the £2,000 at five per cent. in the Irish currency.

263. What was the date of that debt of £2,000 Irish?—I believe it was a debt contracted by the old Town and Harbour Commissioners previous to the passing of the Act of 1803.

264. And that £2,000 is now paid off?—It has been paid off every farthing.

265. In paying this £2,000, recognised by the section I have heard read (the 173rd section), was there any debt owing by the Corporation at the time of the passing of the Act in 1869?—£1,200 more was owing before the passing of the Act of 1869.

266. How had that arisen?—The origin of it was to pay the expenses of the revising barrister, when some changes were made in municipal matters.

267. The Act of 1869 gave you power to borrow £50,000 in addition to the old mortgage of £2,000. I want to know whether the £1,200 is a mortgage under the Act of 1869?—I think not.

268. Was that £1,200 borrowed on the security of the borough rate?—There were two bonds, I think, regarded as mortgages on the lands; one for £400, and one for £300.

269. What moneys have you borrowed since the passing of the Act?—£7,150 to pay off current liabilities.

270. What year was that in?—In 1875.

271. Did you borrow anything between 1869 and 1870?—Yes. The debenture mortgages of £2,860 18*s.* after the passing of the Act of 1869 were to pay the costs of the Bill.

272. Were those mortgages of the rates or the lands?—A mortgage on all the property.

273. Chairman.—Well, then it was a mortgage on lands and rates.

Alderman *Middleton.*—The income of the Corporation would cover all. The mortgage included every source of income.

Witness.—I believe it covers the property as well as the rates. It was on the security of the borough fund. The next was a sum of £850 to pay a balance due to the Harbour Commissioners by the old Town Commissioners.

274. What year was that in?—That mortgage was made in the month of January, 1874. The next mortgages amounted to £7,150, all in 1875.

275. They included £5,000 to pay off the balance due on the town hall?—Yes.

276. Was it to pay off anything else?—All current liabilities.

277. What authority had you to borrow that money?—That is a matter I cannot give you information upon.

Mr. Moloney.

Mr. Moloney (called by Chairman).

278. (To Mr. *Moloney*, solicitor).—Can you tell me what authority there was for getting this £7,150? I can understand the cost of the town hall would be money for a purpose recognised by the Act, but I do not understand how the Act empowered you to borrow for the purpose of discharging current debts. Was it you who negotiated the loan of £7,150?

Mr. *Moloney.*—No, it was not done through me.

279. Was the sanction of the Lords of the Treasury asked?—The auditor was satisfied as to the right of the Corporation to borrow; but I will look into the matter and let you know.

Mr. Chism.

Mr. Chism's examination resumed.

280. Chairman.—What, then, is now the total mortgage debt?—The total mortgage debt at the present amount is £10,866 18*s.* That is the amount of the debenture mortgages under the Act; but then there is a sum of £700, made up of mortgages of £300 and £400 which existed prior to the passing of the Act.

281. That makes £11,566 18*s.* Of that £2,415 2*s.* 4*d.* balance in bank at last audit, how much have you expended?—At the present moment we have about £1,000. (For last audited accounts, see Appendix 17, p. 388.)

282. Have you got any outstanding liabilities beyond current expenses?—No.

283. Have you any outstanding bills?—No; nothing of the kind.

Mr. William Cochrane, C.E.

Mr. William Cochrane, C.E., examined.

284. Chairman.—Are you the borough surveyor of Sligo?—I am.

285. How long have you held that office?—Five years—since September, 1872.

286. Previous to your appointment who had charge of the sewerage and drainage works of the town?—The county surveyor had the management. He continued the management of them up to the time of his death.

287. Did he continue to act after the passing of the Act of 1869?—He did up to the time of his death in 1872, and then I was appointed borough surveyor.

288. What condition is the sewerage of the town in?—Remarkably good—not a better sewered town in Ireland.

289. Have you good main sewers down the principal streets?—There are. The late county surveyor got a good deal of money during the relief works at the time of the cholera. He was a very energetic man and he got all the principal streets sewered. I don't think there is any town in Ireland better sewered.

290. From what source do you say he got the money to construct these sewers?—From the Commissioners of the Board of Works.

291. Contributed for that purpose?—Yes, in this way—there was a certain amount of money given for works in the county, and he got the Grand Jury to present a good deal for sewerage works in the town of Sligo, and the result was that we have got a well sewered town. Since the death of the county surveyor I have made some small additions to the sewerage.

292. What is the outfall for all this system of sewerage?—The principal is below the tide-way—but on the north side, below the new bridge, there is another outlet into the river—the tide does not come up so high as that, and the sewage is again discharged into the river at a point nearly opposite from the south side above the tide-way. What has been suggested as a remedy for this is to construct intercepting sewers to carry the sewage, which is now discharged into the river above the tide-way, to a point below the tide-way, and there discharge it into the sea.

293. Does not this discharge of sewage into the river above the tide-way create a very great nuisance?—Well no inconvenience is felt from it in the winter, but in particularly dry summers we find it a great nuisance and inconvenience.

294. Have the houses in the streets in which you have main sewers connecting drains with them?—A great many have, but still a great many have not. I have been making a good many, and have marked on the map produced those I have made, but there were a great many made before my time which are not marked on the map.

295. But has the Corporation given notice to the parties that it is their duty to connect their houses by drains with the main sewers?—We have. Whenever the sub-sanitary officer reports them to the sanitary officer, and the attention of the Corporation is thus called to them, notices are served upon the householders to connect their house drains with the sewers, and that is generally done.

296. Has the Corporation given a general notice?—Well I am not aware whether they have or not.

297. Has the Corporation ever taken legal proceedings against the parties?—No.

298. Have they ever instructed you to construct connecting drains and afterwards charged the parties with the cost?—No.

299. *Town Clerk.*—Wherever notices have been served upon the parties the connecting drains have been made without having to proceed further.

300. CHAIRMAN.—Wherever parties, where houses are within 100 feet of a main sewer, do not make those drains, do you know that you have the power to make them and charge the parties with the cost?

Town Clerk.—The present working of the Public Health Act is very complicated, and we sometimes find it difficult to enforce it.

Witness.—There is room for improvement, but all these things cannot be done at once, they must be done gradually.

301. CHAIRMAN.—Are the houses of the members of the Corporation and of the principal inhabitants all connected by drains with the main sewers?—Well I could not say exactly, but I should fancy the houses of the principal inhabitants are.

302. And I suppose the members of the Corporation are among the principal inhabitants?—They are.

303. Generally speaking are the streets now kept in a satisfactory condition as regards cleanliness?—Well there are no complaints.

304. Have you, as borough surveyor, any supervision over the scavenging of the streets?—Well, the contract is made for three years, but if I see anything wrong I call attention to it.

305. Are you not required to make reports or give a certificate as to the proper scavenging of the streets?—Not usually. So far as the road contractor inside and outside the town is concerned, he cannot get his money without my certificate. There is a contract for cleaning the streets which only extends to the municipal boundary. There is also a contract for repairing the streets and roads both inside and outside the municipal boundary.

306. Do you advertise the contract?—Yes; it is always upon tender. When I came into office the contractor for the outside and inside the municipal boundary had contracted for £570 a year to keep all the roads in repair, and at the time labour was low, but he found his contract too low, and he several times offered to give the Corporation £200 to get out of his contract. The Corporation when his contract expired passed him a vote of thanks for the way in which he had discharged his duties. The Corporation then advertised, and the present contractor's tender was accepted at £675 a year.

307. How long has he held the contract?—Over six months.

308. Did Mr. Barbour, the former contractor, tender for the new contract?—He did, but he was considerably over the old contractor. I think he was £200 a year over his old contract. There were three or four tenders. There is one thing I wish to bring under your notice. We have no power to take quarries as the Grand Jury had. The Grand Jury have power to go to any place they like and take stone by merely paying for the surface damage. We have no such compulsory powers for the taking of stone, and therefore it costs us more. The contractor has to pay for the quarry, but the Grand Jury have only to pay for the surface damage.

309. Have you stone within the boundary suitable for roads?—We have. It would be a great advantage if we had the powers of the Grand Jury; the stone costs us a great deal more money than it does the county.

310. Who keeps the roads clean outside the municipal boundary?—The man who is the contractor for the repair of the roads is bound to keep the roads clean.

311. Am I to understand you have not any complaints as to the state of the streets or roads?—I have heard no complaints. I would naturally be the person to whom these complaints would be made. There was a complaint some time ago that the streets were not sufficiently watered, but we had only one watering cart. The Corporation ordered another of the most approved description. The water for watering the streets is taken from the river.

Mr. PATRICK CHARLES DEVANY examined.

312. Are you dispensary medical officer?—Yes; of Number Two District.

313. Does that comprise the larger portion of the town?—Yes.

314. And you are also sanitary officer of the Corportion?—Yes.

315. Did you hold that office since the passing of the Act of 1874?—No; I only held the office since October, 1875.

316. I suppose in the first instance you receive reports from the sub-sanitary officer?—Yes.

317. Do you furnish those to the Corporation through the executive sanitary officer, the town clerk?—Yes; I inspect places, and report on them afterwards to the sub-sanitary officer, and then furnish the report of the sub-sanitary officer to the executive sanitary officer, to lay before the sanitary committee of the Town Council.

318. Do you attend the meetings of the sanitary committee of the Town Council?—Only when called upon.

319. Have you any difficulty in getting access to the sanitary committee?—None whatsoever.

320. And do you find them always ready to carry out your recommendations?—Yes.

321. And are you satisfied with the way in which your recommendations are carried out?—Yes.

322. Are you satisfied with the sanitary condition of the town generally?—There are two objections I have to it. I think the town would require a public slaughter-house, because I find that people living in the rere of butcher's places complain greatly.

323. Are there many slaughter-houses in your district which are objectionable?—Yes; numbers.

324. The people complain of them, but do you think they constitute a nuisance?—I look upon them as more or less a nuisance in a thickly populated town.

325. Are the slaughter-houses in this town kept clean?—They have been reported to me, and I have found them generally clean.

326. Does any officer of the Corporation inspect them from time to time?—The sub-sanitary officer generally inspects them.

327. Are they kept well flushed with water?—I cannot tell that.

328. Have you reported to the sanitary committee of the Town Council that they are objected to by the people in their neighbourhood, and that they are injurious to health?—When reported on by the sub-sanitary officer I reported on them; but I do not know whether I made any general observation on the subject.

329. Do you know whether they are licensed?—They are not licensed. Then there is another matter I wish to complain of; old clothing bought in Liverpool, Glasgow, and London, and other such places where there is fever of course constantly, is sold second-hand in the shops in this town; and I think there ought to be a kiln for fumigating these clothes before they are sold.

330. Have you known instances where people got disease by this infected clothing?—I have known a case where a boy died who had bought a coat in a second-hand clothes shop. I called on the second-hand clothes shop, and the people of the shop said it was a new coat, but the boy died of fever at all events.

331. You cannot prove it, but you have got reason to suspect that fever arose from the clothing sold in this second-hand clothes shop?—Yes.

332. Is there any disinfecting apparatus in the town?—None.

333. Is there no disinfecting apparatus even at the

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Mr. Patrick Charles Devany.

workhouse?—There is one at the workhouse and one at the county infirmary on the Mall.

334. But is there any disinfecting apparatus in your own district?—None whatever.

335. Have you ever represented to the Town Council that there ought to be one?—I have never done so, because a regular epidemic of fever has never broken out.

336. But do you now state in presence of the Town Council that a disinfecting apparatus is necessary?—I think it is very necessary.

337. Do the Council not supply disinfectants?—Well, I do not know that they were ever asked.

338. How long have you had this epidemic of fever in the town?—About six weeks.

339. What is the character of the fever?—Typhoid. We try to get as many patients as possible to the fever hospital of the workhouse.

340. Have you another fever hospital?—Yes, the county fever hospital.

341. Is the county fever hospital supported by voluntary contributions?

The *Town Clerk.*—It is contributed out of our portion contributed to the Grand Jury fund.

342. Is the accommodation of the hospital you speak of sufficient for the wants of the population?—*Witness.*—I am sure it is.

343. Is there plenty of room for the pauper cases in the workhouse fever hospital?—Well, I never heard any objection from any person.

344. Have you ever had any difficulty in the case of the civil population, whether pauper or otherwise, in your district, in having patients removed?—Sometimes I have to threaten them. When I see them in a small back room, where they have no possibility of recovery, I tell them there is a power of making an affidavit before a magistrate, and getting the police to come, and sooner than let the police come they will go to hospital.

345. Do the Corporation here undertake the cleansing out of privies and ashpits?—I know the removal is at the expense of the persons on whose premises the nuisance exists.

The *Town Clerk.*—The Corporation remove the nuisance and charge the persons on whose premises it has existed with the expense.

346. Are there plenty of privies and ashpits in the town?—As a general rule the houses are well supplied with them, but there are some few exceptions.

347. Do you find the privies and ashpits that are in existence are kept clean or not?—Any that have been reported to me, I have found to be kept perfectly clean.

348. You have not been obliged, as I have found to be the case elsewhere, to report on them half a dozen times?—No.

349. What is your opinion with regard to the water?—Well, as regards the water, as a sanitary officer, it is a very difficult question for me to answer. We must take public opinion on the question.

350. Is the water supply sufficient?—The supply is sufficient, but I should say the quality is very bad. The Board of Works' representative came down here, and brought away some of the water from all the pumps in the town. They got it analyzed in Dublin, and I believe the report was anything but favourable.

351. Are the three reported on by Dr. Cameron, as requiring to be closed, the worst in the town? Numbers twelve and fourteen at St. George's-street, and the Victoria-bridge steps, he says, are largely contaminated with animal matter. He says—

"Number thirteen is a tolerably fair water, but might be greatly improved by filtration as it contains vegetable matter suspended in it."

Are those three pumps used now?—St. George's-street pump is very bad, and was closed up for a long time; but I am not aware whether it is used at present.

Mr. *Doherty* (sub-sanitary officer).—It is being used at present. It is contaminated with what are called vermin every season.

352. What do you mean by "vermin"?—

Witness.—Animalculæ that are found in water when it becomes decomposed.

353. Why is this pump not closed altogether?—It was never reported to me.

Mr. *Doherty.*—It is close to my house, and I never allow it to be used.

354. Then why do you not report it?—I have done my duty by reporting on it, and no action has been taken.

355. To whom did the Board of Works submit the water for analysis?—Their own chemist.

Mr. Michael Doherty.

Mr. MICHAEL DOHERTY examined.

356. Are you in the same district as the gentleman who has just given his evidence?—Yes.

357. Have you lived long in the town?—Since I was born.

358. Is your district much the larger?—Yes.

359. Does your district comprise the worst parts of the town?—It does. My district, however, has improved. Since I was appointed, three years since, I have had more than 300 notices posted.

360. Were you appointed immediately after the passing of the Act of 1874?—Yes; I was appointed in the autumn of 1874.

361. And you have acted ever since as sub-sanitary officer and, practically, as inspector of nuisance? Do you confirm the evidence Dr. Devany has given—that the reports sent in on sanitary matters have been generally well attended to?—Yes, with the exception of two or three cases. (Hands in report.)

362. CHAIRMAN (having read report).—This is a report of a house in which several inmates were sick with fever. What action has been taken on that report?

Dr. *Devany.*—I did not consider it my duty to report on that house. I inspected the place, and I found nothing to report on. I had sent the inmates to the fever hospital before that.

363. But, surely, one of the principal duties imposed on the Corporation, as a sanitary body, in case of fever breaking out in the town, is to take steps to prevent it spreading. The sanitary officer wants to know what he is to do in such cases?—I consider it was the duty of the sub-sanitary officer to have had that place disinfected.

364. You know he only disinfects dwellings by the direction of the sanitary authority. If you refer to the Act you will see that. (Reads the section of Public Health Act.)

Witness.—When I called on the sanitary officer, Dr. Devany, he said the only thing he thought we could do was to get some chloride of lime and tell the parties to have the place disinfected and washed out. I could not carry any order into operation without the sanction of the sanitary committee.

365. Do you report direct to the sanitary authority?—No, certainly not.

366. Have you instructions from the sanitary authority to supply disinfectants in case fever breaks out in a place?—No.

The *Town Clerk.*—No case of the kind has arisen. If application was ever made to the sanitary authority they would give general instructions at once. The matter has never come before the sanitary authority officially.

367. CHAIRMAN (to Dr. *Devany*).—Is it a fact that you never reported to the sanitary committee of the Town Council that there was an epidemic of fever in your district?

Dr. *Devany.*—I did not.

368. Well, I recommend any of the members of the sanitary committee who are present now to take a note of the matter and consider it at their next meeting. (To *Witness.*)—What do you say to the condition of

privies and ashpits in your district? Are they kept clean?

Witness.—They are.

369. Do the bulk of the notices you have served relate to those?—They do.

370. Have new privies and ashpits been constructed in many cases since the Act of 1874?—In some new tenements belonging to persons in town they have been constructed. There is a matter with regard to water I wish to call your attention to.

371. Have you reported on the impurity of the water?—Yes.

372. How many public pumps are there in your district?—There are eight in my district, and those are all the pumps there are in Sligo, with the exception of the barrack pump. The only other public source is the river by the Victoria-bridge.

373. That is as bad as it can be?—Yes.

Alderman *Woods.*—Some twelve years ago I was in ill health, and had to go to Dublin to consult a physician. He asked me—"What are your habits? Do you drink water? Is there a pump in your neighbourhood which is near a churchyard?" I said there was, the Lungay pump, near the old abbey; and he said this was what was destroying my health.

The *Town Clerk.*—There is very good water down at Balinode, but that is away from the town.

Witness.—In the district of Feeny there is not a pump the water of which is fit for drinking. The water of the town hall pump is contaminated with human excrement.

374. CHAIRMAN (to the *Town Clerk*).—Have any steps been taken to remedy that?

The *Town Clerk.*—They have erected a new pump outside the town hall, to make up for this deficiency.

Witness.—At the time the old bridge was in existence there was a slip on the east side of the bridge, over the weir, which filtered the water; but this slip has been closed up, and a new slip opened, and all the water from the privies in Knox-street now comes down here.

375. Surely, if the water of that river is in the state you describe, the people ought to be prevented from drinking it?—There is a gentleman present who occupied a house in Knox-street at the time I inspected the house and the water-closets that emptied into the river, and he was present with me when I inspected the place. I asked him, "Do you actually drink the water?" and he said he did. There was actually human excrement floating on the water.

Dr. *Devany.*—I think it is only for washing purposes this water is generally used.

Witness (to Chairman).—You can see it on your way to your hotel. I showed it to Dr. Cameron when he was down on official duty.

376. CHAIRMAN.—I have known nothing worse than this anywhere I have been. Why do you not get powers to procure better water?—We have been drinking it day by day since 1869. In fact, in 1867 we were drinking it.

377. How is it the Corporation have made no further effort to establish these waterworks for which they failed to procure the money?

The *Town Clerk.*—Their powers lapsed. If they did not do it within five years their powers lapsed, and they are now trying to get a provisional order to revive their powers of 1869. They failed in getting the money in consequence of some *laches* in the carrying out of the business. The petition is lodged; and I had a conversation the other day with the Local Government Board Inspector, and he told me he thought there would be an inquiry in a few days on the subject.

378. Dr. *Devany.*—There is another matter I wish to draw attention to. I think it is a great hardship for a doctor to be called upon to inspect 700 houses for £5 a year.

379. CHAIRMAN.—I have already alluded to that in the first portion of our report, and I cannot do more.

Witness.—As regards the obtaining of the supply of water being proceeded with, at one time we were so far advanced that we had obtained a contract, and that contract was signed by the contractor, and signed by the Corporation.

380. What year was that in?—At the end of 1872. And, moreover, though we failed in getting money from the Board of Works, we had an offer of all the money we required at five per cent., but this was conditional on one per cent. commission on the money borrowed to the money-borrowers. It happened, however, that the owners of the money intended to be given for that purpose lent it otherwise while the matter was proceeding, and so the matter dropped. We would have been very glad to get the money for the same terms afterwards, and would have been very glad to pay the commission for the money.

381. Did you make any application since the Public Health Act came into operation?

Alderman *Kidd.*—Yes, we had everything prepared for supplying water; we had taken the contract, but we had to get it ratified by the Lord Lieutenant. The law adviser at that time stated as his reason for not advising His Excellency to confirm the contract, was its having been declared at an adjournment of a special meeting. The meeting convened for the purpose was adjourned, and it was again adjourned; and eventually the contract was agreed on between the Corporation and the contractor, but inasmuch as there were two or three adjournments of a special meeting the law adviser recommended His Excellency not to sanction it.

382. Was there nothing done between 1871 and 1874?—Nothing was done, because labour had advanced, and iron had advanced in price. That was the principal reason why nothing was done between those years.

Mr. ROBERT CRAWFORD examined.

Mr Robert Crawford.

383. On what point do you wish to give evidence?—I want to give evidence to show that the passing of the Improvement Act prevented the Corporation improving the state of the town, and that the public health of the town is very bad. I have been mayor, and I am a member of the Harbour Board and Corporation as well. In 1867 I brought the matter of the health of the town before the Corporation. The Corporation appointed Dr. Tucker, then medical officer, and myself to inspect matters; and we went and saw every sewer connected with either side of the river. A deputation, of which I was one, was then appointed to wait on the Grand Jury, and the Grand Jury appointed a committee of their body to report on the matter. Then the county surveyor was directed to make out plans. He, in addition to suggesting that sewers should be make on either side of the river, recommended that a bridge should be made from one side to the other, which would cost £500. The Corporation were about to make it; but the Improvement Bill of 1869 cut us off from the Grand Jury, and the Corporation let matters remain as they were. I have brought the matter before the Corporation several times.

384. The surveyor told us that the bulk of the main sewers were discharged below the tideway; but he showed us some two or three sewers which were most injurious to the health he thought of people living on the banks in hot weather?—But after all the sewers have been emptied into the river the water is used for culinary purposes.

385. From a report recently handed in by one of the sub-sanitary officers, it appears that there are a number of privies which do not go into a main sewer at all?—All of those sixty or seventy sewers on either side of the river empty into it. The sewers were originally constructed to empty into the river. The river is really the reservoir of all the filth of the town.

386. The surveyor said there ought to be an intercepting sewer on the south side of the river, but he did not think it so necessary on the north?—That is true;

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but in fact all the others empty into the river. I believe about £1,000 would set the matter right.

387. Has an estimate ever been made of the cost of an intercepting sewer on the south side?—I had a conversation with our surveyor, and he thinks £1,000 would put down earthenware pipes of two feet in circumference, which would be a sufficient size.

388. Chairman.—Have you not been able to induce the Corporation to take any action in the matter since the passing of the Improvement Bill of 1869?

389. Alderman *Kidd*.—Does Mr. Crawford mean to say that the Grand Jury undertook the making of intercepting sewers?

Witness.—I do. I say they have got their surveyor to make out plans for those sewers, when they were stopped by the Improvement Act of 1869.

390. Has this report of July 21st, 1876, by Mr. John Layard and Mr. Devany been laid before the Council?—It has, but they refused to take action on it.

391. Chairman.—(Reads):—

"As sanitary officers of the Sligo Nos. 1 and 2 Districts, we hereby report to you that our attention has been directed to the fact that the sewage of the town is carried into the river which is used by many persons; and also that in dry weather the smell of the filth on either side of its bed is very noxious. We recommend that, as the above must prove very dangerous to public health, immediate attention be taken to have the sewage conveyed through pipes laid in the bed of the river and discharged into the sea; and also that the bed of the river be cleansed."

Are you a member of the sanitary committee?—I was a member.

392. What action was taken on that report?—I prepared a resolution, but it was not taken action on by the Corporation. My resolution was to the effect that our surveyor be instructed to make an estimate of the cost of intercepting sewers as the best means of remedying the nuisance.

393. Was the resolution not put?—I put it, and it was seconded.

394. Probably it is on the minutes?—No; I looked, and it is not on the minutes.

395. What was done with your resolution?—It was not entertained at all.

The *Town Clerk*.—The resolution, when it was received by me, was laid before the sanitary committee, and by them it was referred to the Town Council, and it was put on the notice paper, and a special meeting called to consider the report. At the close of the meeting Mr. Crawford said he would introduce this resolution; it was proposed by Mr. Crawford, and seconded by somebody else; but the meeting separated as the resolution was being put, and it became a dropped resolution.

Alderman *Kidd*.—The subject never came before the Town Council.

Witness.—Well, in the case I tell you of it did.

396. Chairman (to *Witness*).—Have you ever brought forward the subject since?—Not since; the majority of the Council did not wish to entertain it.

Alderman *Kidd*.—The majority of the Council perhaps did not wish to entertain it, because they were more anxious to get another supply of water.

397. Chairman.—I never like to give *ex cathedrâ* opinions; but I will give one on this occasion, which is, that it is a pity all party feeling on this Bill of 1869 has not died out, for it would be very much for the good of the town that it should do so, and that you should all join heart and hand in endeavouring to remedy the evils which must inevitably arise from the present state of things.

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Mr. William Thomas Vernon.

Mr. William Thomas Vernon examined.

398. Are you secretary to the Grand Jury?—Yes.

399. Have you any documents referring to an application of the Grand Jury, previously to the passing of the Act of 1869, with regard to the formation of intercepting sewers in the river?—I have. (Hands in documents.) That is the application for making 124 perches of intercepting sewer on the north side of the river from the slip at Holborn-street to Mr. Hogan's, and that is the application for making 150 perches of intercepting sewer along the south side of the river from Bridge-street.

400. These are the estimates for those works by Robert Stokes and John West. Were these individuals members of the Town Council?—I do not know.

401. Their estimate, I see, was £1,600 for each of these sewers. Did the Grand Jury entertain this application, and direct the surveyor to prepare an estimate of the cost?—It was brought forward at petty sessions by Mr. Stokes, in November, 1868. It then came forward at next assizes of the spring of 1869 for approval; it was then sent back to another sessions, at which the county surveyor produced the maps, plans, and specifications. It passed at the May presentment sessions of 1869. It was brought forward then at the summer assizes of 1869, and finally approved of. In June, 1869 (I was not then secretary to the Grand Jury, but an assistant in my uncle's office), I advertised for tenders for these works, to be opened by the Grand Jury, as you will perceive from the schedule laid before the Grand Jury. Accordingly, there were tenders put in for the sewers at £1,550 each, and opened by the Grand Jury.

402. Were they accepted?—No, I believe not.

403. Do you know what was done with regard to them?—I will only state as far as I can remember. I think it was on some technical ground that the work was thrown out by the Grand Jury, as clearly as I recollect.

404. Was the Bill pending at that time before the Committee of the House of Lords. (Reads the evidence of Sir Robert Gore Booth, chairman of the Grand Jury of the county of Sligo, before the House of Commons, to the effect that the presentments in question had been approved of by the Grand Jury.) In point of fact the Grand Jury approved of all the presentments at the spring assizes, subject to certain conditions. Then they did not carry out the works, and you are not able to state distinctly on what grounds they declined to carry them out. (Reads the evidence of Colonel Cooper before the House of Lords, stating some technical objection had been raised on the part of the owners and occupiers, and that on this ground the Grand Jury had been obliged to throw out the presentment.) The effect of that is, that the Grand Jury having entertained a proposal did not finally accept that proposal on some technical ground, which was probably that the Bill was then pending, and it was not considered on its merits. I see that Colonel Cooper was asked by the Committee of the House of Commons, on May, 1869, "Why has not something of this kind been started for the last few years?" and he replied, "Because their Bill has prevented us." The evidence then continues—"You know about the intercepting sewers; who first brought the matter forward? It was a deputation from the Corporation; they said that we, the Grand Jury, had introduced sewers into the river, which had polluted it, and they said it was essential all the sewers should be intercepting." Then he is asked—"It takes some time after a schedule is laid before the Grand Jury to come to a conclusion on it; will you state how that is?" and he replies—"My scheme exceeding £50,000, requires, &c."

Alderman *Kidd*.—I beg leave to say it was brought under the notice of the Grand Jury in the first instance in 1867, at the time Mr. Syms was mayor. (Schedule containing presentment referred to handed in.)

405. CHAIRMAN.—This is signed by Henry Lyons, and addressed to the Grand Jury. (Reads):—

"GENTLEMEN,—The sanitary committee of the Town Council of Sligo having directed the medical officer of Sligo to inspect and report on the state of affairs you refer to, it appears from his report and general observations, that the water of the river is grossly and dangerously defiled by several sewers discharging their contents into the river. As some of these sewers were made by former Grand Juries, I trust you will perceive the urgent necessity that exists for prompt measures to counteract their noxious influence. We submit for your consideration the necessity for large riverside sewers on either side of the river, to empty into the sea, and intercepting sewers to prevent any sewage flowing into the river. We would also urge that riverside public roads be constructed thereon, which are much required in Sligo. Trusting to your kind corporation for the carrying out of our suggestions, we have the honour to be, &c."

It is quite clear the Town Council at that time were desirous that it should be done, and the point, I presume, that Mr. Crawford wishes to lay stress on is that several years have elapsed and the work has not been done.

Dr. THOMAS MURRAY examined.

406. Are you medical officer of health?—Yes.

407. Were you the medical officer of health at the time this question was sent before the Grand Jury in 1867?—No.

408. Did you hear that report presented by Alderman Lyons to the Grand Jury which I read just now?—No, I did not.

409. CHAIRMAN (reads report).—However, you have been residing in the town as a medical man?—I have been residing here for three years and a half.

410. Is there any medical gentleman in the town at present who was residing in the town at the time the report was presented?—No.

411. I merely wished to know whether the sewers which Mr. Crawford gave evidence about were the same sewers about which application was made to the Grand Jury?—I cannot say whether they were or not.

[It appeared from the evidence of several witnesses that the sewers were the same.]

412. (To Mr. *Doherty*).—You are one of the sub-sanitary officers, and you have been residing in Sligo since you were born. Can you tell of your own knowledge whether or not the sewers that now empty themselves into the river are the same sewers that were complained of to the Grand Jury in the year 1867?—I think the principal ones are the same.

Mr. Alderman *Woods*.—Everyone of them are.

413. CHAIRMAN.—Two sewers were pointed out to me by the borough surveyor yesterday; one above and another below the bridge; but irrespective of those there are a great number of houses the drains of which run into the river, and some of those were complained of to the Grand Jury. It was with the object of intercepting these that an intercepting sewer was proposed to be made along the north and south banks. Are all those sewers that were complained of to the Grand Jury in 1867 still discharging into the river, and in the very same condition in which they were in 1867?—They are.

414. I believe that assertion is undisputed. Are you the consulting officer of the borough?—No, only of the union at large.

415. What interest do you come here to represent? Are you a ratepayer of Sligo?—I am.

416. And you come here in that capacity. The person I wanted to get was the medical officer of the borough. Now, will you tell me what it is you wish to represent?—I wish to represent that something ought to be done with the drains that discharge into the river; because here at the Victoria-bridge the people use the water constantly—for what purpose I do not know, but I constantly see them taking water from it.

417. We had sufficient evidence on that subject yesterday, and I do not think we need go any further into it. I myself too had ocular evidence on the matter yesterday.

Dr. JOHN LAYARD examined.

418. Are you sanitary officer for No. 1 district?—Yes.

419. How long have you been one of the dispensary medical officers?—Four years.

420. Were you practising within the borough before?—For about six months.

421. Is the state of the sewerage now the same as when you first came here as regards the sewers that discharge into the river?—Quite the same.

422. I suppose that, as one of the medical officers of the borough, you have had your eye upon these drains?—I have.

423. And have any drains that emptied into the river when you first came been diverted from the river since?—Not that I am aware of.

424. Have any fresh sewers been taken into the river above high water?—Not that I am aware of.

425. Are there several houses that have drains from the privies into the river?—There are.

426. Is that above the source from which many people take their supply, or do you know whether they use that water for drinking as well as washing?—I do not know, but I know they take it into the houses.

427. We had two sewers pointed out to us yesterday that drained direct into the river, one on the north and one on the south side. Are there more sewers than that?—I am not aware of more.

428. Are both of those above the Victoria steps, which is the place you have already said from which the water is largely used by the inhabitants?—Yes.

429. Can you tell us or not, whether it is a fact that at the present moment there is an outbreak of typhoid fever in the town?—There is an outbreak of typhoid fever.

430. How long is it since the first case?—Two months.

431. Has it spread rapidly?—It is chiefly in the other district, so that I cannot speak positively on that subject. I think there are ten or twelve cases in the hospital.

432. Have you had occasion to make complaints to the sanitary committee of the Town Council?—Yes.

433. Have those been attended to?—Not in every instance.

434. What do you complain of still?—The drainage is very imperfect. In some of the streets, I think, there are no main drains.

435. We certainly saw from the map yesterday that the streets of Sligo are very well sewered?—They are; but in three streets in my district the drainage is very imperfect.

436. Are the houses in your district generally well provided with privies and ashpits?—In those streets I have mentioned they are not.

437. Have you reported that to the sanitary committee?—I have.

438. Have any steps been taken to call on the parties to provide privies and ashpits?—I am not aware that any steps have been taken.

439. Are they still in the condition they were in when you reported them?—They are.

440. Are there any slaughter-houses in your district?—Only one, I think.

441. Is that one well kept?—No, indeed it is not well kept.

442. Have you had complaints of it?—I have.

443. Do you know whether notices have been served on the responsible parties?—Notices have been served, and they have cleansed it for the time being.

444. Have you ever represented the fact that there is a want of a public slaughter-house?—I have.

445. Do you know why the Corporation have never availed themselves of the power to provide one?—I am not aware of the reason.

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Dr. John Layard.

446. Even supposing they do not drink the water, is the health of people affected, or is it liable to be affected, by the drains that run into the river?—Oh, it certainly must be very injurious to health. I went and examined it. The smell is very bad at low water; at high water, of course, it is covered. Yesterday I found it very unpleasant passing across the river, inasmuch as I saw matter discharging itself into the river, which certainly should not be discharged therein.

447. Do you believe the health of the inhabitants is actually affected by it?—I do.

448. Do you know whether the death rate in Sligo is high or low, compared with that of other towns in Ireland?—It is low compared with that of other towns—at least the number of registered deaths is low.

449. Is the health of your district, at the present moment, with the exception of these two or three cases of typhoid fever, in a satisfactory state?—It is in a satisfactory state at present.

Mr. John Walshe.

Mr. JOHN WALSHE examined.

450. Are you a ratepayer?—Yes; I am a carproprietor. I have known the river for the last eighteen years; and previous to the time the sewers were under the control of the Grand Jury, they were annually cleansed.

451. And have they been cleansed since they were under the control of the Grand Jury?—Never at all.

452. And have the sewers since been worse?—Much worse. There are three main sewers that discharge themselves into the river, but the principal sewer runs down from the Court-house and discharges itself right under the first arch of the bridge, in the centre, on the south side of the river. I lost three of my children by the effluvia arising from this river.

453. I have been requested to ask you a question in regard to the loss you have suffered. We have heard that one of the wells—the Lungay pump—was supposed to be polluted by the graveyard of the old abbey. Is that the pump from which you have your drinking water?—I think not; I think it is from Pound-street that I have my water; but I know the people take water from the river.

Alderman *Kidd*.—The Lungay pump is contiguous to a different burial-ground—St. John's burial-ground.

Mr. Charles Simpson.

Mr. CHARLES SIMPSON examined.

454. Were you a contractor under the Grand Jury?—I was a contractor for keeping the streets.

455. Do you know whether or not these sewers, as distinguished from private drains, were annually cleaned by the Grand Jury when they had control of them?—They were cleaned, not every year, but occasionally.

456. You did that cleaning by the direction of the Grand Jury surveyor?—Yes.

457. Are you contractor under the Corporation now?—I am at present, but have not been for the last five years. There was another contractor.

458. Do you know whether anything has been done to cleanse these sewers where they empty into the bed of the river since the Corporation have had control of the streets?—I never saw them cleansed.

459. Do you know whether or not the bed of the river was ever cleansed by direction of the Grand Jury?—I never knew it to be cleansed by them.

460. Has it ever been cleansed by the Corporation since 1869?—Certainly not.

461. Do you know what is done with the manure of the sewers when they are cleansed?—It is left on the banks of the river on either side. They are merely cleansed in such a way that they could not choke up.

Mr. Frederick H. Pollexfen.

Mr. FREDERICK H. POLLEXFEN examined.

462. CHAIRMAN.—You attended here yesterday with the view of presenting a memorial on behalf of certain members of the butter trade, and you desired to know whether I would hear their evidence. I have since last evening looked over the reports of the evidence given before the Committees of the Houses of Lords and Commons, and I shall tell you now what is, in my opinion, the position in which this matter stands. It appears to me, from looking into the Act of 52nd Geo. III., c. 134, that it is quite clear that it was the intention of the Legislature that the weighmaster should be appointed by the Corporation. The third clause enacts that when appointed the weighmaster is to provide a weigh-house, beams and scales, and all necessaries and deputies. In fact the whole staff is in his appointment and under his control. All the Corporation can do is to order his removal from office for misbehaviour, otherwise it appears to me he holds the office for life. He is the person to whom complaints are to be made with regard to any mismanagement or grievance existing in the market. The 17th section fixes the fees to be paid to the weighmaster, and he is not bound to account to the Corporation for those fees. He may do so by arrangement or voluntarily, but he is not bound to account to anybody, and that being so, I don't think it is necessary or of any use my examining witnesses on the subject. I shall take it that this memorial has been presented by you on behalf of yourself and those other gentlemen in the butter trade, and if you so desire it I shall have a copy of the memorial put upon our notes. (See Appendix No. 17, page 389.)

Witness.—We were unable to get any redress from Alderman Tighe, and we presented that memorial to the Corporation.

463. CHAIRMAN.—Was this memorial presented to Alderman Tighe complaining of the way in which the butter market was regulated?—Yes; and we made complaints to Alderman Tighe before, and the cause of complaint was not redressed.

464. Upon your failing to get redress from Alderman Tighe, did you present a similar memorial to the Corporation?—We did.

465. What was their answer to it?—We got no answer at all. A deputation was appointed, and a requisition was sent to the Mayor, asking him to call a meeting to discuss the matter. I was one of the deputation, and I know we got no answer to it. There was no meeting called to look into the matter.

466. Did you present this to the Mayor asking him to call the meeting?—Yes.

467. Did you do so in person?—No; it was done by the secretary. I know it was sent. I never heard of any answer having been received, and no meeting was called.

468. What I want to know is, do you wish me to place this memorial on our notes, for the Select Committee of the House of Commons, as representing the dissatisfaction of the butter trade with the management of the butter market?—Yes; the entire dissatisfaction. The names signed to the memorial are the principal merchants in the butter trade in Sligo.

469. I have been asked by Alderman Kidd to put the question to you whether or not you are appointed by the butter trade to appear here to day?—No. I was appointed upon a deputation to appear before the meeting that we requested the Corporation to call. I merely came here to-day as an individual member of the butter trade and a ratepayer.

470. You don't come here at the instance of those

gentlemen to request to have this memorial put upon the notes?—No. I came here individually, but I have the approval of several of the trade.

471. Alderman *Middleton.*—As one of the firm who signed this memorial, I desire to state that we wish it should be put upon the notes.

Alderman KIDD examined.

Alderman Kidd.

472. CHAIRMAN.—As you were the chairman of the meeting at which this memorial was adopted, I may ask you have you any objection to its being put upon our notes?—I have not the slightest objection to it. I was the principal party to it.

473. Does this memorial represent your views as well as the views of the other gentlemen who signed it?—Yes; decidedly.

Alderman JAMES TIGHE examined.

Alderman James Tighe.

474. CHAIRMAN.—Reading from the report of the evidence taken before the Lords Committee on the 1st July, 1869, on the occasion when the Bill of 1869 was before both Houses, Mr. Rodwell, I find, asked Mr. Tighe these questions:—

"You brought this action against Mr. Wynne's nominee?—Yes. —*Q.* To try the right?—*A.* To try the right. *Q.* In the interest of the Corporation?—*A.* In the interest of the Corporation. *Q.* You were mayor last year?—*A.* I was mayor last year *Q.* Therefore it was not a private act of yours, but you did it as the Corporation?—*A.* Yes. *Q.* And with respect to the money, you want back this money which was advanced for the Corporation?—*A.* Yes; and I want nothing more."

Is that correct?—What I meant was, that I wanted the money, not for the Corporation, but for the individuals who advanced their money for the promotion of the Improvement Bill.

475. It would, perhaps, make it a little clearer if you were to state the circumstances under which you came forward to try the right of the Corporation to appoint to the office of weighmaster. That is, however, entirely a matter in your own discretion.

Witness.—Read on a few questions, if you please. What the circumstances were you will find by the Blue Book at page 67.

476. Was it immediately after the death of the late weighmaster, the Right Hon. John Wynne?—Some months after.

477. Was it with the view of trying the question whether or not Mr. Owen Wynne was to succeed his father—whether he had the hereditary right to the office?—I would simply ask you the question, would I be likely to run the risk of losing £500 simply to try the right of the Corporation to appoint to this office. The Corporation appointed me, but then they gave me no guarantee that if the suit went against me that they would recoup me any money I would be out of pocket.

478. But was there an understanding with the Corporation or anybody that you were to be recouped that money?—No understanding with the Corporation or anybody.

479. When you accepted the office did you know that there was a Mr. Clarke in the office, and that there would be the expenses of a law-suit?—I knew that Mr. Clarke was in the office, and that there were the chances of a law-suit.

480. What did you mean by this, "That you brought the action against Mr. Wynne's nominee to try the right in the interests of the Corporation?"—Yes; in so far as supporting their right.

481. "And with respect to the money, you want back this money that was advanced for the Corporation, and nothing more?"—Yes; and I want nothing more.

482. What was that money?—Moneys advanced for the passing of the Improvement Bill—advanced by four individuals, not by the Corporation.

483. Were you one of the individuals?—I was. I advanced myself £210.

484. Are you correctly reported in saying that the costs were under £1,000?—I have read the reports, and a great portion of those figures are inaccurate. I could not tell you what they were from memory.

485. Could you tell me within £100 of what it was?—I could not.

486. Do you remember being called before the Committee of the House of Lords, and examined by Mr. Rodwell?—I do.

487. Do you remember a letter being read to you by Mr. Rodwell?—I do.

488. I may assume that this is the letter:—

"Sligo, May 1st, 1869.

"To the Mayor, Aldermen, and Burgesses of Sligo.

"GENTLEMEN,—As it will not be in my power to attend in London to give evidence upon the 'Sligo Borough Improvement Bill,' and to state to the Committee my perfect readiness to resign the office of weighmaster and taster of butters upon the passing of the Bill, so to enable the Corporation to receive the profits for the benefit of the town and aid of the borough fund to be provided by the Act, I now beg to state that I shall, and do undertake to resign the office upon payment by the Corporation of the sums of money which other members of the Council and I have expended in asserting the rights of the Corporation, and proving their title to make the appointment, and the sums we have advanced as portion of the costs of the pending Bill. As the greater portion of the costs in the case of my action against Mr. Clarke have been awarded to me by the verdict of the jury under the direction of the judge, I am informed that the amount to be charged upon these proceedings will be very trifling.

"Your obedient servant,

"JAMES TIGHE."

That was the letter which you wished to be put before the Committee?—Yes.

489. Are those the sums that you referred to just now?—Well, not exactly. There were other sums advanced. There is another letter written by me.

490. "As the greater portion of the costs in the case of my action against Mr. Clarke have been awarded to me by the verdict of the jury, under the direction of the jury, I am informed that the amount to be charged upon these proceedings will be very trifling." Then Mr. Rodwell asked you was that the letter you wished to be put before the committee?—Yes.

491. Mr. Rodwell put this question—"Now since the decision of the Court of Chancery with regard to the rights of the Corporation and Mr. Wynne, you are prepared to resign the office you have upon payment of the costs you were put to in asserting the right." Was your answer to that, yes?—It was.

492. Then he further asked you whether "The money you contributed was to come back from the Corporation?—Yes." The money you advanced was, you said, to be refunded by the Corporation?—A. Yes. Would you say yes to this question now?—What question?

493. That upon the money that you and others had advanced being paid by the Corporation it was your intention to resign the office of weighmaster?—Yes; and is so still.

494. We have the opinion of the Master of the Rolls that you are in for life, and that your resignation would be purely a voluntary matter upon your part?—Quite voluntary. I was under no obligation to write that letter or any other letter, but like many others anxious to get this Bill passed I made the proposal.

495. As I understand that year you were mayor elect, I want to know whether you were asked to undertake the office of weighmaster or whether you volunteered to do so?—I did not. It was against my will. It was forced upon me, and there are gentlemen at this table who will tell you so.

496. Then may we take it you were pressed to undertake the office of weighmaster, and you say in that letter that you were perfectly ready to resign the office for the benefit of the Corporation (and that is the only point which appears to me at all for our consideration). You were willing to resign the office on being recouped the money which it cost to try the action to ascertain the right of the Corporation to the

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appointment, and the moneys advanced by you and your friends in promoting the Bill of 1869?—Yes.

497. Do you still adhere to that?—Yes.

498. As to any moneys you have received as weighmaster, are you prepared to give an account as between you and the Corporation up to the time you do resign?—That is a matter between me and the gentlemen who advanced the money.

499. When you are satisfied that you have got sufficient money to bear your friends harmless out of the market, then do you mean to resign the office?—Yes.

500. When you get the money either from the profits of the office or from the Corporation to reimburse yourself and your friends, then you say I am quite ready to resign the office?—Yes; and I render an account to those gentlemen to whom the money is due, and that is the only account I will render.

501. I shall put the opinion of the Master of the Rolls upon my notes (Appendix No. 17, page 389), as obtained by Mr. Kernaghan, the solicitor for the Corporation. That opinion was given just antecedent to the appointment of Alderman Tighe, and I understand that his appointment was based upon that opinion?—Yes.

502. The Master of the Rolls was clearly of opinion that there was no condition attached to the office of weighmaster, and that when appointed he held the office for life. Previous to appointment there might be a private arrangement made that he should resign under certain conditions, or that he should render an account of the fees to the Corporation, but there was nothing in the statute binding him to do so, and therefore I am of opinion that it does not come within the scope of my inquiry to call upon him to give any account of them. As the case stands I do not think I can go into the complaints of the butter trade further than taking a note of the fact that the traders do not consider the butter market is satisfactorily managed, that a memorial on the subject was presented to Alderman Tighe, and afterwards to the Corporation, and placing that memorial also on my notes. In reference to that I shall just ask the mayor one question.

Mr. Nelson.

Mr. NELSON (the mayor) examined.

503. CHAIRMAN.—It was stated by Mr. Pollexfen that a memorial had been presented to you by the secretary of the committee of the butter trade in reference to calling a meeting of the Corporation, and that to that memorial no reply had been vouchsafed. Is that correct?—In reply to that I may state that after consulting with a few members of the Corporation I did not send an answer. At the time we had under consideration an arrangement with Alderman Tighe with the view of getting the butter market into the hands of the Corporation, and until the termination of the negotiations, I, along with others, thought it would be more prudent to keep the matter in abeyance, and that is the reason why the meeting was not called.

504. Was it your feeling that so long as the office was filled the Corporation had no power to interfere with his management of the market?—Not that so much as that pending the negotiations that were going on to get the market into the hands of the Corporation from Alderman Tighe, it was undesirable at that time to interfere with the arrangements of the market.

505. Of course if there were complaints, the only way in which they could come under the cognizance of the Corporation would be by representations that the market was improperly conducted, and if that were the case then the Corporation could exercise the power conceded to them by the Act of Parliament of cancelling the appointment?—Quite so. We had two meetings.

[Here follow minutes of meetings of 18th April and 27th, as report of committee to be forwarded by town clerk.]

Witness.—That is how the matter now stands. The matter was referred to the Local Government Board, and this is their reply—

"Dublin, 8th May, 1877.

"SIR,—The Local Government Board for Ireland acknowledge the receipt of your letter of the 1st instant, forwarding copies of resolutions passed by the Town Council of the borough of Sligo. With reference to the purchase of the interest of Mr. James Tighe, in the office of weighmaster and butter-taster, of the Sligo market, and stating that the object of sending the particulars to the Board is that they may approve of the Council doing so, and that there may be no difficulty in the future audit of the Corporation accounts to any of the members who may sign the cheque for the amount of the purchase-money; and in reference thereto, the Board desire to state that they are not aware that they have any power which would authorize them to interfere in reference to the proposed arrangement, and their approval therefore would not render the transaction a legal one, if not otherwise legal.

"By order of the Board,

"B. BANKS, Secretary."

Mr. M'Kim.

Mr. M'KIM re-called.

506. I found yesterday that among the officers you pay, there are two watchmen. What are their duties?—Their duties are to go out at night and patrol the town, and if they see any danger of fire to report to the police—or, if they can take any remedy themselves to prevent it, to do so.

507. Are they able-bodied men?—Well, they are not able-bodied men.

508. How old are they?—One of them looks fully sixty years of age.

509. Would you say they were efficient?—Well they appear efficient, but it would depend on the force that could come against them.

510. Are they continued as a matter of charity?—They do a good deal of service; by inspecting the houses for instance to see if the doors are shut, and looking after injuries to the lamps.

511. Do the constabulary here patrol?—They do, up to a certain hour.

512. Do the medical officers examine the slaughter-houses?—I think they are waiting until they get the powers vested in them in getting the tolls, &c., from Mr. Wynne.

513. But they have let the day go by for that?—No doubt but there had been very little complaint with regard to those slaughter-houses. There was one complaint but it was remedied.

514. It was stated here yesterday that the Harbour Commissioners in consideration of their contribution to the town hall had a room in it rent free. Is that true?—Yes.

515. What was the sum contributed? Some said £500 and others £1,000?—Their secretary told me it was £1,000.

516. Alderman *Woods*.—It was £992 1*s*. Have any other persons rooms rent free in this building besides the Harbour Commissioners?—No.

517. We have had a great many complaints made of the sanitary state of the river, and the exhalations that come from it. Has any report been made to the sanitary committee before to-day?—No.

518. Is Mr. Crawford a member of the committee?—He is: all the members of the Council are members of the sanitary committee. They are a committee of the whole house. Three forms a quorum.

519. Has Mr. Wood Martin, who is not a member of the Corporation, made any complaint to the Corporation of the state of the river with a view to the nuisance being remedied?—He has not. There was a letter from Mr. Crawford on the subject, but prior or subsequent to that there was no report on the matter. When this report was sent to me I sent it in before the Sanitary Board, and it was put on the notice paper. It just came on at the close of the meeting; Mr. Crawford stood up and said he had a resolution to propose, but the meeting broke up, and would not hear it.

520. Has the matter never been revived?—Never been revived. By a clause in our Act there should be a notice on the paper before considering it.

521. Did you not consider it your duty to put it on the notice paper for next meeting?—No, I assumed they broke up with a view of letting the matter drop for the present.

522. Is there any fire brigade in the town?—No; but we have two fire-engines in connexion with the Corporation.

523. Have they any men specially told off to work the fire-engines?—No: on an occasional fire we found the people were very willing to assist with the military and police, and that very efficiently. The military have a fire-engine of their own.

524. Has there been any alteration in the number of watchmen since the passing of the Improvement Bill?—I do not think there has; I think there were two watchmen in office before the passing of the Bill. Before the Improvement Act there were fifteen or sixteen of them, but so many are not now required.

525. Can you tell me what are the hours for lighting and extinguishing the lamps?—The hours vary with the season of the year. We make out a regular scale, and the gas company carry out that scale.

526. Are there any complaints in the town that the lamps are not regularly enough lit, or not kept lit sufficiently late?—Well, there are no special complaints. Some people would wish to have them kept lighted longer than others, but any well-founded complaints have been attended to by the Corporation.

527. I see that at the rate you pay per thousand cubic feet the lamps can be kept lighting for only a limited period, namely, from September to May?—Yes. From May to September they are not lit at all. It is a three-foot burner that is used.

Alderman WILLIAM MIDDLETON examined.

Alderman William Middleton.

528. Witness referred at some length to a certain sum disallowed by the auditor, Mr. Finlay, in his audit of the 9th April, 1872, consisting of £3 15*s.* paid to the widow of George Carey for funeral expenses, the deceased having been town constable to the Corporation. The auditor also disallowed a sum of £2 to the widow of a man named M'Goldrick, a watchman under the old Town and Harbour Commissioners. Furthermore, the auditor had disallowed items of £1 6*s.* 6*d.* and £2, interest on bills of exchange for £148 9*s.*, drawn by Mr. Alexander Gilmour, in connexion with an account for printing, advertising, &c., in relation to the Improvement Act.

529. CHAIRMAN.—Do you know whether or not these amounts, surcharged to certain members, were paid?—Not that I am aware of. The town clerk knows better than I.

Town Clerk.—They have not been paid. In the first instance, when Mr. Finlay audited the accounts, he surcharged this £1 6*s.* 6*d.*, together with those other items. The Local Government Act gives power to persons who are surcharged the right to appeal to the Queen's Bench, or go before the Local Government Board by petition. A petition was presented in the first instance, but no action taken on it. The Local Government Board, or their officers, however, never demanded repayment of these sums.

530. Did they confirm Mr. Finlay's decision, or rescind it?—Practically they rescinded it.

531. What I want to know is this: Parties, if they feel aggrieved by these disallowances, have the privilege of applying to the Local Government Board by petition to rescind the disallowance; and, I presume when this course is adopted, they receive an answer either confirming the decision of the auditor, or rescinding it?—There was an intimation given to the parties concerned that a disallowance was made, and they sent in their appeal. There never was any action taken by the Local Government Board to enforce the surcharge.

532. The payment has not been enforced by the auditor; but do you mean to say also that the Local Government Board expressed their intention of allowing the amounts?—Practically they did.

533. What was their answer?—They sent no special answer.

534. What do you mean by a "special" answer?—There was no official answer. I believe there was an answer to the surcharged parties themselves.

535. Who are the parties surcharged?

Alderman *Kidd.*—I am one, and I am ready to give you an explanation. I was one of the three who signed the cheques for the payments to Mr. Gilmour, but I am not quite sure about the other matters of the funeral expenses. I now produce the answer of the Local Government Board on the matter of the £148 9*s.* I should say that I and one or two others determined to contest the matter; but before doing so we resolved to wait on the Local Government Board, who very fairly heard our representations, and the result is that the matter has not been pressed.

Chairman then read letter.

536. Now, as a matter of fact, has the auditor ever taken any proceedings to recover that money?—Alderman *Kidd.*—No.

537. This refers to the £148 9*s.* 8*d.*, and not to the other amount?—Alderman *Kidd.*—Oh, I think it does; £146 was the original amount.

538. The total amount was £148 9*s.* 8*d.*, and there were two surcharges, one of £1 6*s.* 6*d.*, and the other of £2, both for interest. Did you sign the cheque for interest on that money?—I do not remember whether I did or not.

Alderman *Middleton.*—I never heard of that letter before.

539. CHAIRMAN.—Did any communication come to you with reference to the other matters, or was payment of the surcharges demanded?—*Town Clerk.*—No; and any action in the matter should have passed through me as petty sessions clerk.

Alderman *Kidd* handed in a further communication which he had received from the Local Government Board.

540. CHAIRMAN.—I find this is a letter dated March 11th, 1873, in which, after referring to their having taken counsel's opinion with regard to the bill of exchange, they say in regard to the other items:—

"It does not appear that the lawfulness of the auditor's reasons for the disallowance is questioned, the Corporation merely pleading usage in support of the payments. The Local Government Board therefore cannot make any order in regard to these items; but they think it probable that the auditor will not, under the circumstances, feel it incumbent on him to take any steps to enforce the disallowance of these two items on the present occasion, but he will not be justified in passing any similar payments in future."

Alderman *Middleton.*—There was a meeting of the Corporation called previous to these disallowances for various purposes, among others with regard to this bill of exchange, at which meeting I was present. The meeting was of the finance committee, of which I am a member. It was summoned for twelve o'clock. I went there, and stopped more than half an hour. While I was sitting there Mr. Gilmour came in and went out. I sat there for very nearly three quarters of an hour, during which nobody but Mr. Gilmour came in or out; and then, considering there would be no meeting, I went out.

541. CHAIRMAN.—In fact, your point is, that this resolution was passed at a meeting at which you went away, finding there was no *quorum*, and thinking that consequently no meeting would be held?

Town Clerk.—The minutes of each of these meetings are read at the subsequent meeting of the open council.

542. CHAIRMAN (to Alderman *Middleton*).—Were you present when the minutes of that particular meeting were read?—Alderman *Middleton.*—No.

543. CHAIRMAN (to *Town Clerk*).—Is it a common occurrence that, at a meeting fixed for twelve o'clock, or whatever hour may be appointed, the business is transacted when a member is gone away thinking no meeting would be held?—No; and I believe that it was held within the hour.

544. Is it a common custom that the business of the committee is transacted an hour after the appointed time?—It is not. Alderman Middleton several times

SLIGO. *May* 19, 1877.

Alderman William Middleton.

complained of this, and then a resolution was passed that no meeting should be held unless a quorum assemble within half an hour. (Reads minute of resolution.)

545. (To Alderman *Middleton*).—Is there any other matter with regard to the Corporation that you wish to speak of?—I wish to say, as chairman of the Harbour Commissioners, that we contributed £500 first, as a contribution to the building originally, and that the remaining sums, making up the £1,000, were given as contributions to the clock tower.

Alderman Woods.

Alderman Woods examined.

546. Are you a town councillor and alderman?—Yes.

547. What is the subject on which you wish to give evidence?—I wish to make a complaint in reference to the arrears of mayors' salaries mentioned in the auditor's report yesterday.

548. Were you one of the mayors during those six years?—I was mayor in the year 1865.

549. CHAIRMAN.—Oh, that was before any of the dates named in the auditor's report?

Witness.—The mayors did not appropriate their salaries in those years, but contributed them in whole or in part towards the erection of the town-hall. Alderman Lyons, for instance, gave £50, and afterwards £70.

550. When you were mayor did you give a contribution to your salary?—Yes.

551. Alderman *Middleton.*—The town clerk can give the names and the amount of the subscriptions.

GALWAY. *May* 22, 1877.

Mr. John Redington.

GALWAY.—MAY 22, 1877.

(Before Mr. CORBETT, Chairman of the Commission.)

Mr. JOHN REDINGTON examined.

1. CHAIRMAN.—Are you the secretary to the Galway Town Commissioners?—Yes.

2. Immediately previous to that were you not chairman of the Commissioners yourself?—Yes. I had the honour of being chairman two years, and a Commissioner for several years before.

3. How long have you been secretary?—About a year and seven months.

4. Prior to the passing of the Municipal Reform Act of 1840 Galway was, I believe, a municipal borough?—It was.

5. When was the property of the corporate body vested in the Town Commissioners under the 6th & 7th William IV., cap. 117?—Under that Act, which passed in 1836—the first special Act for Galway—we elected twenty-one Town Commissioners, in whom, when the old Body Corporate was dissolved in 1840, all the rights and property of the old Corporation were vested, together with the advowsons of St. Nicholas. The next local Act was the present Governing Act, 16 & 17 Vic., cap. 200, under which twenty-four Commissioners were elected—six for each ward—the North, East, South, and West Wards.

6. For what period are they elected?—For three years—triennial elections.

7. What is the qualification for Town Commissioner?—A £20 rating to the relief of the poor.

8. Or being the owner of real property of the annual value of £20, and being on the register of voters for the borough?—Yes.

9. And the qualification for electors?—£8 and upwards, and also to be on the register of voters for the borough.

10. And then was there not, under the Commissioners Clauses Act incorporated with the Act of 1853, plural voting adopted here—the only town in Ireland in which I find it?—Yes.

11. Any person rated for £250 and upwards is, I find, entitled to six votes?—Yes, and for £50 one vote, for £100 two votes, and so on up to six votes.

12. Is that system of voting still in force here?—Yes, and I think it works very well too here.

13. Did not the rating powers of the Act of 1853 enable you to levy 1*s.* improvement rate?—Yes.

14. According to Mr. Handcock's evidence before the Select Committee of the House of Commons that rate has never been levied?—No, but we are about levying one now for sewerage purposes.

15. The Act of 1853 gave you power to establish waterworks, and to levy a general improvement rate—very like the Towns Improvement Act of 1854?—There is very little difference.

16. Have you ever adopted the general Act of 1854?—No.

17. Nor did you ever adopt the Act 9th George IV.?—No. We were entirely under the Act of 1836 up to the Act of 1853, and from that time we have acted under the latter.

18. In 1863 did you not obtain another Act, the time having gone by for establishing waterworks?—Yes. The time had lapsed, and then we got a new Act to establish waterworks.

19. That Act I believe gave you borrowing powers to the extent of £15,000 for waterworks?—Yes.

20. And enabled you to levy a general water rate of 3*d.* in the pound, and a domestic water rate of 10*d.* in the pound?—Yes.

21. Had not the Act of 1853 given you borrowing powers up to £40,000?—Yes.

22. Have you ever exercised any of those powers?—No.

23. Did you borrow all the money you were enabled under the Act of 1863?—We did.

24. Up to the time you got those rating powers for water, and those other powers which you did not exercise, was there any real property vested in the Commissioners or were you not dependent upon what are called the ingate and outgate customs which were in the nature of a toll thorough?—Yes.

25. Had not the ingate and outgate customs been fixed by a schedule to the Act of William IV. in lieu of the old "toll thorough" which you derived under charter?—Yes, under charters of Richard II. and Elizabeth, and a series of charters.

26. Those tolls which formed the bulk of your income once amounted, I understand, to about £2,000 a year?—Yes; before the repeal of the Corn Laws.

27. Was there then a rapid decline?—Yes, to about £900.

28. At sometime—I don't know when—they seem to have been mortgaged to the Gas Company, under an Order of the Court of Chancery and a receiver appointed by the Court?—Yes.

29. How much of those tolls go to the gas company?—Five-sixths of certain tolls to the gas company, and one-sixth to the Town Commissioners.

30. What was the debt these five-sixths were to go in payment of to the gas company?—It was to pay the current lighting, and then to pay the interest on the mortgages, and if the five-sixths paid more than that, then to go in liquidation of the mortgages themselves.

31. But how did the Commissioners first become indebted to the gas company?—I think myself that in the passing of this Act of 1853, the Town Commissioners got into debt to the gas company. During this time they never charged anything for lighting, and in that way the Commissioners got into debt for gas.

32. An accumulated debt for gas. Did you afterwards get money from them to pay the costs of the Act?—No. I think the two—debt and costs—together amounted to £1,300, and then that went on increasing until it amounted to £2,800.

33. You went on getting gas for town purposes without paying for it?—We were paying as much as we could.

34. You went on exceeding your paying powers?—Yes; until it reached £2,800.

35. Was that the maximum amount it ever reached?—Yes.

36. What year was that?—It was about the year 1868.

37. I see, by Mr. M'Hugh's report (the Local Government auditor), that upon the 1st October, 1868, it was £2,815 13*s.* 7*d.*?—That is correct, that was the proper amount then due.

38. Was that the first time you are aware of any account having been taken and balance struck between the Commissioners and the gas company?—Yes.

39. Since that time, has any account been taken between the gas company and the Commissioners as to what the amount of the debt is?—No; we keep an account for ourselves.

40. I understand from the auditor's report, there is a serious discrepancy between the two?—Yes.

41. In what year was the receiver appointed?—In the year 1862 the receiver was appointed. On October 1st, 1868, an account was taken, and £2,815 13*s.* 7*d.* was the amount of the capital debt.

42. Since then, have the five-sixths of the tolls been sufficient to pay the interest on that debt, and any portion of the capital?—No; latterly the five-sixths has amounted to a good deal more; but for some years it was not sufficient even to pay the lighting.

43. Since then have you not reduced the number of lamps, and have you not in fact, as I understand, since 1868, reduced the debt?—I maintain it is reduced to £1,610.

44. Do you know what the gas company believe it to be?—I believe they think it to be £2,400.

45. Mr. M'Hugh, in September last, says, the balance is stated by your books to be £1,610 13*s.* 11*d.* "But," he adds, "the gas company claim a much larger sum, and they have received five-sixths of these tolls from the appointment of the receiver in 1862." Is that five-sixths of the gross tolls, or five-sixths after paying the collector and receiver?—After paying the receiver.

46. What salary does the receiver get?—£60 a year.

47. Has the collector a per-centage?—The receiver is in fact collector. He gets it from the collectors, and he gets £60 a year for that; and he pays over five-sixths to the gas company. There are several small collectors at each gap. They receive from 12*s.* to 13*s.* a week.

48. Do they receive poundage?—No.

49. Does their number vary from time to time?—Yes; at fairs, for instance, we require to have an additional staff of collectors.

50. Are the expenses of the staff paid in the first instance by the receiver?—The gross receipts go into his hands, and he pays himself and his collectors, and then pays five-sixths to the gas company, and the remaining one-sixth to the Commissioners.

51. You only get one-sixth, but I see in 1875 you entered £1,000 3*s.* 5*d.* as receipts from tolls. How was that?—We debit ourselves with the whole, and pay the gas company so much.

52. Then the whole of these tolls only amounted to £1,000 3*s.* 5*d.*?—Yes; we debit ourselves with the whole of the revenues.

53. Is £1,000 3*s.* 5*d.* about the average amount of the tolls?—It has increased greatly for the last two or three years.

54. You say it fell off rapidly at the time of the repeal of the corn laws. Since that has there been a gradual recovery?—No; the increase has taken place within the last few years. For instance, the tolls and customs in 1872 were £1,056 9*s.* 9*d.*; in 1873, £1,116 14*s.* 3*d.*; in 1874, £1,234 15*s.* 3*d.*; in 1875, £1,311 3*s.* 2*d.*; in 1876, £1,490 12*s.* 5*d.*

55. Those figures include, do they not, the receipts from the Crown?—Yes.

56. So that in point of fact you are receiving now in tolls and customs, and from weighing, about £450 more than you did in 1871?—Yes.

57. Why have no steps been taken to come to an understanding with the gas company as to the amount of capital debt still outstanding?—Well, I do not think we could well go to the Master to ask him to decide, as it will eventually come before him. We are waiting to pay off the debt.

58. I thought you got a provisional order in 1874 or 1875 to borrow £3,000 to pay off the debt. You got two provisional orders, one in 1874 and one in 1875. Did not one of them authorize you to borrow this £3,000, and the other to levy a paving rate of 2*s.*?—That was in consequence of one of the judges of assize, Judge Fitzgerald, deciding that the Grand Jury could not present for the roads within the municipal boundary, the Town Commissioners being bound by their Act to repair them.

59. Up to the time of that decision of Judge Fitzgerald, had the Grand Jury of the county of the town repaired all the roads within the borough?—All.

60. Was that one of the reasons you never levied that 1*s.* rate under the Act of 1863?—The 1*s.* rate was not applicable for the maintenance of the roads; it was for improving the streets.

61. What was the year in which Judge Fitzgerald gave that decision?—1874.*

62. Immediately on that decision, I suppose, you found yourselves in a great difficulty?—Yes; we had to get up subscriptions to keep them in repair.

63. Then you got a Provisional Order in 1874 for a rate to be called the "two-shilling paving and repairing rate," and in 1875 you got another Provisional Order authorizing the Commissioners to borrow £3,000 to pay off the gas debt?—Yes.

64. How was it you did not pay off the gas debt?—The Loan Commissioners told us that they were not authorized to grant the money for such purposes.

65. Could you not have got the money from some other source even if the Loan Commissioners refused it?—I doubt that very much.

66. Was there not an Act confirming those Provisional Orders called the "Galway and Kingstown Provisional Confirmation Act"?—Yes.

67. I cannot understand how, having got the authority of the Act of Parliament for a special purpose, you did not try to get the money from other sources. However, they declined, you say, to lend you the money?—They did.

68. And have you not applied to any other quarter since?—No.

69. Under that Provisional Order of 1874, arising out of this decision of Mr. Justice Fitzgerald, was there an alteration made in the area of rating?—No; there was no change made whatever in the rating.

70. The area of rating is peculiar here, I understand. What is the municipal area?—A radius of two miles from St. Nicholas' Church.

71. What is the area of the county of the town?—Two miles further out, taking the same centre.

72. Is the latter conterminous with the Parliamentary area?—Yes.

73. Then the Grand Jury of the county of the town, I presume, still repair all the roads within the outer circle?—Yes.

74. So that, although the decision of the judge did not in terms lead to an alteration of the area of rating, it practically had that effect, as from that time forth the Grand Jury repaired only the roads in the outer circle, while the Town Commissioners repaired the roads in the inner circle?—Yes.

* I subsequently learnt from Mr. Redington that no actual decision was given by Mr. Justice Fitzgerald at the Spring Assizes, but that he having expressed an opinion to that effect, the matter was brought before the Court of Queen's Bench, who quashed the presentment passed at the previous assizes.

GALWAY.
[*May* 22, 1877.
Mr. John Redington.

75. That, of course, causes some inconvenience. For instance, what is the rateable value of the inner circle?—£26,160; and the rateable value of the outside radius is £6,526.

76. Consequently, I presume, the outside area pays much heavier rates for the roads than the inside area?—They do.

77. What is the average amount paid for the repair of the roads in the inner circle?—About, on an average, £1,000 a year.

78. Does a tenpenny rate cover that?—Yes.

79. What is the average cost for the outer circle?—About £700.

80. Well, then, if on a rateable value of £26,160 you require a tenpenny rate to defray a cost of £1,000, the outer circle, with a valuation of only £6,526, must, in order to raise £700, be more heavily taxed?—Yes. There have been several plans to alter the matter, but they have not been acted on.

81. Has not this report which you have handed to me been principally drawn up by your chairman, Captain O'Hara?—Yes.

82. It seems to have been prepared with a view to its being laid before the Select Committee of the House of Commons on Local Taxation?—Yes.

83. Do you desire on the part of the Commissioners to put this in as evidence?—What Captain O'Hara desired me to state was, that this report embodies the greater portion of the evidence he would have wished to give if present. I have been reminded by a Town Commissioner that there was a resolution of the Town Commissioners directing that report to be sent to the Select Committee of the House of Commons.

84. Has this report been laid before the Commissioners?—It has.

85. I see it suggests four different arrangements, but expresses no direct preference for any one of them, except so far as to say such an arrangement would be very unfair in so-and-so, giving the arguments *pro* and *con* in each case?—Yes. The report was then laid before the Commissioners, and they have adopted the third plan as the one they prefer. That is the plan extending the inner circle, or present municipal area, to the outer circle of four miles radius.

86. Numbers 3 and 4, I see, contemplate the abolition of the Grand Jury of the county of the town. Arrangement No. 1 is to extend the present municipal or two-mile radius to the Parliamentary boundary or four-mile radius; in other words, to make the Parliamentary and municipal boundaries conterminous, and to place the whole of this area under the jurisdiction of the Town Commissioners for all fiscal purposes?—Yes.

87. Then the second plan which would merge the roads in the area of the outer circle with the baronies on which they abut, would apparently increase the rates of Clare Barony by one penny in the pound; it would leave Moycullen Barony the same, and decrease the rate on Dunkellin Barony by, perhaps, one farthing?—That is so.

88. CHAIRMAN.—This second arrangement would, no doubt, be a benefit to the ratepayers of the outer circle, but then the ratepayers of the inner circle would be charged with about £450 a year more than they are at present?—Yes.

89. Numbers 3 and 4 are to some extent alike, in so far that they both propose to abolish the county of the town Grand Jury. The difference is that by No. 3 you would extend the jurisdiction of the Town Commissioners for all purposes to the outer circle. By arrangement No. 4 you would not do that, but you would absorb the outer circle, as in arrangement No. 2, with the baronies on which they abut?—Yes.

90. Now read me the resolution passed when this report was before the Town Commissioners.—

"June 15th, 1876.

"The report of the Committee of the Town Council on Local Taxation was discussed at some length; and on the motion of Mr. Davis, seconded by Mr. Gill, arrangement No. 3, referred to in the report, was agreed to by a majority of nine to two, and the Chairman agreed, on behalf of the Commissioners, to give evidence on the subject before the Towns Taxation Committee at the present sitting of Parliament. The Chairman declined to vote on the question."

91. Since you got powers under this Provisional Order of 1875 (the Act was not passed until 1875, although the order was obtained in 1874), have you ever levied a 2*s.* rate?—We did not levy the whole of it; we have levied two 10*d.* rates.

92. With those two 10*d.* rates have you been able to keep the roads in proper condition?—There have been some complaints.

93. Had you to appoint additional officers?—We had.

94. Have you a borough surveyor?—Yes. We pay him £50 a year; besides this he is to have £200 at the closing of the sewerage.

95. Have you been executing additional sewerage works?—Not until latterly.

96. Since what date have you been engaged on them?—During last year principally. We borrowed a sum of £8,000 to make a complete system of sewerage in the town, under the Act of 1853. We will levy a certain amount to pay off the interest of that £8,000. It will come to about 4*d.* in the pound.

97. From whom did you get that £8,000?—From the Board of Works.

98. How long ago?—It is about a year and a half ago. We have only got a portion of it yet; we are taking as we require it. We have only about £2,000 and odd drawn out as yet. The first instalment, received in October, 1875, was £500. We drew then in October, 1876, £1,000, and in January, 1877, £1,500.

99. That is £3,000 out of the £8,000, not £2,000?—Yes. That is repayable at the end of thirty years. We pay £5 8*s.* 8*d.* to repay principal and interest for every £100 annually.

100. And as yet you have paid that regularly?—Yes.

101. With the exception of the debt to the Gas Company, is your only other capital debt the £15,000 you borrowed from the Loan Commissioners to pay off the debt on the waterworks?—Yes; Ross and Murray were the persons who had the works, and they had a mortgage on the works.

102. You borrowed, I understand, the £15,000 from individuals in the first instance; so that in fact you did not get this loan from the Public Works until afterwards?—We only got the loan from the Public Works to pay them off in 1875, and having only a mortgage on the waterworks of £13,531, that left a balance in the hands of the treasurer of £1,500. We had the waterworks at Salthill to repair out of that too. That is the reason we borrowed the £15,000.

103. Do you pay for that at the same rate, £5 8*s.* 8*d.* per cent.?—Yes; that pays capital and interest.

104. What were you paying on the old mortgage?—Five per cent. We have it now on most equitable terms.

105. By this time have you paid three instalments of that?—Yes.

106. Those two loans from the Public Works Commissioners, and the debt to the Gas Company constitute, you say, all your capital debt?—Yes.

107. How does that now stand?—What is the balance due to the Public Loan Commissioners after deducting the three instalments that have been paid?—£13,856 15*s.* 5*d.* is the amount due on the waterworks. Then on the £3,000 taken up for sewerage purposes £2,908 17*s.* 2*d.* is due to the Public Works Loan Commissioners.

108. Do you think you will require the entire £8,000?—I think not.

109. Then the other debt you put at £1,610 13*s.* 11*d.* to the Gas Company, which may be more or may be less, when the account is taken?—Yes, I think that is accurate too. The only difference between us is that the Gas Company charge interest

on the current balance for the year, and we think they are only empowered to charge interest on the mortgage, and not on the balance at all.

110. You contend, I presume, that your payment should be first taken as for the current consumption of gas, and they are then entitled to charge interest only on what remains of the original mortgage, after deducting all that has been paid off?—Quite right. In consequence of this transaction we keep no less than four different sets of accounts.

111. The first is your general account?—Yes, what we call our Number 1 account, which is the tolls and customs account.

112. I will just go through these four accounts very shortly. Have you any treasurer beside the bank?—No.

113. Then I will go through them with you. For the year ending September 29th, 1876, you started, I see, with a balance in the bank on the general account of £21 13*s.* The gross amount of tolls was £998 19*s.* 10*d.* Then I see a number of cranes and weigh-bridges at which collections are made?—These are what are called "customs."

114. Are all these for weighing?—Most of these are.

115. What is the distinction between tolls collected by the receiver and these other customs?—The tolls are those dues mentioned in the schedule of the Act of 1853; the customs are not mentioned in it.

116. Under what authority do you levy those customs?—Schedules B and C are the "Ingate and outgate tolls."

117. Are schedules B and C all that are mortgaged to the Gas Works?—Yes.

118. Then schedule D, the only remaining one, contains these fees for weighing and for market standings?—Yes.

119. Are the ingate and outgate tolls in the Acts of 1853 and 1836 identical?—Yes.

120. From standings and from fees, from weighing and stallages, and so forth, in connexion with different articles and in different streets in the town (where you are empowered to hold markets, I presume), you collected in one sum £517 7*s.* 1*d.*?—Yes.

121. Are these markets held in the streets or are there covered markets?—They are held principally in Eyre-square.

122. Is this an open market?—Yes; we have no covered markets.

123. Are these "standings" put up in the street?—They are small sheds put up near the church of St. Nicholas, where they sell apples, &c.

124. By the Act of 1853 you were, I think, empowered to establish public slaughter-houses?—Yes.

125. Have you done so?—We have.

126. But I gather from what I have seen in the newspapers here, they are not in proper working order?—No. We have paid very heavily for them; we expended £320 last year on improving our public slaughter-house, and it is not finished yet.

127. I see you received on the slaughter-house account £50 1*s.* 10*d.* What was that receipt for?—For cattle slaughtered there.

128. In fact, then, the slaughter-house is so far finished that it is used to some extent?—Yes. There are no sheep, however, killed there yet.

129. Here is also another item of £18 from private slaughter-houses. What is that for?—For licenses.

130. Are there any slaughter-houses in the town that are not licensed?—None that I know of.

131. Are they all reported on by your officer of health?—Yes. It is the town steward has the regulation of them.

132. Is the town steward executive sanitary officer?—He is collector of water rates also.

133. Is he responsible for the slaughter-houses being kept in a proper sanitary state?—No, it is the sanitary officer who does that.

134. Is the town steward only responsible for collecting the money?—That is all.

135. Is Eyre-square the property of the Commissioners?—Yes.

136. Had they that property at the time of the passing of the Act of 1853?—Oh, long before that.

137. Then, at the time of the passing of the Act of 1840 had they that property?—They have only a lease of it from Hedges Eyre, so that I was not very far out when I said we had no property. It is a lease "for ever," but it is to be kept as a square.

138. Do you get anything for the grass on it?—Yes, and we get £9 a year from the private inhabitants for the use of the keys.

139. You got £10 from the square last year. What rent do you pay for it?—£1 a year.

140. Then we come to £3 4*s.* 6*d.* for "Fines on watchmen" and "Rent of land," what is that?—The rent of a small patch of land near the manure depot, which we let out at 22*s.* 6*d.* a year.

141. "£16 7*s.* 3*d.* from small fairs;" what is the meaning of that?—We charge customers on the cattle coming into the fairs.

142. Are there two classes of fairs held in the town?—There are several small fairs held in the town.

143. Is there a fair-green?—No; the fairs are held around the square. It would not benefit the square much to have a fair held in it.

144. How often are these fairs held?—Quarterly.

145. What is the amount of the petty sessional fines?—£51 4*s.* 8*d.*

146. You received, I see, also 16*s.* 3*d.* for "Interest allowed by the treasurer"?—Yes; it's the first omen of prosperity.

147. These, with some other trifling items I need not mention, your total receipts came to £1,690 7*s.* 6*d.*, out of which you paid the receiver and collector of tolls and watchmen, £240 14*s.* 4*d.* These are lumped together by the auditor. Have they anything to do with each other?—The watchmen are sometimes called on to collect.

148. Did you pay the gas company £623 9*s.* 7*d.*?—Yes.

149. Then I find additional wages allowed by the master to the toll collector amounting to £152 16*s.* 6*d.*?—That is what we have to pay them. We have to collect for the fairs at all the different places.

150. Then am I to take it that £240 14*s.* 4*d.* is the permanent cost allowed by the master for receiving and collecting, including what is paid to certain watchmen employed in collection, and that in addition to that there is a further allowance amounting last year to £152 16*s.* 6*d.*?—Yes.

151. Does the extra or additional cost amount to that on an average?—Yes.

152. You paid also a further £36 0*s.* 8*d.* to watchmen; are these night-watchmen?—Yes, we have now only three. We pay them an average of 13*s.* a week wages.

153. Are they on duty all night?—They are supposed to be.

154. These are I suppose the men who were fined. Is there anyone to watch them?—They are under the supervision of the town steward.

155. What salary does the town steward receive?—He only receives £25 a year, but he makes some £50 odd as collector of water-rates.

156. What time do these watchmen go on duty at night?—They go on at ten at night, and they go off duty at six in the morning.

157. The constabulary patrol up to eleven o'clock, I think?—Yes.

158. Do the watchmen work well with the constabulary here?—They are so few they can scarcely fight with the constabulary.

159. Have you heard any complaint of them from the constabulary?—No.

160. Or from the inhabitants?—No; there had been some complaints previously, but latterly they have been doing their business pretty well I believe.

161. Do you give your square gardener £26 14*s.* a year?—Yes. You see we have not much profit from the square.

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Mr. John Redington.

162. The slaughter-house keeper gets £35 2*s.*; is that paid weekly?—Yes, he gets 13*s.* a week.

163. Your own salary, £63 11*s.* 2*d.*, appears an uneven sum?—There was something due on a previous year. My salary is £100 a year, and it is divided over different accounts—for instance, there is £50 odd in one account, and £20 odd in another, and so on.

164. £73 19*s.* 10*d.* comes next, described as a balance of repairs to slaughter-house, but I am afraid it is not a final balance?—No, we commenced other operations after paying off that balance.

165. Rent and taxes, including three years' rent of slaughter-house came to £109 12*s.* 7*d.* Is £28 a year the rent of the slaughter-house?—Yes.

166. And £20 5*s.* 1*d.* went for the repair of lamps. Do you pay all the repairs of the lamps?—Yes; formerly the company did the repairs I think; we do them now.

167. Do you light at so much per lamp, or so much per thousand cubic feet?—At so much per lamp.

168. How much do you pay per lamp?—£4 per lamp at present. If you take off the three months when we do not light it is about £3 4*s.* per month.

169. Who regulates the hours during which you are to light?—We have a regular agreement to light at certain hours. The town steward looks after that, and sees if they are properly lit, and at the right hours.

170. You say you have reduced the number of lamps. Are they sufficient to light the town now?—I do not think the public have been inconvenienced by the reduction.

171. The best test would be whether there were any complaints?—There have been some isolated complaints of inconvenience, but I do not think the public really have been inconvenienced by the reduction.

172. Then we come to £5 9*s.* 1*d.* for new weights for the crane, £8 for election expenses (of Commissioners, I presume), £11 15*s.* 6*d.* for the clothing of watchmen, £14 repairs of town clock, and £46 15*s.* 2*d.* "toll-house"?—Yes. There are two toll-houses.

173. Have you different places of collection for the ingate tolls at the outside of the town, as in Cork?—Yes.

174. So that every kind of produce liable to these tolls pays as it comes in or goes out?—Certainly.

175. Well that is a source of revenue that has been reported against a good many times I think. It was reported against very strongly by the Fairs and Market Commissioners, and also commented on severely by the Commissioners of 1835?—Yes, and in 1853, Lord Redesdale was very much against it.

176. Your "printing and bill-posting" seems to have come to £17 2*s.* 2*d.*, and "law costs" £12 2*s.*; what were those costs for?—Some small expenses at sessions or something of the kind.

177. The salary of town steward, £25; and sundries amounted to £42 13*s.* 11*d.*, leaving a balance of £124 6*s.* 1*d.* in the treasurer's hands on No. 1 account?—Yes.

178. I do not see any dog-tax brought into this account?—The Grand Jury get the dog-tax.

179. How is that?—I cannot say.

180. Did you ever apply for it?—No, we were not empowered to apply for it. But for our member, Dr. Ward, we would not even have the fines, which by some mistake were not put into the bill. Our special Act does not empower us to get the fines or the dog-tax.

181. Then how do say you got the fines?—Under the Fines Act. At the time the Town Commissioners generally were to get the fines; Dr. Ward saw we were not included, and he managed to get a clause including us put into that Act.

182. Number 2 is the road account. You started with a balance due to the treasurer of £454 7*s.* 7*d.*?—Yes, we got an advance from the bank for it. At that time we had not levied a rate, and had not taken up any of the money we were entitled to, and the bank advanced us the money in the meantime.

183. But in 1876 you levied a 10*d.* rate, and apparently collected £1,178 19*s.* 9*d.* in addition to which you got £69 3*s.* 8*d.* on account of Government property, and £96 11*s.* from the sale of manure?—Yes.

184. On the other hand you paid £1,543 13*s.* 6*d.* for street repairs and cleansing, and thus while you were in debt to your treasurer £454 7*s.* 7*d.* at the beginning of the year, you owed him £653 6*s.* 8*d.* at the end of it. How was it that you did not endeavour to get this work done by contract? Did you find it cheaper to do it yourselves?—No; we let out the roads ourselves whenever we can, but at present the sewerage works are going on through the town, and we could scarcely get a contractor to take them in their present condition. We are most anxious to set them by contract, and will certainly do so when the works are completed.

185. Are these works being done by yourselves under your borough surveyor?—Yes. We have a borough surveyor, and two other engineers in temporary employment especially for these works. They are consulting engineers.

186. Number 3 is the sewerage account. This is in fact your sanitary account also?—It is.

187. Have you any rate at present for that account?—No rate struck.

188. But you received £500 in 1876 on account of the £8,000 loan?—Yes.

189. You got £30 repayment from the Local Government Board on account of salaries of sanitary officers?—Yes.

190. You also received £3 from the Board of Erasmus Smith's School on account of opening a sewer, which with £1 8*s.* 6*d.* interest allowed by the treasurer makes up a total of £534 8*s.* 6*d.*

191. What does your sanitary staff consist of?—A consulting sanitary officer, at £10 a year. He has not very much to do.

192. Does he or not consult with the Commissioners?—I think since he was appointed he was consulted once.

193. When was he appointed?—In November, 1874.

194. Is he supposed to overlook the other sanitary officers in any way?—No, he is not expected to do anything except to attend when he is called in consultation.

195. Is he a dispensary medical officer?—No.

196. How many dispensary medical officers have you?—Two.

197. What do they get?—They get £15 a year from us, and something from the union beside.

198. Have you an executive sanitary officer?—We have an executive sanitary officer at £40 a year.

199. Does he hold any other office under the Commissioners?—No.

200. Does he attend all your sanitary meetings?—Yes.

201. How often are the meetings held?—Once a week.

202. Are the reports of the different sanitary officers produced?—Yes; the different reports are generally read along with his own report.

203. Is any action generally taken upon them?—The Commissioners are most anxious to have the sanitary laws carried out, but they find some difficulty, I think, in carrying them out. Whether it is the law is so new, I do not know; but I do not think it is properly carried out. They so far act upon the reports as to make orders upon them, but find a difficulty afterwards in carrying them into effect.

204. Is this in consequence of the resistance of the people, or the negligence of their officer—or is it that when the people resist they experience a difficulty in getting convictions from the magistrates?—I think myself the magistrates are rather lenient to the parties summoned, and that the sub-sanitary officers are lenient also.

205. Who are your sub-sanitary officers?—We have

only one for the whole town, and his salary is £20 a year.

206. Does he hold any other office?—No; he has no other public appointment.

207. He is really your inspector of nuisances?—He is. He is the man from whom the sanitary officers get their information.

208. And therefore primarily the man from whom the Commissioners get theirs?—Yes.

209. You think he is rather "slack"?—Well, I think he might be more strict if he had his salary increased, and devoted his whole time to it.

210. In short may I take it you are not satisfied with the way in which the Sanitary Act is carried out. You don't think it is carried out in the way it ought to be?—Certainly not.

211. What do you think would be a more efficient system?—I think if you had one well-paid official to look after these matters, and held him responsible for the efficient discharge of his duties.

212. Do you think the sub-sanitary officer should be paid such a salary as would enable him to devote his whole time to the work?—Yes.

213. And would you place over him a well-paid medical officer, who should be constantly consulted by the authorities, and to whom all reports should be made in the first instance before they came to the Board?—Yes, and I would make those two responsible for the sanitary condition of the town.

214. You would then have a well-paid inspector of nuisances and a well-paid medical sanitary officer?—Yes.

215. Would you not require an executive sanitary officer to keep the books and records?—Yes; there is a record kept by the present executive sanitary officer.

216. He keeps here, I suppose, as elsewhere, a book in which the reports of the sanitary officers are all recorded with the order of the Board made upon them?—Yes.

217. Can you mention any particular way in which you think the Sanitary Act is inefficiently carried out? Are the slaughter-houses thoroughly inspected? Are they a nuisance in the town or not?—I don't think we have had any report about them for a long time from the sub-sanitary officer.

218. I mean as regards the private slaughter-houses?—No; no report whatever.

219. Do the inhabitants complain of them? Would any persons walking along the streets find them a nuisance?—Mr. John Gunning complained of a slaughter-house near his own house, which he considered a dangerous nuisance.

220. Did the Commissioners take any steps respecting that slaughter-house?—They have closed that slaughter-house.

221. Have you got an inspector of lodging-houses?—Well, the sub-sanitary officer, he is obliged to inspect them.

222. Have the Commissioners framed any by-laws with respect to the inspection of them?—They have.

223. Are they enforced?—I am afraid they are a dead letter.

224. Have any complaints been made by the sanitary officers—they are the dispensary officers, and have you no occasion to visit those houses when attending to the sick—as to the way in which those lodging-houses are kept?—We have one or two reports on the subject.

225. When you have had reports made to you have you taken action upon them?—I am afraid not much. We have this great difficulty, that they scarcely come under the designation of lodging-houses. For instance, at fair times the townspeople take in persons for a night's lodging, and they go away next morning. They are not licensed lodging-houses.

226. You have adopted certain by-laws with regard to them?—We have.

227. And you cannot say of your own knowledge whether they are enforced?—No.

228. Are the houses generally connected by drains with the main sewers of the town? Of course those main sewers in course of construction cannot be connected with them yet, but where there are old main sewers, have any connecting drains been constructed?—I cannot say.

229. Do you think when the works in course of construction under the present scheme are completed there will be a complete system of sewage over the town?—Oh, yes.

230. Where shall you drain into?—Into the water below the tideway, and a portion into the sea, the outlet will be below the tideway.

231. Are there any crying nuisances, which have come under your observations, which ought to be abated, and which are not?—No; not at present.

232. Were you speaking generally, and not with reference to any particular matter, when you said the Sanitary Act was not carried out satisfactorily?—Yes.

233. We will now just turn to the expenditure side of the sewerage account. Law costs in connexion with this loan of £8,000 came to £16 15*s.* 5*d.*; sanitary officers' salaries, £120 0*s.* 3*d.*; proportion of secretary's salary, £15; sewerage plans, £196 13*s.* 4*d.*?—Yes; the plans themselves were submitted to the Local Government Board and the Board of Works.

234. £44 8*s.* 5*d.* laid out in the construction of small sewers?—Yes.

235. £14 9*s.* 6*d.*, first instalment on account of loan. I presume a broken part?—Yes.

236. £90 on account of repairs to slaughter-houses?—Yes.

237. Leaving a balance in the hands of the treasurer of £36 19*s.* 7*d.*?—Yes.

238. Then the only other remaining account is the waterworks. You started with a balance in hand of £1,611 10*s.*—was that the balance remaining of the loan?—Yes, after paying off the mortgages.

239. Water rates collected and lodged, £574 4*s.* 7*d.*, and interest allowed by treasurer, £5 3*s.* 2*d.*?—Yes.

240. On the other side your salaries and wages amounted to £186 8*s.* 2*d.*; materials, £981 3*s.*—what were these for?—For additional works—the extension to Salthill.

241. Rent, £32 4*s.* 6*d.*?—Rent—that is of the ground where the reservoir is situate.

242. Taxes, £85 19*s.* 2*d.*; instalment of loan and interest, £328 4*s.* 7*d.*; renewal fines on lease, £21 10*s.* 3*d.*?—That was the lease of the reservoir.

243. Then what is compensation for damages to lands, £58 4*s.* 6*d.*?—That was the damage done to lands by flooding, in consequence of an obstruction in the tail race. Owing to an obstruction in the tail race, the lands were flooded, and the parties processed the Commissioners, and we had to pay them £58 4*s.* 6*d.* for damages to lands.

244. £35 13*s.*, law costs—was that partly incurred in resisting those claims for damages?—Some of it.

245. And partly in connexion with the loan?—Yes, paying off the mortgages.

246. That left you with a balance in hand apparently of £461 8*s.* 7*d.*?—Yes.

247. Your financial position is shortly this. You owed on your streets and roads account, £653 6*s.* 8*d.*?—That balance arose from the collector not having completed the collection of his 10*d.* rate. If that was collected in we would have a balance in our favour. It has not been all collected yet.

248. On your No. 1 account, your general account, there was a balance in your favour of £124 6*s.* 1*d.*?—Yes.

249. You owed £653 6*s.* 8*d.* on your streets and roads account?—Yes.

250. And the balances in your favour on the other three accounts amount to £622 12*s.* 2*d.*?—Yes.

251. You do not seem to have paid any interest to the treasurer or to anyone?—There was no interest paid; we were fully aware we could not pay it.

252. And you were allowed some interest by your treasurer on the balance in your favour?—Yes.

253. Is the town now well supplied with water?—

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Mr. John Redington.

There is an ample supply. Last year there was a great drought in the summer, and the water was a little short, but that was in consequence of an obstruction, which has been got rid of.

254. Have you put up, as required by one of your Acts, six public fountains?—We have complied with that fully—we have nine.

255. Have you a high pressure supply?—Well, a fair pressure—a sufficient pressure for the requirements of the town. We contemplate, by-and-by, to put on a further pressure. We have already guaranteed to supply the new barracks, and if necessary, we shall erect a steam-engine.

256. What distance is the reservoir from the town?—It is quite close to the town.

257. Have you had the water analyzed by Dr. Cameron?—Yes, it was analyzed by Dr. Cameron previous to the construction of the waterworks.

258. And was the report satisfactory?—Oh, it is capital water—it is as good as the Vartry.

Mr. John A. Browne.

Mr. JOHN A. BROWNE examined.

259. CHAIRMAN.—Do you desire to give some evidence upon this inquiry? Be good enough to let me know the point and your position?—I have property in the outer district. It is situate within the county of the town, but not within the municipal borough.

260. You wish to give evidence then in relation to the proposed alteration in the municipal area?—I do; and I commence by stating that the Grand Jury cess levied in the spring of 1874, upon the whole district, then undivided, was 1*s.* 2¾*d.* in the pound. That was the Grand Jury cess for the whole of the county of the town, including the municipal area. That was for the repair of the roads and streets, and for the expenses of the county surveyor of the county of the town, who had then a salary of £150. That was the total cess levied, and covered everything, including the imperative assessments. For the preceding half year it was 1*s.* 4¼*d.*, making 2*s.* 7*d.* for the year. Now, in 1875, the spring cess was 1*s.* 5½*d.* for the whole county of the town. The severance took place in that year, and the first levy in the outer boundary was 11½*d.*, and 10*d.* levied by the Town Commissioners under the Local Government Board order. The Grand Jury levied 11½*d.* for the half year, and the Town Commissioners levied, for the first time, 10*d.* in the pound.

261. Is this what you wish to say—that inasmuch as the maintenance of the roads and streets within the inner circle has been now entirely cast upon the Town Commissioners the ratepayers in the outer circle have to pay a larger cess for the maintenance of the roads within that circle than they had before, the property in the municipal area or inner circle no longer contributing to the roads outside their boundary? Do you, therefore, consider that there ought to be some further legislation on the subject by which the outer district should be relieved?—Yes.

262. Would you say that one or other of these four schemes which are embodied in the report of the committee should be adopted?—I object to all those schemes. My objection to them is this. The expense of maintaining our roads is £700 a year, £100 of which goes to the county surveyor. If that £100 was thrown over the whole district, we would be perfectly satisfied and require no further legislation, and let things remain as they are.

263. If the whole of the salary of the surveyor in respect of the county of the town, were made a charge on the entire Parliamentary borough, you think no further legislation would be necessary?—Yes. We maintain that is what should be done; and what we intend is that before the next assizes, we shall have an opinion upon the subject, and there is a movement among the proprietors in the outer district to bring it before the Court of Queen's Bench.

264. First of all we have the broad fact that you have now to pay a heavier rate?—Yes.

265. Would you think any one of the four arrangements a good and equitable arrangement for remedying it?—I do not; and I may state my reasons for objecting. I object to our being liable for any borough rate. Our district is very much of the same character as the county at large. The inner district is occupied by suburban villas, and the lands are for the accommodation and benefit of the inhabitants of the town, and they may fairly contribute to the borough rate.

266. But you object to this outer two-mile district being included in the boundaries of the town?—Yes.

267. What would satisfy you, and satisfy, you think, some of your neighbours, would be that the cost of the surveyor, £100 a year, should be spread over the whole Parliamentary area?—Quite so.

268. Was not the salary of the surveyor £150, and has it not been reduced to £100?—Yes.

269. Was not that in consequence of the withdrawal of the streets and roads within the municipal area from his supervision?—I suppose so.

270. Has he any duties to perform in connexion with the county goal?—He has, as county surveyor.

271. Does he get paid by the county Grand Jury?—He does £150, and that sum is regulated by his having the other £100.

272. But surely all the duties he performs for the county at large must be considered a charge upon his salary as county surveyor?—He got paid before by the county of the town and by the county at large. These are now consolidated.

Mr. *Redington.*—We have now to pay another surveyor.

273. CHAIRMAN (to *Witness*).—Is there any other point to which you wish to draw attention?—There is. Under the last Act of Parliament, the Commissioners levy a toll on all horses and cattle passing through the town not exhibited for sale, nor resting for a moment. For instance, if I am sending cattle from west to east, I am charged so much per head for cattle passing through the town. For horses, you pay 2*s.*; mules or asses, 1*d.*; cows, 2*d.*; and pigs, 1*d.* Now I object to the levy of tolls upon horses or cattle, except for the purpose of sale. I do not think it was ever the intention of the Legislature to levy a toll upon cattle passing through the town, or driving or shifting them from one farm to another, or that proceedings should be taken by the Town Commissioners to enforce it.

Mr. *Redington.*—They have full power under the Act to do so, but if the parties are merely passing their cattle within the gaps of the municipal area, we do not charge them anything. The Commissioners have full powers of exempting anything in that way. Mr. Browne ought to feel greatly obliged to them, for allowing his horses to go in and out that way.

Witness.—I think that clause must have slipped in in some way into the Act, and it ought to be expunged.

274. CHAIRMAN.—By the 47th section the Town Commissioners have power to vary and reduce all the tolls.

Witness.—The great hardship and anomaly of the thing is this. If I bring in a beast and do not sell it I pay nothing, but if I bring in a herd of cattle from west to east, not for the purposes of sale, I pay for them.

275. CHAIRMAN.—Is there not a toll levied upon all cattle as they come in?

Mr. *Redington.*—There is, with the exception of fair days. On fair days there is a different mode of collection; we merely charge on the cattle sold. We do not charge under schedule C or B. There is a different mode of collection under a different schedule. On market days if they expose anything, we charge them, whether they sell or not. On a fair day we only charge for the cattle sold.

276. *Witness.*—Every day they charge for cattle driven through the town.

Mr. *Redington.*—Certainly; that is the law.

277. *Witness.*—And if I drove them back the same

day they would charge them again. It is a matter I think ought to be brought before the Select Committee.

Mr. *Redington.*—In any case of that kind the Commissioners would be sure to remit when their attention was called to it. Where there is a case of hardship of paying toll twice in the one day or a few days after for the same cattle the Commissioners always remit the toll.

278. *Witness.*—It is with the view to future legislation that I bring forward this toll. There is another matter as to goods to which I wish, Mr. Commissioner, to call attention. All goods brought down by train for private use beyond the town or going to traders in the small surrounding towns would pass free, whereas if I brought down some carpets for my house I would have to pay tolls upon them. I think it is right and fair there should be a toll upon animals or merchandise from which the parties are to derive profit, but I do not think it just that I should pay tolls on goods or cattle merely passing into or through the town.

Mr. John A. Browne.

Mr. DENIS KELLY examined.

Mr. Denis Kelly.

279. CHAIRMAN.—Are you one of the Town Commissioners?—Yes.

280. You desire to give evidence?—I do, with reference to the surveyorship. The question of the county surveyorship and the salary was twice before the judge and Grand Jury at two assizes. One of the judges after hearing all the arguments on both sides, took the papers with him to Dublin to consider the matter; and he decided that £75 a year should be paid to the county of the town surveyor; £5 by the municipal body for attention to this court-house, and the balance by the outer portion, the two-mile radius, outside the municipal area. The matter was again brought before Judge O'Brien at the last assizes and he increased the salary to £100 a year, £5 of which he considered should be paid by the municipal area and the £95 by the outer circle.

281. Is £5 then the whole proportion of the salary which he receives in respect of the court-house and that is made a charge on the municipal area?—Yes, this court-house being exclusively within the municipal area and no use whatever to any other portion.

282. As a matter of fact is that £5 paid by you?—The treasurer to the Grand Jury pays it.

Mr. *Redington.*—The Grand Jury have the power of levying for certain purposes imperative assessments and this £5 is applotted upon the inside area. This is a matter entirely with the Grand Jury, and the Town Commissioners have nothing to do with it.

Witness.—This is an imperative presentment the same as for lunatic asylums, gaols, &c.

Mr. JAMES FORBES examined.

Mr. James Forbes.

283. CHAIRMAN.—On what subject do you wish to give evidence?—I wish to object to the Commissioners not taking contracts for the repair of the streets of the town. I think they should be all let out to contractors.

284. Mr. Redington, Secretary to the Commissioners, has already told me the Commissioners are too desirous of doing so as soon as they finish the sewerage works; but that they felt, while the sewerage works were going on, they probably could not contract on reasonable terms. Do you not think there is a good deal to be said for that view?—At the present moment the streets cost twice as much as before.

285. I will ask Mr. Redington further as to that.

Mr. REDINGTON recalled and re-examined.

Mr. John Redington.

286. CHAIRMAN.—I see in the auditor's report, repairing and cleaning are put in a bulk sum. How much is repairing and how much is cleaning?—The men are paid so much on weekly pay-sheets, and there is a cheque drawn by the Town Commissioners for this. These pay-sheets are duly certified by the town steward to be correct before they are paid. They sign their names when they are paid in a certain column, as having received the amount.

287. Does not that pay-sheet in any way distinguish the people employed on the repairs of the streets from those employed in the scavenging?—No.

288. Can you say whether or not more is now expended on the repairs and maintenance of the roads, including the scavenging inside the municipal area, than was expended by the Grand Jury upon them?—More is certainly expended, for this very reason, because the contractors now would charge double what they would do five or six years ago.

289. Are the Grand Jury paying their contractors more now?—Certainly, whenever the old contracts fall through.

290. How is it you do not keep separate accounts for the scavenging and the repairing?—The very same men are employed on one set of works as the other.

291. Do you pay them at the same rate for each class of work?—We pay them the same for each class of work.

292. Do you mean you pay them at the same rate whether they are breaking stones, or laying stones, or sweeping the streets?—Just the same; they are the same class of labourers.

293. How many men have you had employed weekly, during the last year?—I could not exactly say; there are more in winter than in summer. Twenty-five, I see, is the number on last week's sheet.

294. Mr. *Gill* (one of the Town Commissioners).—Would you, sir, ask him if some of the Commissioners are not themselves contractors?

295. CHAIRMAN (to *Witness*).—Is it a fact that there are any Town Commissioners who are contractors themselves for any work undertaken by that body?

Witness.—There is no contractor under us who is a Town Commissioner. If you state a case, sir, I will try and answer it.

296. CHAIRMAN (to *Witness.*)—What contracts have you now out?—We have a contract for printing.

297. Who is the contractor?—Mr. John P. Ferdinand is contractor for some of the printing.

298. Is Mr. John P. Ferdinand the Commissioner of that name?—No; Mr. Lewis Ferdinand is the Commissioner.

299. Mr. *Gill.*—May I ask, sir, who is Mr. John P. Ferdinand?

Witness.—He is the son of Mr. Lewis Ferdinand.

300. CHAIRMAN.—Who is the other contractor for the printing?—Mr. O'Connor, of the *Galway Express.*

301. Is he a Commissioner or the relation of a Commissioner?—No, he is not.

302. CHAIRMAN (for Mr. *Gill*).—Is no other contractor a Commissioner?

Witness.—Nobody else.

303. Who is the person who supplies the horses and carts, and the road materials principally?—There is a man named James Kelly, who, I believe, has two carts employed.

304. At how much a week?—I cannot tell you that.

305. And who is Mr. James Kelly?—He is a son of Mr. Denis Kelly.

306. And is he a Town Commissioner?—He is.

307. Then in fact there are two Commissioners whose sons are contractors for or do work under the Town Commissioners—Mr. Kelly and Mr. Ferdinand?—Mr. Kelly is not a contractor. He has two horses at work, and he carries in broken stones for the Commissioners for the maintenance of the streets, and it is weighed at the public weigh-crane, and he is paid for it by the load. Mr. Ferdinand is a contractor for some

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Mr. John Redington.

of the printing. He is also contractor under the Poor Law, and I believe there was an inquiry by the Local Government Board, when it was brought under the notice of the Local Government Board that the son of a Poor Law Guardian had a contract. They held an inquiry into the matter, and it was proved that Mr. Ferdinand was a *bonâ fide* contractor.

308. Is his father in partnership with him, or is his father interested, directly or indirectly, in this contract?—The way it came out on the inquiry was this—that Mr. John P. Ferdinand had the jobbing portion of the press to himself.

309. Is Mr. Ferdinand the Commissioner the proprietor?—No, he is the proprietor of the newspaper; and Mr. John Ferdinand had entirely to himself the jobbing portion of the press.

310. (To Mr. *Ferdinand*).—Perhaps you can explain the relative positions of your son and yourself in this matter?

Mr. *Lewis L. Ferdinand*.—I am the Town Commissioner, and proprietor of the *Galway Vindicator*. Mr. John P. Ferdinand, my son, has the jobbing office. He is also contractor to the Grand Jury. He was also contractor to the Poor Law Guardians, and I am a Poor Law Guardian. An objection was raised to his holding the contract, and a sworn inquiry was held before the Local Government Inspector, Dr. Brodie. I went forward and showed that he was a *bonâ fide* contractor, and that the jobbing office connected with the newspaper was his sole property.

311. Do you derive any profit from the business?—None.

312. What age is he?—Twenty-two years of age.

313. Was he of age when he had this contract?—He had no contract before he came of age.

Mr. *Kelly* (to the CHAIRMAN).—I am not in the slightest way interested, directly or indirectly, in my son's contract. My son is of age, working immediately for his own benefit independently of me.

314. Has your son a contract?—No; his horses are employed simply by the day, at 5*s.* a day.

315. (To Mr. *Ferdinand*).—Have you given receipts for your son, Mr. Ferdinand?—I never gave a receipt in my life for him.

Mr. John Gill.

Mr. JOHN GILL examined.

316. Are you a Town Commissioner?—I am. There is another matter I would wish to bring under your notice. I happen to be a Harbour Commissioner also——

317. CHAIRMAN.—As you are a Harbour Commissioner I will ask you this—Are the Town Commissioners of Galway in any way interested in the receipts of the Harbour Commissioners?—No, not that I am aware of.

318. Under the Harbour Act is it necessary that any of the Town Commissioners of Galway should be members of the body of Town Commissioners?—No, it is not.

319. Well, then, I do not think I can go into any questions relating to the proceedings of the Harbour Commissioners. They do not appear to fall within the scope of this Commission. Is there any other matter you wish to bring before me?—No.

Rev. Peter Kiernan.

REV. PETER KIERNAN examined.

320. You wish, I believe, to be examined in relation to sanitary matters. Are you a clergyman residing in the town?—Yes; I am one of the Roman Catholic curates of the town for the last ten years. During that period I have been doing duty on both sides of the river. At the present time I am stationed at this side of the river, and my district extends from the river to the extremity of the town.

321. What do you wish to represent with regard to the sanitary condition of the town?—The sanitary arrangements among the poorer classes are very bad indeed, and I do not know that in my experience I have ever seen the town in a worse state than it is in at present.

322. Have you ever drawn the attention of the Commissioners to the fact that the sanitary arrangements are very bad?—I have come before the board more than once myself. On one occasion I spoke to the predecessor of the present town steward, and to the sub-sanitary officer.

323. Did you find the Commissioners, when you applied to them, prepared to go into and to remedy your complaint?—Quite prepared and most anxious.

324. And were those matters remedied?—Well, partly; for twenty-four hours, or a week.

325. To what do you attribute the failure of their attempt to remedy the evils you complained of?—First of all the sub-sanitary officer is paid a wretched salary, which is merely just putting a premium on keeping the town in a filthy condition.

326. Do you mean it is not worth his while for £20 a year to do his duty?—Certainly. I think it would require the undivided attention of one man to do the work. I think it would be requisite that the sanitary officer should visit every house once a week, or perhaps oftener.

327. Do they keep the pigs in their houses here to a very large extent?—Yes. At present the pig season is over, but when the pigs are in season there is scarcely a house in the poorer part of Oranmore in which pigs are not kept in the houses. In some cases horses are kept with them, in some cases, donkeys. In one house near the club-house, there is the father, the mother, the three children, and a horse all living in one house. The consequence is, that in that house I have had the father, the mother, and the children sick over and over again.

328. Have you drawn the attention of the sanitary officer to that?—I have not; but, though I cannot say positively, I know the sanitary officers are aware of it, because the doctor has visited the house.

329. Who is the sanitary officer of that district?—Dr. Clayton. I cannot positively say Dr. Clayton has been there, but he has been called on to attend.

330. Do the father, the mother, the three children, and the horse, all occupy the same room?—They sleep and live in the one room, and, of course, all the horse's tackling and harness are kept there. During the day the bed which the horse uses at night is gathered up, and of course the effluvium of the place is dreadful. The bed on which the horse lies is as contiguous to the bed on which the parents lie, as that book is to the desk there. And that has been going on for years. I give this case as an example; there are many others. *Ex uno disce omnes.* In Claddagh the pigs are all kept under the bed. In another house, in the same locality, there are three heifers, a donkey, two pigs, a grandfather—an old man—three children, a husband, and a wife. There are two rooms in that house, but the whole house is only about twelve feet by twenty, I think. And this has been over and over again in fever.

331. Do the animals occupy the lower room, and the family the upper?—No; the rooms are both on the same floor.

332. Do you mean to say the human beings sleep in the same room with these animals?—They do. In the smaller room there is space for the father and mother and children alone, and the grandfather sleeps in the larger room with the animals.

333. Are there many similar instances?—Oh, yes; in the suburbs of Oranmore there are pigs kept up in the very garrets.

334. Do you know whether there has been any effort of the Commissioners since 1874 to get these animals out of the houses?—I know of no instance.

335. And should you say things are as bad as in

1874?—I should say they are worse. I do not know that I have ever spoken to the Commissioners of cases where there are animals in the houses, but I spoke in a case where there were heaps of manure and filthy water. In one case I had to apply for a summons before I could get the place closed up. This was the old nunnery.

336. Was there any other case in which they did not appear willing to act without your taking further proceedings?—They have been always willing to act in the cases of removal of sewers or cesspools, and cases of that kind. In the case of the old nunnery the house was falling down.

337. How long ago was that?—Probably before Christmas; I cannot state the exact time.

338. But was it within the last twelve months?—Oh, yes.

339. You had, you say, to make an application to the magistrates, and then the Commissioners took steps?—Yes. It was tumbling down. There are several houses in the town in the very same way.

340. Have you known any cases where parties have resisted the removal of animals, or the removal of any nuisance, after which the Commissioners have applied to the magistrates for an order, and failed to get one?—I may know of some, but I cannot at present recollect them. I believe there have been such difficulties. There is another house quite convenient to one of the principal streets; it is a large house, and is occupied by twenty-four families. There is no yard attached to the house; there is no water-closet nor privy; and at night (I am frequently out at night on sick calls) I have found on the first landing all the night-soil and manure thrown in one heap, and remaining there for days. I have asked the question, "Does the sanitary officer ever come here?" and I was told they did not know him. There is frequently sickness in that house.

341. The doctor surely must attend this place?—Oh, of course.

342. *A Town Commissioner.*—Will you give the name of the house?—Oh, I do not think it would be fair to give the name of the house. (To the Chairman).—I will show you the place.

343. Is the house within the jurisdiction of the Commissioners?—Oh, it is.

344. And within one of the districts in which there is a sanitary officer?—Yes.

345. In whose district is the last house you have mentioned?—In Dr. Clayton's. I would also wish to say something as regards the lodging-houses.

346. Yes; Mr. Redington said that though there were rules issued for the regulation of lodging-houses they were not very strictly observed. Have you ever seen a copy of these by-laws?—I have; but I believe the lodging-house keepers do not know anything about them.

347. CHAIRMAN (to Mr. *Redington*).—Have copies of these by-laws been supplied to the various parties?

Mr. *Redington.*—I understand that there have been copies of these by-laws left with the parties.

348. (To *Witness*).—Are the lodging-houses very much crowded here?—At certain seasons of the year they are; at other times they are not. But the accommodation in them is very bad.

349. I presume the by-laws provided there should be a certain amount of cubic feet allowed for each house?—Well, I had the curiosity some weeks since to measure a room; it is fourteen feet six in width, and twenty-four feet six in length, and in that room there are several beds.

350. What is the height?—There is no ceiling to it.

351. Are there rafters?—Oh, yes; rafters and slates.

352. It is not open to the sky then?—No, with the exception of some skylights; but in some other houses in Claddagh the roofs are quite off the houses.

353. You spoke of one house in which there were a great many persons living, and where there was no privy or ashpit. Should you not say that was the case with the greater part of the town?—With the greater part of it. In fact there are some places which are worse. I was called to attend a case of sickness some time since in a house in which there was a privy. Cattle were killed in the house—in the entrance hall—and adjoining this hall there were three large pigs. On the first landing of the stairs there was a water-closet, and the effluvia of that was the worst I have ever known. In that house there was a person dying of blood-poisoning—did die of it, in fact, I believe.

354. Do you know whether this case was brought before the Commissioners?—I cannot say. There are so many cases of that kind it would be impossible to bring them up.

355. CHAIRMAN (to Mr. *Redington*).—Would you let me see a copy of your by-laws. (Copy of by-laws handed in.) Do the constabulary act as inspectors of lodging-houses?

Mr. *Redington.*—No; there is no inspector of lodging-houses.

356. Do you mean to say there is no person appointed by the Commissioners as inspector of lodging-houses?—Oh, yes; the sub-sanitary officer is inspector. He went round and visited these lodging-houses, and gives length, breadth, height, and so on.

357. (To *Witness*).—Your belief is that the sub-sanitary officer has not visited them?—Well, I believe he has not; and that if he did he could not pass them. In a great number of these houses vegetables are sold, after which there is a large quantity of vegetable matter left decomposing.

358. Do you mean they are green grocery shops?—You cannot call them green grocery shops. I have found these heaps of vegetables in the very room where people are sleeping. They are kept to form manure, or perhaps to boil for pigs. In wet weather they are kept out in the rain, and taken in at night; and a gas is generated which is certainly not healthy.

359. Have you never seen a copy of these by-laws posted up in any house?—I have never seen them.

360. Here is the last one, for instance (reads):—

"No house shall be registered as a common lodging-house unless there shall be appurtenant thereto the use of a water-closet or privy, or be furnished with a night-chair; nor unless each sleeping-room shall have an external window made to open."

361. Is that rule observed in many of them?—Not in one that I know of. I am not aware at all that they are registered.

Mr. *Redington.*—Oh, it is a dead letter the whole thing.

362. CHAIRMAN (to Mr. *Redington*).—I thought you said these by-laws had been distributed?—Oh, yes; they have been distributed, and Mr. Hynes, sub-sanitary officer, now present, tells me they are registered.

363. *Witness.*—What is the meaning of registered?

Mr. *Redington* registered in a book, and authority given by the Commissioners to keep these lodging-houses.

364. *Witness.*—Have there been any licenses granted to your knowledge, Mr. Redington?—Not to my knowledge.

365. CHAIRMAN.—Here is rule No. 10 (reads):—

"No pigs, asses, or other animals shall be allowed to remain inside any lodging-house; and the yards shall at all times be kept thoroughly swept and clean."

366. Do you find animals kept in these lodging-houses?—Well, I cannot say that in any lodging-house I have ever found a horse or a cow.

367. Or a pig?—I will not go so far as pigs. Perhaps the sanitary officer is not quite to blame, because when he does bring a case before the magistrates (I have been at the sessions on a Monday frequently) the fine is such a trifling thing—perhaps a sixpence—that the persons summoned would not mind the trifle—much rather pay the fine probably than go to the trouble of erecting the piggery outside.

368. Can you say whether or not the separation of the sexes is observed in these lodging-houses?—Oh, not at all; and last week I had occular demonstration of this. I was called up at night to visit one of these houses, and I saw the sexes mixed. Of course they were married.

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Rev. Peter Kiernan.

369. Well, of course the "separation of the sexes" does not apply to married people?—I mean I saw persons of different sexes sleeping together.

370. Dr. *Brodie* (Local Government Board Inspector).—I have myself visited several of those places and found the very same state of things you describe.

371. CHAIRMAN (to *Witness*).—Is there a good supply of water generally for the inhabitants?—Oh, abundant; unlimited. I think though for some time, perhaps, the filtering beds are choked up. I have noticed for some time the *carafe* having a deposit in the morning.

Mr. *Redington*.—The filtering beds have not been cleansed since the waterworks were erected.

372. Mr. *L. Ferdinand* (to the CHAIRMAN).—Would you ask him what remedy he would propose?

Witness.—I should say the sub-sanitary officer should be an officer quite independent of all Local Boards. As a rule the sub-sanitary officer is a poor man, and his salary, although small, is of very great value to his family. The men who have the appointment are the Commissioners, and these men are very generally the owners of property about the town. Of course the poor man does not wish to come forward and report these men, and take proceedings, because he says, "If I report them I may be dismissed and sent about my business." And what is more, I know that Mr. Harding, one of the best sub-sanitary officers in Galway, resigned for that reason. He told me if he got a thousand a year he would not remain a servant of the Commissioners, in consequence of the annoyance he got. So long as the sub-sanitary officer is dependent on the Town Commissioners, or any Local Board, he cannot be independent.

373. Yet as far as your experience goes, you say the Town Commissioners are anxious to carry out the laws?—I think as a body they are.

374. But individually?—But individually I cannot answer in the affirmative.

375. Dr. *Brodie*.—Might I ask, would you wish the sub-sanitary officers should be under the control of the Local Government Board absolutely?—Absolutely. I think if you want to get a man to do his work well, you must give him £100 a year, or something like that. I am certain any one man has as much as he can do to look after the sanitary matters without any other appointment.

376. CHAIRMAN.—Would you say the same thing of the medical officer as of the sub-sanitary officer?—I would not go so far as that, because the medical man is more or less independent of the Commissioners.

377. However, according to your evidence, the medical officers do not take much trouble about these matters?—They do not. Some time ago I drew the attention of a medical officer to a yard. It was in a wretched condition; an old building had fallen down, the stones are lying in a heap, one over another, and the interstices are filled with liquid manure which cannot be taken out. I am residing next door, and I am conscious of what the effluvia can do.

378. Have you called the attention of the Commissioners to that yourself?—No; I could not possibly be bringing every case before the Town Commissioners, but I called the attention also of the sub-sanitary officer to that.

379. And was nothing done?—Nothing.

380. Have epidemics very much decreased since you have got a good supply of water?—Yes.

Mr. John Hynes.

Mr. JOHN HYNES examined.

381. How long have you been sub-sanitary officer?—Since May of last year.

382. Have you heard the evidence of the gentleman who has just retired?—I have only heard a portion of it.

383. Well, he tells us the sanitary condition of the town is wretched, particularly in the poorer portion; that there is scarcely a house belonging to the poorer inhabitants that is not occupied by pigs or other animals, and that no effort has been made to remove them. Is this the case in your district?—I have seen pigs in the houses.

384. Have you seen cows and horses?—I do not know a case where they are kept in the house.

385. Do you know the house in which the father, mother, and three children, with a horse, are all living in one room? Did you never find a horse in any house in the town?—I did, but the people were not living in the same apartment.

386. Do you know another house where there was the grandfather, the father, the mother, and three children, with three heifers, a donkey, and two pigs, all living in a couple of rooms?—I do know that house. They were summoned for that house.

387. Rev. Mr. *Kiernan*.—I will just ask the name of the house Mr. Hynes summoned.

Witness.—Crowe's.

388. Rev. Mr. *Kiernan*.—That is not the house I allude to.

Witness.—In the house I mean there was a cow, and it was in a very bad condition. The sanitary officer sent his report to the Board, and we fined the party.

389. What was the fine?—The fine and costs were something about 3*s*. or 3*s*. 6*d*. altogether.

390. Did they continue to keep the animal in the house afterwards?—They removed them then; the weather turned in their favour, and they put the cow out to graze.

391. Do you know of any other instance where the parties were summoned?—We had only eight summonses in the year.

392. How many houses are there in your district in which they keep those animals?—I have known no other house but that (that is to say, where they actually reside), where the animals stop.

393. Did you report every house you heard of?—I did, regardless of whether they were Commissioners or not.

394. I cannot reconcile this evidence; there appear to have been eight cases of summonses?—There were 135 reports about nuisances generally.

395. But how many reports have there been of animals kept in the house?—I cannot say there were any at all but the one I mentioned.

396. Do you know the clergyman who gave evidence just now?—I do.

397. His evidence is that there is scarcely a house in Galway in which animals are not kept?—I know of no case in which the animals are not separated from the family.

398. What do you mean by "separated from the family?"—I mean kept in the outhouse apart from where the family reside.

399. Then you surely cannot have visited every house?—I visited every house in Galway.

400. (To Rev. Mr. *Kiernan*.)—Will you have the goodness to give the name of the house where the grandfather, &c., were living?—Gannon's, near Prospect hill.

401. (To *witness*).—Have you visited that house?—I have.

402. Did you ever see a horse in it?—No.

403. Rev. Mr. *Kiernan*.—Did you ever see droppings?—I saw the place as if a horse was in it; I saw the place damp, and having the appearance as if a horse was in it.

404. CHAIRMAN.—Did you make any inquiry?—I did not; I knew they had a horse, but I thought it was outside they kept it.

405. And did you not consider it necessary to visit it again, or make any report?—(No answer.)

Witness.—But I certainly would rather sleep in Gannon's with the horse than sleep in other houses I have seen in the town.

406. Have you reported them?—I have reported

them. There is no ventilation; the windows are broken, or have no sashes, in very many of those houses. I measured the rooms; I made a report to the authorities, and I never heard anything more about it. That occurred last year.

407. Rev. Mr. *Kiernan.*—Do you know Dempsey's meeting-house in Prospect-hill?—I do.

408. Did you measure the top room in that house?—I did.

409. What is the size of it?—The clerk has the book, and he has the measurements. I have no idea now of the measurements. I found only one place—one lodging-house in Henry-street—where they had more beds than they should have.

410. Did you distribute copies of this by-law?—I left them when leaving notices, and our clerk has a record of them.

411. Did you tell them it was their duty to put them up in a conspicuous place?—I told them everything I thought most necessary at the time.

412. Did you visit them since?—I had no instructions to visit them. I told the Commissioners I had a number of notes in connexion with those measurements, and that if they required further information on the subject I was prepared to give it to them.

413. Are these fifty-three lodging-houses all registered?—The clerk has got them on his books.

414. Have all these fifty-three lodging-houses got either water-closets or privies?—I do not think there were two out of the fifty-three within the terms of the by-laws.

415. Did you report that visit?—I reported it to the Board at the time. I even remember stating that their object seemed to be rather to shut out air rather than admit it. Mr. Redington has the report.

416. Did you report to Mr. Redington, or was it to the Board you reported?—I reported to the Board direct. As far as the bulk of the people are concerned, I have no necessity for summoning them, because the bulk of the people I find most anxious to comply with my directions.

417. During the year you have been in office, do you consider any improvement has been effected in the poorer dwellings as regards the condition in which they are kept?—I do, certainly; but no improvement has been effected as regards the structures themselves.

418. Do you think the pig nuisance has been abated?—I think they were always in the habit of keeping those animals.

419. Exactly, and it has not been abated. Do you think the question of the pigs is at all material?—I think if one pig were turned out a thousand should be turned out.

420. You told me just now that there were only eight cases in which you had to take out summonses. Were those for keeping animals in the houses?—I am afraid you do not understand the case. We had eight cases brought to the court; but whether those were for animals, or pigs, or cesspools, I cannot say. I did not say I reported where there were pigs. I know where there are pigs, and I did not report them.

421. Are there many such cases?—Many such cases. In fact I was waiting to see how things would go on.

422. CHAIRMAN.—I think there is no doubt about the fact that there are a number of cases of this peculiar nuisance of keeping pigs in houses which you have not reported?—A great number of cases.

423. With regard to the other cases in which you were "waiting to see how things would go," are there many of those that you have not reported?—Not one.

424. Have you reported every case where there is a cellar below the level of the street?—Every case that has turned up.

425. Have you reported every case where there was no privy or ashpit?—No.

426. Have you reported every case where there was a heap of manure in or close to the house?—Every case. The only matter I was lenient to them about was in the matter of pigs, and I spoke to several of the Commissioners about that.

427. Are there not a great number of houses in which there are no privies or ashpits?—The majority have none.

428. And have you reported that fact to the Commissioners?—No.

429. Then there have been no steps taken by the Commissioners to enforce their construction on the owners?—No.

430. Why did you not report the fact to the Commissioners?—I considered, in fact, that I would let things remain as they are. I will be candid with you. I had great opposition for half a year from the Local Government Board. I was browbeaten by the Local Government Board. They said for five months they would not have me at all as sanitary inspector.

431. Was that because you were so active, because you did so much work?—Well, I was told it was because I did so much work.

432. Who told you that?—Well, a magistrate and *ex-officio* guardian, but I have not sanction to mention his name. He told me as much; and he told me, when I had got my appointment under the Board, to keep very quiet now.

433. So I suppose you thought it your duty since December last to be "quiet"?—Oh, no; nor won't, because I have reported the Commissioners themselves over and over again.

434. Have you ever received instructions or hints from the Commissioners themselves that you are not to be too busy?—Never from any one of them.

435. Are those houses where there are no privies nor ashpits, and where there are no conveniences, owned by the Commissioners themselves?—Well, they may and they may not.

436. Have you ever reported any case in which they belonged to the Commissioners?—I have spoken to them.

437. Have they acted with regard to their own houses as they would with regard to other people's?—They have.

438. Have they made orders for the abatement of the nuisance?—They have.

439. Have those orders been obeyed?—They have.

440. On their being summoned?—We had not to go as far as a summons with them.

441. Wherever there was a case in which structural alterations, such as the construction of privies and ashpits, were required to be made by the owners, have they been made?—I do not think they have.

[Mr. *Redington* here read a general report made by witness, the effect of which merely was that he found the approaches to most places extremely clean, but the ventilation defective.]

442. Where there are main sewers through the town, are the houses, as a rule, connected with those main sewers?—The houses of the wealthy, as a rule, are, but the houses of the poorer class are not; but with regard to the houses of both the poor and wealthy classes, the connexion, I think, is defective. Those sewers have been constructed for a long time, and the water percolates through the gravel; and forty or fifty yards from that sewer there may be traces of the sewage.

443. Have you reported upon these sewers?—I have, on this very day. (Hands in report.) I was called down by the sergeant to see that place to-day, and they are an example of the condition of a heap of houses in all the principal streets of the town.

444. Have you reported in every case where you found the connexion defective, or the connexion not existing?—Yes.

445. And what action has been taken by the Commissioners?—Notice has been served on the parties.

446. Have connecting sewers been made in consequence?—No sewers have been made that I know of.

447. When the parties have not done the work themselves, have the Commissioners, in any case that you are aware of, taken upon themselves, as they are empowered by the Act to do, to construct connecting sewers?—Not that I am aware of.

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Mr. John Hynes.

448. Are there not then a great number of cases, which you say you have reported to them, where no connexions have been made, and in which no ulterior proceedings, notwithstanding, have been taken?—Some steps have been taken to put matters to rights for the time being.

449. Are any of these houses in which connecting sewers are required to be made, or are defective, the property of the Commissioners?—I am not aware as to that at all.

450. You must know who are the owners of these houses. Can you say whether in all cases where the houses thus deficient are the property of the Commissioners, the Commissioners have taken steps to remedy them?—They have.

451. Do you know anything of the case of blood-poisoning mentioned by the Rev. Mr. Kiernan?—I heard a report last year, that a person had died from the filthy condition of the house he lived in, but that was a year before I came into office.

452. CHAIRMAN.—(to Rev. Mr. *Kiernan*).—Can you give me the name of the house you refer to?—I can, but I had rather not.

453. Is it in his (witness's) district?—It is.

454. (To *Witness*).—Have there been any cases of diphtheria or scarlet or typhoid fever since you came into office?—Not that I am aware of. It is impossible to put the houses I speak of to rights; they are the ruins of the former residences of the great county families. These are houses that were never constructed for tenements at all.

Rev. Mr. *Kiernan* (handing slip of paper to Chairman).—That is the name of the house, but I would rather not have it mentioned publicly.

Witness (having been shown the slip of paper by Chairman).—I know that house.

455. Are animals kept in that house?—I do not know, but I know they slaughter things there.

456. Is this a slaughter-house?—Oh, no; people live there. And they kill the sheep in all the victuallers' shops in town. While you would be passing through the town a fellow would be killing a sheep, and the blood running down at your feet.

457. Do you inspect those houses?—I inspect them as ordinary dwelling-houses, but not as victuallers' premises.

458. Does the state of things you describe exist in many houses in the town?—In every one of them.

459. In every butcher's house in town?—In every butcher's house in town the butcher kills his sheep.

460. Is this state of things complained of in the newspapers very often?—I do not know of any complaints by the newspapers. I think there are other slaughter-houses where they have a license, and where they keep pigs in a large square, and all that sort of thing; but I think the worst case of all was the Commissioners' own slaughter-house. I had to report it twice myself, so that you may infer from that I was not to be frightened in any way.

461. Is not the Commissioners' slaughter-house at present in such a condition that it cannot be now used?—Oh, they are still using it.

462. Who are the parties responsible?—Well they have a slaughter-house committee and a heap of people connected with it. I do not know who is the responsible party.

Mr. *Redington*.—It is not in a fit state to be used as a slaughter-house. You cannot compel the butchers to go there, for in fact the place is not fit for them.

463. But the witness says it was complained of?—Oh, it certainly was complained of, and there was an order made immediately for the abatement of the nuisance.

464. Who is the person who has charge of it?—He is the slaughter-house keeper, a man named Shaughnessy.

465. (To *Witness*).—Did you find matters improved after you made your report?—I think they made it worse. But at any rate we would want about a thousand cottages in Galway for the humbler class of people.

Mr. Richard N. Somerville.

Mr. RICHARD N. SOMERVILLE, Town Surveyor, examined.

466. How long have you been town surveyor?—I was appointed in July, 1874. I was first appointed for the surveying of dangerous buildings requiring to be taken down.

467. Since the Provisional Order has been passed have you acted as surveyor of the roads too?—Yes.

468. Do you know anything of the condition of the slaughter-house that has been spoken of?—I know the condition of the Town Commissioners' slaughter-house.

469. Has that been constructed by the Commissioners under your supervision?—Yes. The plans and specifications were drawn by me. I also estimated for them what the cost would be. In fact the Commissioners were determined to have the best kind of slaughter-house, and authorized me to visit the slaughter-houses in Salford and other places. When I came back a contractor was accepted. This contractor has not given very much satisfaction. I reported again and again on the condition of the place, and at last I asked the slaughter-house committee to make a report on it. They concluded their report on last Thursday, and it will soon be complete for presentation.

470. Is the slaughter-house used as a slaughter-house, notwithstanding its present very imperfect condition, or is it possible to keep it in a proper state if it is used while the work is going on?—Well, it is.

471. Would it not be better to close it altogether as a slaughter-house while the works are going on?—It had been closed for a considerable time. The floor is the principal item in which the work was not well done; but the greatest source of nuisance the sanitary officer ever brought under my notice was the cesspools into which the butchers used to throw their offal; and the Commissioners have now given directions to the town steward for the scavenging-cart to go round twice a day. The work of the slaughter-house has really been at a stand-still, and they are at present at the expense of another slaughter-house, which they have hired temporarily. After the work of the Commissioners' own slaughter-house was pretty well advanced, the contractor allowed the butchers in. I told him that if he was not perfectly satisfied his work was finished he should not have let them in.

472. Do you think it would have been better if they had not been let in so soon?—I do not think it made much difference; the materials used in the construction were bad; part of the floor is ravelled up. But it does not continue a nuisance. They are very particular about catching up the blood, because they are paid for every drop of blood. With regard to the privy that is there, I certainly will recommend the Commissioners, after the sewerage is completed, to put a water-closet there, and connect the water-closet with the sewerage. It is cleaned out every day, however.

473. Do you give the certificate for the payment of the men who are employed on the roads and the scavenging?—No, not for the men employed on the streets. We have our query book, which I shall show you. It is the town steward certifies for the men employed on the streets. I have the supervision of the work, but I do not give the certificate.

474. Are you of opinion that as long as those sewerage works are going on, it would be very difficult at all events to let the repairing of the streets by contract?—Oh, I would certainly recommend the Commissioners not to do so. From my experience as a surveyor, I should always recommend the Commissioners not to let the scavenging to any contractor. I would let the repairs by contract, and have the scavenging done by the Commissioners themselves even after the

Mr. Richard N. Somerville.

sewers were completed. A great number of pipe-drains are being laid down now, and a contractor doing his scavenging in the mornings is very likely to brush some of the road surface into the sewers so as to avoid the trouble of carrying it away, and that would choke up the sewers.

475. Do you know as a matter of fact that a great many of the houses are not connected with the sewers?—In some cases, where it was practicable, it has been done; in other houses it remains to be done.

476. Are some of the new drains in a sufficiently forward state to connect the houses with them?—Yes.

477. According as they are coming into a sufficiently forward state, are the connecting drains then made?—Yes. I know one Commissioner who has connected his drain with one of the new drains.

478. Do you know anyone who has not, where he should do so?—None that have come under my notice.

479. Do you know, with reference to the old sewers, any block of those houses belonging to the Commissioners where connecting drains have not been made where they should have been made?—I know nothing of those houses except from the outside.

480. I wanted to know whether, in cases where connecting drains were required to be made, the Commissioners themselves, as owners, were any obstruction to their being made?—Oh, that is not the case.

481. Since you have been town surveyor have you been able to form a general opinion with regard to the sanitary state of the town?—Yes, in my own district it is very bad. It is rather outside my duty, but where I have seen a glaring nuisance, I have always reported it.

482. Did you ever get a rebuff from the Commissioners for these reports?—Oh, never.

483. Do you think there has been any improvement in the part of the town within your district?—I do not see a bit. I have known cases where people have been made to remove their manure for a week or a month, but it would be back again directly afterwards.

484. Do you know of any case where animals are kept in the house?—I do not go into any of them, but I know many where manure heaps are kept. I know there was a particular case—the case of a Mr. Tarpey in Shantulla. I have reported that several times. I believe a summons has been issued, and a magistrate's order got, but it is worse than ever. I saw it several days ago.

Mr. JAMES DAVIS, Town Commissioner, examined.

Mr. James Davis.

485. You are, I believe, one of the oldest Town Commissioners? Can you throw any light as to when this debt to the gas company arose?—The tolls under the old Corporation went for the purpose they now must go for—cleaning and lighting the town. They were misapplied. The mayor at that time applied them to his private purposes.

486. Was this before the Act of 1836?—Yes.

487. Were you a member of the Corporation at that time?—No.

488. Were you one of the original Commissioners under the Act of 1836?—No, I was not a Commissioner until the next election after that.

489. It was in about 1840 that you were elected, then?—Yes.

490. And have you been in ever since?—Ever since.

491. I want to know how the Commissioners first got into debt with the gas company?—When the Commissioners got this Act of theirs in 1836, their tolls were in Chancery—that is, the tolls of the old Corporation were in Chancery. They got their new tolls under the Act of 1836. The tolls of the old Corporation were put in Chancery in consequence of the misappropriation of the funds. The Commissioners cited the old Corporation into the Court of Chancery, and got a receiver put over the old tolls.

492. The Act of 1836 fixes certain tolls. Do you mean that immediately that Act of 1836 was passed the tolls fixed by that Act were in Chancery?—No; but the tolls were farmed out, and the Chancery tenant's time had not expired when this Act was passed. He only held them, however, until the year after the new Commissioners came in, and they produced about £900. There was a very great export of corn then, and they produced under the new Commissioners £2,000 a year. The entire town was flagged out of the tolls, and the Commissioners then made a large outlay on the improvement of the town. Seeing the large income they had at the time, they calculated that income would last until they got out of debt. The gas company was formed in 1837, and it seems that it was so formed as to consist of seventeen of the twenty-one Commissioners. The gas company made terms for themselves that were not for the benefit of the town. They charged us £6 a lamp, and the Commissioners were obliged under any circumstances to pay that price for thirty-one years, thus binding the Commissioners not to take advantage of any competition during that period. In the midst of these improvements the Commissioners were making in the town the famine set in. The consequence of that was free trade in corn, and the corn trade, which produced then in tolls £2,000 a year, fell to £900 or £800 at one time. We did nothing to suit the altered state of our income, and whether we wanted so many lamps or not we were compelled to pay this money. The gas debt was from arrears owing to the gas company for debt previous to the Act of 1853, and about £500 of the gas company's expenses towards that Act. Then, not having availed ourselves of the Waterworks powers, we had to look for another Act, and this cost us some £800 more. Even that bill was a defective bill, and we had to get a third bill at an expense of some £300 more. In this way these debts accumulated.

493. Since 1868 you have never, it seems, struck a balance, and the gas company say you owe them more than you imagine you do?—The sale of the advowsons of St. Nicholas, which were vested in the Corporation by the Act of 1840, was forced upon us by the gas company to diminish the debt, and they went for £1,500, although worth £2,000.

494. Was it before the passing of the Act of 1853 that you paid the gas company this £1,500?—No, after it. The Act of 1853, in fact, was got to make them more secure to go to law with us, as we were trying to pick a hole in the deed at the time.

495. At the time the gas company put pressure on the Commissioners to sell were the Commissioners as strongly represented on the gas company as they were before, when it was formed?—The Rev. Mr. Daly was chairman of both bodies at the same time.

496. Was any other member of the Town Commissioners a member of the gas company at the time of the sale?—There were several. There was not more than one-third, if so many, Commissioners who were not shareholders in the gas company.

497. Turning now to the question of the municipal boundaries, were you one of the majority who voted in favour of the third scheme in Captain O'Hara's report?—I was. I believe that to be the most practical.

498. Do you think that is the one that would inflict least injustice on the residents in the outer circle and the greatest benefit on the town?—Yes. I want to draw your attention to the fact that, whereas the slaughter-houses are represented to pay £28 a year rent, the actual rent is £20, and they pay £8 a year interest for money advanced by the owners to enable us to get through the repairs of these slaughter-houses. The owners lent us £100 for this purpose, and we are paying eight per cent. for the money. The present slaughter-house is too narrow, and situated in a place not adapted for the purpose.

499. Do you mean to say you are bound to pay eight per cent. for money advanced by the owners to

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Mr. James Davis.

put their own property in repair?—Bound in a deed—in a lease. I believe all the Commissioners agreed to pay the lender £8 a year. They were not able to pay it at the time they were so wretchedly reduced. I voted against the place as being an unsuitable one, but not against the borrowing of the money at eight per cent. We were very much pressed by the public to get a proper slaughter-house, and in order to have that public feeling allayed we borrowed £100. I find in the return you have of liabilities by the Commissioners you have not a proper statement. There are large sums not laid before you payable to the two printing offices and to the attorney.

500. What I have got a note of is the capital debt for borrowed money, but have you some large current debts besides?—Large current debts under the heads of printing, gas, and law.

501. Can you now tell me what this printing debt is?—I cannot say. Those gentlemen have been repeatedly asked for their accounts, and they have not furnished them to us. We are charged at present for eighty-seven lamps, and we are never getting more than eighty-two lit.

502. Are these eighty-seven lamps in existence?—No; we sent a man to count them within the last fortnight, and he says there are only eighty-two lit.

503. When applying for the loan of £3,000 to pay off the gas company, did you bring it under the notice of the Board of Works that the Act was passed to enable them to lend you the money?—Yes.

504. Did you ever apply to any other party?—No, because no other party would lend us the money except on higher terms than the terms we wished to get it for, which were at five per cent. Captain O'Hara is getting us out of our difficulties by raising money for us. The late engineer had to pay out of his own pocket for scavengers to keep the town clean. Captain O'Hara went and borrowed a sum of money from the National Bank on his own personal security to keep us up until we could get money.

505. You say there are considerable debts besides those capital debts that have been secured. Can you give me any idea what they are?—They were never furnished by the parties themselves.

506. How many years are you in arrear with them?—I do not know. There are certain arrears that have been paid, and others that have not.

507. Are you a member of the finance committee?—I am.

508. What is the other current debt besides the printing?—Law.

509. Who is your attorney?—Mr. M'Namara.

510. I see payments every year for law?—Yes, but these are trifling things.

Mr. *L. Ferdinand.*—The reason Mr. M'Namara has not been paid was that until this Provisional Order was passed the Commissioners had no funds.

511. But they have had funds now for over two years?—You have at length a balance in your favour on every account but one?

Witness.—Yes, but this is money we borrowed.

512. CHAIRMAN (for Mr. *F. C. Comyn*).—Have you actually paid off any arrears of debt out of income yet, or are you only just paying your way as you go along?—I think we have been only paying our way as we went along.

Mr. Francis Lorenzo Comyn.

Mr FRANCIS LORENZO COMYN examined.

513. Are you both a borough and a county magistrate?—Yes, of three counties.

514. Do you reside in the "outer circle"?—Yes. I have about 1,200 acres in the outer circle of which I regret to say the greater portion is mountain and bog. I have only to say this:—that the unfairness of this scheme of making the municipal and Parliamentary boundaries coterminous would at once strike anyone. The outer circle would have no benefits of water or sewerage, and the only other thing that would be extended to us would be the taxation. A village of mine—the village of Drom—stands about 300 feet above the level of the sea, and there are other dwellings that stand still higher; no sewerage could go so high; no water supply could be given us. With regard to roads we are in a very anomalous condition at the present moment.

515. CHAIRMAN.—That we know.

Witness.—With regard then to the actual facts. As far as taxation goes, of the four schemes, number 2 or number 4, would be the better ones. Number 4 is not so convenient in some persons' eyes, as it would do away with two staffs, and prevent gentlemen putting "T.C." after their names. Number 2 would affect my property, consisting of between six and seven thousand acres, all of which within the county is in the barony of Moycullen, which it is estimated would be prejudiced by the arrangement.

516. Is yours the one barony upon which according to the estimate of Captain O'Hara, there would be an increased rate if that scheme were adopted?—Well, I rather think there would not be, because a good many unnecessary roads could be done away with, and the two main roads, together with two or at least three of the central roads would be sufficient for the work. Of course I need hardly say it is an imaginary line, and this line, which is drawn through bog and mountain for every inch, does not include, I think I may safely say, land of the value of 10*s.* an acre. Then it all runs high, and the people who are altogether peasants speaking Irish, are all of the ordinary class of peasantry, and have no connexion with the inner circle of the town.

517. Are all the residents within that outer circle chiefly peasantry of the rural class?—The purely rural class. There are none of this class of market gardeners, none of the class of men who make a living by bringing milk or butter into the town. No milk is carried in from that district.

518. Are there no villas within this outer two-mile circle belonging to tradesmen or merchants in the town?—Not a single one.

519. In fact has that outer two-mile circle no more connexion with the town than any portion of Connemara?—You have exactly defined what I wanted to convey. The outer ring, perhaps I should explain, is occupied by so few proprietors that you have not had an opportunity of having witnesses before you.

Mr. Redington

Mr. REDINGTON recalled.

520. Mr. Davis said there had been debts for printing and law accumulating, of which there are large arrears owing?—I believe there are large arrears owing, but we have repeatedly asked the parties to send us in their accounts and they have not done so.

521. How many years have they been outstanding?—I suppose about four.

522. Has Mr. M'Namara, your solicitor, been asked to send in his bill of costs?—He has, but he has not done so. We have only paid him on account.

523. Have the costs connected with the Provisional Order Act been paid?—Yes.

524. Have the costs of the Acts of 1863 and 1853 been paid?—The costs of the Act of 1853 have not been paid, because they form portion of the mortgage to the gas company. I am perfectly in the dark as to what is due to Mr. M'Namara.

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Mr. Redington recalled.

525. Chairman.—There are just one or two questions which I wish to put to you, Mr. Redington—first of all, has any application ever been made to the Chief Secretary under the 5th section of the Local Government Act, with regard to the alteration of the boundaries?—No.

526. You know the clause of course. (Reads clause.) I don't know whether any attempts have been made to act under that section?—No; none whatever.

527. I also wanted to ask you as to the amount of county cess levied by the Grand Jury previous to the present extension. Mr. Hancock stated before the Select Committee of the House of Commons, that it was £4,405?—That would be the two levies for the year.

528. Of course that is for the year?—That embraces the rates, and also the imperative presentments. He is about right.

529. I wish to compare what they levied as Grand Jury cess with your expenditure on the roads?—I think I could get that for you.

530. I also desire to have upon our notes the relative rateable value of each ward, and the number of electors in each?—That I shall also give you. I asked the clerk of the union for it, but I have not got it yet.

531. The only other question I have to ask you is with regard to the gasworks. I want to know whether the Town Commissioners ever contemplated exercising the powers given them under the Act of 1853, of erecting gasworks?—They never attempted it.

532. Practically are not the gasworks very largely owned by the Commissioners themselves?—Well not now; but in 1853 there were seventeen of the Commissioners proprietors in the gasworks.

533. Did they at any time enter into any negotiations with the view of purchasing the gasworks?—No.

534. And it was never contemplated?—Latterly it was suggested that the Town Commissioners should take the gasworks into their own hands, and to supply the people with gas, but it was considered that it was too great a work for them—that they had enough on their hands to do at present.

535. You were to get me if you could last night the amount of your debts for printing and law expenses?—I think you may take it for granted that there is a debt of £100 for law expenses. I cannot exactly say what would be our debt for printing.

536. Would it be a larger amount?—It would undoubtedly, for it extends over the last four years. I don't think the *Express* newspaper has been paid anything for the last four years.

Mr. *O'Connor* (of the *Express*).—Our account is about £160.

Mr. *Ferdinand* (of the *Vindicator*).—And about £60 is, I believe, due to my son for printing.

Mr. *Redington.*—You may take it that the printing account is about £220, and the law expenses £100.

537. Chairman (to Mr. *Ferdinand*).—What is the printing your son does for the Commissioners?

Mr. *Ferdinand.*—Placards and small handbills convening meetings. For instance, that statement of Captain O'Hara's was printed by him.

538. Is there any sum for advertising included in your son's account?—No, nothing but for printing. I believe it is the custom everywhere for the newspapers to get the advertisements without any contracts.

Mr. *O'Connor* (*Express*).—Mr. Ferdinand's son has the contract at a much lower sum than our firm had it formerly. I don't think he can make any profit from it at all.

539. Chairman (to Mr. *Redington*). — That £519 16*s.* 10*d.* expended on roads would only represent about half a year's expenditure?—Yes.

540. Previous to that decision of Judge Fitzgerald's who did the cleansing? Was it you?—No, the Grand Jury did all the cleansing and repairing. There was no work at all done by us on the streets.

541. And all that is now done by you was formerly done by them?—Yes, but they had the outside roads.

542. What I want to ascertain is this. I wish to distinguish between what the Grand Jury expended on the inside roads as compared with what you expend?—It will be difficult to ascertain that, but I shall endeavour to supply the information.

Dr. Nicholas Clayton examined.

Dr. Nicholas Clayton.

543. Chairman.—What position do you hold?—I am a dispensary doctor and sanitary officer of one of the urban districts of Galway.

544. Which is your district?—The eastern dispensary.

545. You are then, I think, in the district in reference to the state of which the Rev. Mr. Kiernan gave evidence yesterday. He said a great deal of the district was in a very shocking state; that the dwellings are occupied by animals of all descriptions—chiefly pigs, but also cows, calves, horses, and asses—living in the same apartment with the inmates, and that a worse state of things he never knew?—I must candidly confess that the district is in anything but a healthy state.

546. How long have you been sanitary officer?—Two years.

547. And has anything been done to remedy this state of things?—I went round the whole of the district of Bohermore with Mr. Flynn, the late sub-sanitary officer. There was scarcely a house we did not examine, and I reported to the Board where there were pigs and cattle, and recommended that they should be removed. I examined all the yards—those which have reres to them—and complained of the cesspools, and I thought I had discharged my duty, and that it was the duty of the other officers to see my directions carried out.

548. You reported to the Board upon this state of things?—I did.

549. And what action was taken by the Board?—Very little. I think the Board made an order to have my instructions carried out. When the parties were brought before the magistrates a fine—a merely nominal thing—was inflicted, but not sufficient to cause an abatement of the nuisance.

550. Do you think the non-removal of animals, and the non-abatement of other nuisances is owing to the supineness of the Commissioners, or the leniency of magistrates in not inflicting heavier fines?—In my opinion I think the magistrates are too lenient in dealing with those parties. When a person is summoned for having a pig in his house, and brought before the magistrates, if the nuisance is not abated a nominal fine of 6*d.* is inflicted, which he pays rather than go to the trouble and expense of putting these animals in an out-house, as it would cost him very much more than a number of small fines to build an out-house.

551. I take it for granted that those people are not living in their own cottages—they are tenants of men of property generally?—Yes.

552. Do some of the Commissioners own large properties of this description?—There are several houses in the town let in tenements, and I examined them thoroughly and found them overcrowded. I recommended to the Commissioners that these rooms should be shut up, but still the nuisance continues and nothing has been done.

553. Do you know whether any application has been made for an order to shut up these houses?—I cannot exactly say.

554. Now Father Kiernan mentioned yesterday one of these houses in which a dozen families lived, every room of which was overcrowded, and no convenience of any kind in the house, in the shape of water-closet

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Dr. Nicholas Clayton.

or privy, the filth being deposited on the stair-ways, a most offensive odour arising therefrom, and the whole place reeking with unhealthy smells. Is not this a place you must have visited frequently?—Yes. I know the house and have reported upon it nearly eighteen months.

555. That description, then, was not an overcharged one?—No.

556. Could you tell me to whom that house belongs?—I could not. I consider that when I have made my report my duty is done, and that it is then the duty of the Council to have my instructions carried out. When the owner of the premises has not done what was required of him, I have attended before the magistrates and given evidence as to the nature of the nuisance.

557. Have you frequently done so with regard to these tenement houses?—Yes, frequently.

558. Then do you know whether the Commissioners have taken out summonses against the parties?—Yes.

559. In those cases, do I understand you correctly as saying that the fines inflicted were all of a nominal character?—Yes.

560. And that they have had no effect in putting a stop to the nuisance?—In some instances it had an effect. The old nunnery was closed up. The magistrates give a long time for abating the nuisance. They do not fine the first time, but make an order to have it abated. I believe that order gives them a fortnight, at the end of which period the sub-sanitary officer goes round and sees whether the nuisance is abated, and if not, the parties are again brought before the magistrates.

561. Do you consider the sub-sanitary officer sufficiently active in the discharge of his duty? You know his business is to go round and inspect those places, and where a nuisance exists to report it to you, and afterwards to carry out the orders of the Board upon your report?—I must certainly say that considering the salary the man is getting he does a good deal for the money.

562. Do you mean that he gives as much time to the discharge of the duties of his office as the salary is worth?—Yes. I think if you want to have an efficient sub-sanitary officer he should be independent of other means of employment. I don't think a man could discharge the onerous and important duties of the office for a salary of £30 a year.

563. When examined before me yesterday, the impression which his evidence left clearly upon my mind was that he did not think it was his duty to interfere with the pigs in the houses?—I would differ from him. When I get notice I see after these things at once, but it is not my duty to hunt them up. When I am informed of a nuisance I look after it.

564. But, of course, necessarily upon your professional visiting you must have come upon many nuisances without waiting to have them reported to you by the sub-sanitary officer?—I have often met with them, and in that case I have directed the sub-sanitary officer's attention to the matter either that day or when I met him at the next meeting of the Commissioners. I have directed him to go and see the place, and if he considered it in an unhealthy state to report the matter to the Board.

565. Are you in communication with the Commissioners themselves? Do they ever call you in to question you as to your reports?—No. I don't think they have. I might sometimes enter the room while my report was under consideration, and I would be asked a question.

566. The Commissioners have a consulting sanitary officer, and we have it in evidence that they only consulted him once since his appointment?—The only person I communicate with is the executive sanitary officer. Where the animals are kept in the same room, or where there is an overflowing privy, bad drain, or whatever the cause of nuisance, where it is prejudicial to health, I have reported them four or five times, if necessary. I have brought very bad cases before the Board, and expressed my surprise in my reports that my instructions were not carried out, and still the nuisances have continued to exist. In fact there has been no end to making reports when my instructions were not carried out. I have several times spoken to the Local Government Board Inspector, Dr. Brodie, and have brought him to see the places. My reports form quite a mass of writing.

567. Do you say there were many instances in which you had to report the same thing frequently over and over again, and you found no good results?—Some occasionally.

Dr. *Brodie* (Local Government Board Inspector).—If Dr. Clayton's instructions had been carried out, I have no doubt whatever that the portion of the town under his charge would be in a very different state to-day.

Dr. Brodie.

Dr. BRODIE examined.

568. CHAIRMAN.—Do you, Dr. Brodie, reside in Galway?—Yes. I am the Local Government Board Inspector for this district, and resident in the town of Galway.

569. Have you had occasion to come before the Board of Commissioners to complain of nuisances?—I have, and made complaints of the most glaring nuisances, which have been allowed to pass unabated, in the most public parts of the town. There is one place leading down to this court-house, between this and the Roman Catholic Church, where a most offensive nuisance exists. It is an enclosed yard, and the gate is left open, and the nuisance flows out over the pathway, and the stench from it is most abominable.

570. From communications you had with the Commissioners, what would you say was their disposition as to abating these nuisances?—I would say the majority of the Board are very favourably disposed towards abating the nuisances, but there are some individual members who, I think, would rather shelve the matter.

571. Dr. *Brodie*.—Mr. Commissioner, with your permission, I should like to ask Dr. Clayton a question.

CHAIRMAN.—Oh, certainly.

572. Dr. *Brodie*.—Dr. Clayton, from the time of your appointment have you been "bullied" in any way by the Local Government Board or their Inspector?

Dr. *Clayton*.—Never.

573. CHAIRMAN.—Perhaps you are not aware, Dr. Clayton, that one of the reasons the sub-sanitary officer gave for ceasing to be so active as he said he had been, was because he had been bullied by the Local Government Board and their Inspector.

Dr. *Clayton*.—I never found kinder treatment than from the Local Government Board Inspector.

Dr. *Brodie*.—Allow me to explain why it is he has made that statement about being "bullied." I had occasion to report him to the Local Government Board for culpable neglect of duty on his part, in consequence of which he was called upon to send in his resignation.

574. CHAIRMAN (to Dr. *Brodie*).—Was he called upon to send in his resignation by the Commissioners?—The Board here were requested to take it into their consideration whether any further confidence could be placed in an officer who had acted as he had done, and the Board asked the Local Government Board to give him a further trial.

575. (To Dr. *Brodie*).—Judging from what we heard yesterday, there is no better reason to be satisfied with him now than there was then?—Indeed they have not. There is one Commissioner present who, on more than one occasion, was in favour of a thorough inspection of the town; that is Mr. Kelly.

576. Mr. *Kelly*.—I wish to ask Dr. Clayton if he has not made reports independently to this Board, and whether the sub-sanitary officer did not actually threaten him for doing so?

Dr. *Clayton*.—I don't remember that.

577. Mr. *Kelly*.—Do you recollect reporting to this Board about the yard in Lower Abbey Gate-street, of your own motion?

Dr. *Clayton*.—Yes; I do. I got no report from the sub-sanitary officer upon that. I have made so many reports that I cannot state positively, but, I think, I did report upon that without getting a report from him.

578. Mr. *Kelly*.—Did you ever hear him complain of you for interfering with his duty?

Dr. *Clayton*.—I think I had a conversation with you, or some member of the Board, of something of that sort. I cannot state now exactly what it was.

Mr. PATRICK J. STACK examined,

579. Have you been executive sanitary officer to the Commissioners since the passing of the Public Health Act, 1874?—Yes.

580. Do you hold any other office under the Commissioners?—No; I was executive sanitary officer to the Board of Guardians and acting clerk to the union.

581. Are you the medium through whom all the sanitary officers' reports come before the Commissioners?—Yes.

582. Do you attend the meeting every week?—Yes.

583. Do you find a desire or the reverse of a desire on the part of the Commissioners to carry out the recommendations of the sanitary officers?—I find a very general desire to carry out the law. I give instructions to have notices served on either the owners or occupiers of the premises, and the notices are served by the sub-sanitary officer.

584. Do you believe the sub-sanitary officer does serve the notices?—I believe he does. When the time has expired that is mentioned in the notice, he reports to me whether or not the nuisance has been abated.

585. Does he often report to you that they are abated?—He does.

586. Have you any reason to believe they are not abated when you have reports from him that they are?—I cannot say from my personal knowledge.

587. Do you consider it your duty to go round and see that the nuisances are abated?—No.

Mr. *Redington*.—The Local Government Board wrote to us to the effect that it was not his duty to go round.

Witness.—So far as I can I see that my instructions are carried out.

588. Does it often happen that the very same case in which he has reported the abatement of a nuisance is again brought under your knowledge?—Yes.

589. And for the very same nuisance, such as the presence of animals in the dwelling-house, or the want of cleansing out privies and ashpits, &c.?—Yes.

590. What is the next step you take in such a case?—I report the matter to the Board, and ask instructions to proceed against the party.

591. And do you always issue summonses?—Regularly.

592. What has been the action of the magistrates in those cases generally?—They have no jurisdiction in the matter except to make an order to abate the nuisance; they have no power to fine under the Sanitary Act.

593. Not in the first offence, but they have in the second?—I never had a case of that kind, but one of the persons who refused to abate a nuisance was fined 10*s*.

594. I ask the question because we had a case mentioned here yesterday, in which the magistrate imposed a fine of 6*d*., or 3*s*. 6*d*. fine and costs?—That was all for costs.

595. Then the 3*s*. 6*d*. case was a case of a first summons?—Yes.

596. But in numbers of these cases, I apprehend, the summons would be not against the occupier, but the owner, where structural alterations, such as the construction of privies or drains, are required?—I never had instructions to take out a summons against an owner.

597. You have had many cases, I suppose, where you had to serve notices on them?—Yes.

598. Have these notices been attended to by the owners?—They have, generally.

599. But is it a fact or is it not that numbers of the houses, many of them belonging to the Commissioners, have no proper rere accommodation?—That is a fact.

600. Whenever such cases have been reported on by you have the Commissioners made orders for the construction of the necessary accommodation?—I do not think there have been any houses brought under the particular notice of the Town Commissioners for want of privy accommodation.

601. Do you know of any order having been given to construct connecting drains?—There are some houses in High-street that have been ordered to have connecting drains made, and two houses in Dollard-street, otherwise I am not aware of any order to construct connecting drains.

602. Have there been any of the houses, in the case of which orders have been given to take out summonses, the property of the Commissioners?—There have.

603. Have you found on the part of those individual Commissioners any desire to remedy the evil, or have the places remained in the same state?—I never had to deal personally with a Commissioner in sanitary matters.

604. No, but you know whether or not when reports have been made on the houses of Commissioners steps have been taken by those Commissioners to remedy the evil?—I believe not.

605. In your judgment has there been any improvement in the sanitary condition of Galway during the last two years?—There has not; but I believe when the new sewerage is completed those houses which have no privies or water-closets, and the sanitary condition of the town generally, will be much improved.

606. Have you had reason to be satisfied with the conduct of the sub-sanitary officer?—I should wish to give the same opinion as Dr. Clayton in the matter.

607. Is it your opinion that one man can properly perform the duties of the office?—Considering the whole extent of the east and west districts, I believe it would take the whole time of a man from one end of the year to the other to do the duties. But if the work were to be done effectually it would take three or four men.

608. Mr. *H. Persse* (Town Commissioner).—There was a statement made on last day about a Commissioner whose property was reported to be in a disgraceful state. The disgraceful state of the property of that Commissioner has several times come under my notice as a member of the board. You were told that the attention of the Commissioners was called to several cases in which the property was in a most disgraceful state and nothing was done. I distinctly deny the statement of the sub-sanitary officer on that point.

609. Was the further step of taking out a summons against the owner ever taken?—Never.

610. Mr. *Hynes*, sub-sanitary officer (here handing in a report which he had made on certain privies and ashpits).—I sent in that report on the subject and I heard nothing about it since.

611. CHAIRMAN (to Dr. *Clayton*).—You go into some of these lodging-houses, I suppose, from time to time, attending your patients. Have you ever found a copy of the by-laws posted up in them?—Never.

612. CHAIRMAN (to *Witness*).—Are these lodging-houses registered?—There are fifty-three registered; and I direct the sub-sanitary officer to have copies of the by-laws hung up in a conspicuous portion of the houses. It is known to every Commissioner in Galway that no notice is taken of the regulations of the by-laws.

GALWAY.
May 23, 1877.

Mr. Patrick J. Stack.

613. Do you remember the case of a house where there was a father, mother, grandfather, three children, and a horse all sleeping together in two rooms?—I reported that two years ago, and still the horse remains in the house.

614. That is the case in which the sub-sanitary officer yesterday denied that the horse was kept in the house—but I do not think we need go further into all these individual cases; there is overwhelming evidence that there are a number of houses in which pigs and other animals are kept, and no real effort made to get rid of them.

615. Mr. *Redington.*—It was stated here yesterday by Mr. James Forbes that there are some men on the road receiving wages who are not at all upon the road. I would wish you, sir, to ask Mr. Reilly, the town steward, who hands in the pay sheets every week, whether that is the case.

Mr. Reilly.

Mr. REILLY, town steward, examined.

616. Do you believe that in any instances men have been paid for work on the road who either are not in existence, or have not been doing their work?—I believe not; I am certain that they have not. I see the men placed on the streets from six o'clock in the morning. I make out the pay sheets, and every man puts his "cross" on the sheet when I pay him. I make it my regular business to check off my men every day on the street.

617. What are your duties?—My duty is to look after the men employed on the streets, and to look after the collectors of tolls and customs. I take up from them a certain amount of customs in connexion with the crane that the Commissioners are entitled to. I look after their accounts. I go through the markets frequently, take up the dockets that they issue, and hand them into the secretary's office. I receive the money from them giving on the backs of one of their dockets a receipt for the amount. I lodge it in bank every Thursday, and lay my account before the Board and secretary, and check every docket I have handed in.

618. Is it the fact that at one time a good deal of money arising from these customs was kept back by the collectors?—Yes.

619. Mr. *Redington.*—There was then no check whatever.

620. CHAIRMAN.—That is exactly the statement I observed in the auditor's report, that previous to Mr. Redington's appointment there was no check, and there had been losses, but that Mr. Redington had adopted a system of checking by which the work was now done satisfactorily. Do you look after the watchmen?—Yes. I visit them on their beats at a time when they do not know; and in any cases of misconduct that I have reported to the board the board have acted on my reports.

621. Are they able-bodied, active men, or old pensioners?—They are not very old; they are able men.

Dr. Francis Greely.

Dr. FRANCIS GREELY examined.

622. Are you the dispensary medical officer of No. 2 district?—Yes.

623. You have heard the state of Dr. Clayton's district described. Is your district in the same state?—The greater portion of my district is in the country.

624. Is the town part very bad?—Oh, decidedly; there are no sanitary arrangements at all in it.

625. Are the houses in some cases occupied by pigs and other animals as well as by human beings?—Yes.

626. Have efforts been made to get them out?—They have been reported from time to time to the Commissioners.

627. As described in No. 1 district, is there a total want of privy accommodation?—There is no privy accommodation at all.

628. Have you found the Commissioners desirous to act upon your reports, or not?—Invariably desirous.

629. Yet you find the nuisances are not abated?—To my knowledge when the sanitary officer goes to the house the pig is hunted out, and returns as soon as the officer is gone.

630. That is the usual course, is it?—Yes.

CASHEL.
Oct. 17, 1876.

CASHEL.—OCTOBER 17, 1876.

(Before Mr. EXHAM, Q.C.)

Mr. John Corby.

Mr. JOHN CORBY examined.

1. Mr. EXHAM, Q.C.—You are the town clerk?—Yes, for upwards of nineteen years.

2. The town is under the Towns Improvement Act?—Yes, since 1855, for all purposes.

3. What is the number of Commissioners?—Eighteen.

4. Are all the Town Commissioners duly qualified?—Yes.

5. And have been so?—I think one of them was elected before he was twelve months in occupation.

6. Is that gentleman a Town Commissioner now?—He is.

7. When was he elected?—This time twelve months.

8. Was there any objection made to it at the time?—No, there was not.

9. Can you tell me what the valuation of the town is?—No; I cannot, because we have no rates. Our income is chiefly derived from land and house property.

10. How do you know the qualification for Town Commissioner?—I get a copy of the rate-book from the clerk of the union.

11. Could you not tell me from that how many are rated from £4 up to £12, and how many at £12 and upwards, and what is the total amount of the valuation?—I cannot.

12. What is the area of the town? Is it co-extensive with what was the parliamentary borough?—It is not as large as the parliamentary borough; for all the commons land is in the parliamentary borough, but not in the municipal.

13. Have you ever struck a rate?—Never.

14. You have some tolls?—Yes; we received last year £35 18*s.* 10*d.* from the butter market, and £12 4*s.* 6*d.* for dog tax.

15. Is there a public market here?—There is; but the only thing upon which toll is paid is butter.

16. How much do you charge?—Fourpence for weighing firkins—2*d.* of which goes to the Corporation, and 2*d.* to the weighmaster; 1*d.* for lumps of 7 lbs. and upwards, and ½*d.* for lumps up to 7 lbs.

17. What is the expense of the market per annum?—About £56.

18. Is the market the property of the Town Commissioners?—Yes.

19. What are the expenses of the market?—We pay £40 to the butter inspector, £15 to the weighmaster, and the porter gets 1*s.* 6*d.* a day for his attendance.

20. Is it considered advisable to keep it up, when it is a losing concern?—Yes. It is thought it will pay when we get a line of railway into Cashel.

21. Are there any debts due by the Corporation?—£1,000; that is all.

22. When was that raised?—It was raised about twenty years ago. It was borrowed from Mr. Coman, the then agent. When he died the debt was paid to his executors, and the same amount was then raised from the present agent.

23. Upon what security was the £1,000 borrowed twenty years ago?—On part of the corporate property.

24. For what purpose was it raised?—For the purpose of paying off debts.

25. What kind of debts?—I cannot tell. I was not connected with the Commissioners then.

26. Do you know by whose authority it was raised?—No; but I think that they got leave from the Treasury.

27. Was there any stipulation that there should be a sinking fund to pay it off?—There was not.

28. You have gasworks here?—Yes.

29. Do you know when they were erected first?—In 1844 or 1845.

30. How was the money provided for erecting these gasworks?—In 1844 the then municipal body got £6,000 as mesne rates from Mr. Pennefather, and there was a scheme prepared by the then Lord Chancellor, setting out how that amount should be expended, and it was stipulated that £2,000 should be expended on gasworks.

31. Was that sum of £2,000 applied for the erection of gasworks?—Only £1,992.

32. Has there been any further expenditure on the gasworks except for ordinary wear and tear?—No.

33. And no debt contracted?—No.

34. How is the water of the town supplied?—We have an abundance of pump-water; but persons residing in this neighbourhood have a long distance to walk in the summer time to get it.

35. I see by this scheme that £1,000 was to be expended for a supply of water to the town. Was that expended, and was water supplied over all the town?—No; £238 9*s.* 7*d.* only was expended at the time; but since that the Commissioners have expended £841. That was expended about twelve years ago upon the water.

36. How was that expended? Were there any pumps laid down?—Yes; about twelve years ago.

37. They were to have expended it in 1844?—Well, they did not.

38. What became of the £1,000 in the meantime?—Well, I believe that they were allowed only £300 by the scheme for law costs; but I find by the books that they expended £938 on law costs.

39. Were these costs ever taxed?—I think that they were in 1844 or 1845.

40. Is there any record to show that the costs were taxed?—I saw something about them in the books; but I forget whether they were taxed.

41. Do you know whether the £6,000 was ever paid to the credit of the Commissioners?—I could not tell you.

42. Is there any account on the books of the expenditure of this £6,000?—I cannot find any separate account of it.

43. Was any account opened in any bank on account of this £6,000?—No.

44. Do you know whether it was paid by Mr. Pennefather to the Commissioners?—Oh, I believe it was.

45. Is there any account to show that, or who received it?—No; no account of the Corporation.

46. How much do you say was paid altogether for costs?—I see in the books that the amount paid was £938 2*s.* 5½*d.* You will see that if you refer to October 8th, 1845.

47. How much did you say was expended on the gasworks?—£1,992 was paid. Mr. Colquhoun's tender for erecting them was £2,200; but I cannot trace in the ledger that more than £1,992 was paid.

48. Is there any account of the expenditure of this £6,000?—No; the ledger was very badly kept then.

49. And how much was then expended on flagging?—£790.

50. When was that expended?—In the year 1844 or 1845. I believe that they were only authorized to spend £700.

51. Was there a lying-in hospital got up?—It was fitted up, but no patients entered it.

52. Was there anything expended upon it?—£54 was expended on fitting up one of their own houses. It was part of the corporate property.

53. What was done with the purchase of Mr. Whitty's interest in Costelloe's lot?—They paid £460 for it.

54. When was that?—In 1845, I think.

55. Was there anything laid out upon roads?—Yes, £200.

56. What was done with the rest?—They gave £1,000 to the loan fund committee.

57. Is that there still?—Yes.

58. How much did these sums make altogether?—Well, then, they gave £200 towards the relief of the poor in 1846, when the people were starving.

59. Out of this fund, too?—Yes; all these items amount to £6,097.

60. Well, then, you say there was on water only £200 expended out of £1,000?—That is all.

61. You say there is a portion of the town not supplied with water?—There is. The tank is in the centre of the town, but the people living in this immediate neighbourhood have a long way to walk for it, and some of them complain of that; they have to walk to it in the summer weather.

62. Has the water ever been analysed?—I heard that the nuns had it analysed; but the Commissioners never had any of the waters of the wells or pumps analysed.

63. Have you heard any complaints made of the quality of the water?—Never.

64. In what way was the remaining £800 of the water money expended?—On cast-iron pipes. They were laid down under the direction of Mr. Neville, of Dublin.

65. Have you the means of properly supplying all the town with water?—Yes, if we had the money; but Mr. Neville says that it would require about £900 to do so.

66. You have never struck a rate?—No, never; the people of the town are opposed to rates.

67. Do you think water is wanting?—Yes.

68. And the reason you have not struck a rate is because it is opposed by the people of the town?—I think we will be enabled to construct a reservoir in a short time. There is £600 in the loan fund, which we will shortly be able to get, and then we will be able to construct it with that.

69. You could levy a shilling rate for improvement, and a sixpenny rate for water?—Yes; but we will have about £400 to our credit at the bank next May, and they wish to expend that on waterworks.

70. However, there is a want of water in the town in summer?—There is.

71. What other income have you?—The dog tax, and "miscellaneous receipts," such as the rent of town-hall, &c.

72. Don't you get fines under the Licensing Act?—No; the magistrates here seem to think that we are not entitled to them.

73. Are they not sent down to you from the Castle?—No; the prosecutions here are taken in the name of the police, and not in that of the town clerk.

74. I see that at the close of 1874 you owed the Bank £359 3*s.* 9*d.*?—We did.

75. You reduced that in the year 1875?—Yes.

76. I see Mr. Pelly, the auditor, did not surcharge you £63 3*s.* 6*d.*, paid for interest upon the over-draft?—No; but he said he would in the future.

77. What is the interest upon the over-draft this year?—£15 2*s.* 4*d.*

78. You used to receive tolls besides those in the butter market?—Yes; those at fairs.

CASHEL. *Oct.* 17, 1876. Mr. John Corby.

79. Are there fairs now?—Yes; but we don't charge any tolls now.

80. They have been given up for a long time?—Twenty years, about.

81. Who originally had the tolls here?—Mr. Jordan.

82. Does he not charge tolls now?—No. The Commissioners gave him a lease of his land, on condition that he would surrender his right to the tolls.

83. When was that?—About twenty years ago.

84. What does his land consist of?—His rent was £120 a-year; but in consideration of his giving up the tolls they gave him a renewed lease of his land at the old rent. His land consists of 167 Irish acres.

85. What is the value of that land suppose it was in the market now?—I could not tell you. The agent of the Commissioners is here, and can tell you.

86. What length of lease was given to him?—Thirty-one years.

87. Do you know what he made from the tolls of the market?—No.

88. Does Mr. Jordan live near the town?—He lived within two miles of it. He is dead.

89. What is the date of the lease?—1854, for thirty-one years.

90. Will you have a good increase when that drops in?—Well, there are 167 Irish acres.

91. Isn't it worth a good deal more than £120 a year?—Well, I never walked the land.

92. Where was the market held?—In the Main-street.

93. And how many fairs were held?—There was a monthly fair, and two old fairs in the year.

94. And for not charging the tolls upon these he got the land?—Yes. He got a renewal of his lease at the old rent.

95. Is there any resolution on the books as to giving him that renewal?—There is.

96. Were they leased to him during his time of office?—Yes.

97. Was he town clerk of the old Corporation?—He was.

98. I find that in the report of 1835 the gentlemen who then held a municipal inquiry found that under the charter of the Corporation they were entitled to hold fairs, and that the Corporation had the tolls. How did they come to lose them and Mr. Jordan to have them?—I cannot tell.

99. Is there not any minute about that on the books?—No.

100. I find this in the same report, page 471:—

"The Archbishop had the power of holding two fairs in Lady's Well-street, and that tolls and customs were formerly charged there; but that the then Archbishop, on a representation made to him of the disadvantage to the public from the collection of those tolls and customs, discontinued them, and that these fairs had increased considerably since that time, and with great advantage to the public."

Are these the tolls that Mr. Jordan afterwards collected?—They are.

101. And in lieu of these tolls, the Corporation, you say, gave him this renewed lease?—Yes.

102. Is there not a meat market?—There is.

103. Is toll collected in it?—No.

104. I suppose the stallage of that goes in amongst the rents?—It does.

105. How many public lights have you?—Forty-six.

106. Are they lighted all the year round?—No; nine months in the year, as a rule—sometimes less.

107. Are they lighted all night, or are they put out at a certain hour?—They are lit all night during the darkest nights; but they are not lit at all during moonlight nights. We work the gasworks ourselves now. The present manager is paid £75 a-year, and the one before him was paid £100 a-year.

108. Do you pay for the lamps by meter?—No; we charge 8*s.* 4*d.* a thousand cubic feet to private consumers.

109. How much did you get from private consumers during the last financial year?—The gas produced £415 18*s.* 8*d.*; and we got by the sale of coke £87 3*s.* 6*d.*

110. Is that all you received from the private lights in the town?—That is all.

111. Are there many people who do not take gas?—A great many.

112. What was your gas expenditure during your last year?—£627 8*s.* 4*d.*, including the manager's salary.

113. What were your salaries and wages during the last year?—£190 18*s.* 2*d.*

114. What do they consist of?—£70 to the clerk, 15*s.* a week to the night street superintendent, £18 15*s.* a year to the day superintendent, £8 a year to the man that takes charge of the fire-engines, £5 a year for keeping public lamps in repair, and £35 a year to the public weighmaster. We have two weigh-masters.

115. What have you the public weigh-masters for?—Weighing potatoes.

116. Do you get any tolls?—We do not.

117. What do you keep a weighmaster for, if he does not get fees?—He gets fees for weighing wool—that is all.

118. Is he a weighmaster appointed under the statute of Anne?—I don't know. He was appointed about twenty years ago.

119. As what?—Weighmaster. He was appointed by the Commissioners.

120. What power had they to appoint a weigh-master?—I do not know, but they appointed him.

121. By what authority does he charge the fees?—By permission of the Commissioners.

122. Is there any resolution upon it?—There is.

123. Showing why he is allowed to charge fees on wool and not on other articles, let me see that?——

124. Is he a different person from the butter market weighmaster?—Yes.

125. There is very little butter coming in here, and why could not the man who weighs the butter weigh the other things. Is it a different market?—I don't know—it is in the same market.

126. What is the amount of toll received from weighing wool?—It is very little.

127. Does he get the tolls besides the £35 a year?—Yes.

128. What does the scavenging cost?—£97 the year before last, and £37 12*s.* 10*d.* last year.

129. How did it drop away so much?—There was a sewer constructed in 1874 that cost £36, and another which cost £27, and these two items were added to the scavenging account.

130. How much did you get during the last year from the Grand Jury?—£223 5*s.* 6*d.* I entered into the contract for keeping the streets in repair for that year, which included £91 17*s.* 6*d.*, for flagging the footpaths.

131. Do you scavenge the streets?—Yes.

132. Did what you received pay the full amount of what it cost?—Last year we had a small profit; but they only allow us half the cost of flagging.

133. In what way do you do the scavenging?—The Commissioners contract with persons to keep the streets clean.

134. What is done with the manure?—We sell it. We sold no manure in 1875. We sold two years' supply together for £31 0*s.* 6*d.*

135. Does that represent all the manure cleaned off the streets in two years?—It does. It is sold by auction.

136. You are not an urban sanitary authority?—No.

137. Is the sanitary condition of the town good?—I think it is good.

138. In what condition are the dwellings of the poor people?—I should inspect the dwellings to know in what condition they are.

139. Does anyone look after the sanitary condition of the town?—The Poor Law Guardians do I believe.

140. Are the people of the town here allowed to have pigs in their houses?—I think they are. I am told by a gentleman here that every second one of them has a pig in his house.

141. Surely the town clerk for twenty years should know whether that was the fact or not?—I believe that a great many of them do keep them.

142. Are they allowed to keep donkeys or horses in their houses?—I believe some of them do.

143. Is the town under the "Common Lodging-house Act"?—It is.

144. Are the guardians the parties who look after that?—They are.

145. Do they attend to it?—I fear that they do not.

146. Are the people allowed to keep heaps of dung close to their houses?—They are.

147. Is there any water-closet or privy accommodation provided for these places?—I believe that is only done for the small houses that the Commissioners have got.

148. Have the Commissioners ever to your knowledge made any representation to the guardians about that state of things?—They have not; but they have complained to them that the sewers required to be cleaned.

149. Were they in such a state that they required to be cleaned?—They were, about five months ago; they were in that state for three months before we got them to do it.

150. In the houses where pigs and other animals are kept have they any accommodation in the way of privies?—No, they have not.

151. Has any representation been made by the Commissioners to the guardians on the subject?—No.

152. As I came into the town this morning I saw a couple of houses unroofed, and they appeared to have been converted into public privies?—So they have been.

153. And have the guardians done nothing about that?—No.

154. To whom do they belong?—These houses were burned about two months ago.

155. And they are now a public nuisance. Have any steps been taken in reference to them?—No.

156. To whom do they belong?—To a man named Dwyer.

157. Are not these houses public nuisances this moment both to the eye and smell?—They are.

158. Has any person taken proceedings against the owner to make him abate this nuisance?—No.

159. Are there any sanitary officers here?—Yes.

160. Do they take any steps to abate nuisances in the town?—They do not.

161. Have the Town Commissioners ever called upon the sanitary authorities to prevent these people having pigs and animals in their houses, or to abate nuisances?—They have not.

162. Is there overcrowding in the houses?—I don't think there is, except in a few in Chapel-lane.

163. Has any complaint been made by the Commissioners to the Local Government Board with respect to the neglect of the rural sanitary authority?—No; there was never any complaint made by them to anyone, except to apply to the guardians to clean the sewers.

164. How many houses are there in the town in which pigs and animals are kept with the occupiers?—There are 750 houses in the town, and about 200 of them are inhabited by human beings and animals at the same time.

165. Did you ever hear it discussed among the Town Commissioners to try to put an end to this state of things?—Yes.

166. When?—When they were a sanitary authority themselves.

167. And did they put a stop to it?—The inspector used to endeavour to do it.

168. Have you the same inspector still?—Yes.

169. He has ceased to be sanitary inspector. What is he now?—A street superintendent.

170. Does he get the same salary now as street superintendent that he got when he acted as both street superintendent and sanitary inspector?—He does.

171. Did he make any report to the Commissioners as to these houses and places?—He reported the sewers; that is all.

172. Are any of the gentlemen who are Town Commissioners also members of the poor law board?—Not one.

173. Do any of the guardians live in the town?—Yes.

174. What is the poor rate?—It is only 1*s.* 11*d.* at present; it used to be 3*s.* 4*d.* in the pound.

175. Do they put on any sanitary rate?—I think 1*d.*

176. Do they ever disinfect the houses or limewash them?—The Commissioners used to do it.

177. But since the power was transferred to the guardians?—They never did it.

178. Are the houses in the same condition at present that they were in before the passing of the recent Act?—Very much the same.

179. Since October, 1874, did the Commissioners make any complaint to the guardians as to the sanitary condition of the town or the state of the houses?—No, they did not.

180. Was it even ever discussed?—No.

181. Are there connecting sewers from the houses and yards?—No; there are sewers in the main street and Chapel-lane.

182. Are the houses connected by drains with these main sewers?—Yes; I think most of them are. The public sewers are very good here.

183. Then there would be substantially no difficulty in having all the houses connected with the public sewers here?—No.

184. I see you take credit in your accounts for grants for educational purposes?—Yes; we give £100 to the male National school, £80 to the female National school, £20 to the Protestant school, and £50 to the Christian Brothers' school.

185. Under what authority was that money paid?—Under the scheme of the Lord Chancellor.

186. Under it £200 was allowed for schools, but you pay £250?—Yes.

187. What authority have you for the additional £50?—Nothing but the resolution of the Commissioners.

188. How long have the Commissioners been paying the £50 a year?—We paid it since 1869; but the resolution was passed in 1856.

189. But the resolution passed in 1856 could not have justified them in making the payments in 1869?—The Christian Brothers did not come here until 1869.

190. Therefore there could not have been a resolution passed in 1856 to give the Christian Brothers £50 a year more, when they had not come here?—It was first proposed that they should come here then.

191. On the 11th January, 1870, I find that an order was made that a cheque for £25 be drawn in favour of ——Devlin, being the amount of the half year's annuity to the Christian Brothers' school. Where is the resolution fixing that amount?—It was passed in 1856.

192. How was the amount fixed then when the Christian Brothers did not come until 1869?—It was then that the Town Commissioners invited them to come.

193. Is that the only explanation you can give as a reason of the payment of this £50 a year?—There is no other explanation.

194. Was there a house given to them also?—Yes.

195. What was its value?—We purchased it for £27 10*s.*

196. To whom was it let?—To the trustees of the National Board for 1*s.* a year.

197. There are grants here for clothing, £40?—Yes; we had authority for that under the scheme. The Commissioners give £36 to the Roman Catholic clergy and £4 to the Protestant clergy, in blankets, which they purchase.

198. By the scheme it is to be distributed amongst a committee of clergy of all denominations?—We don't do that. We give £36 to the Roman Catholic clergy

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Mr. John Corby.

and £4 to the Protestant clergy. We receive tenders for blankets, by advertisement, and then distribute them in the above proportions.

199. Have you got the rental of the corporate property?—Yes.

200. I see that the property, the subject of this suit, which was held by Mr. Pennefather, used to pay £1,550 a year to him?—Yes. That was the then rental of the land that was recovered from Mr. Pennefather.

201. Is £633 a year all that has been received out of it by the Commissioners ever since?—Yes.

202. How did Pennefather hold it?—He held the lands under a lease from the old Corporation.

203. Was the £6,000 paid as mesne rates for the land?—Yes; the lease was broken by the Lord Chancellor, and the land surrendered to the town.

204. That was in 1844?—Yes.

205. Was that land relet at that time?—Yes, it was. It was valued by the then Town Commissioners and given to the tenants who were in possession of the land under Mr. Pennefather at this valuation.

206. How many acres were comprised under Mr. Pennefather's lease of the 13th September, 1830?—1,548A. 3R. 5P. Irish, equal to 2,508A. 3R. 3P. British.

207. These lands belonged to Mr. Bolton before Mr. Pennefather got them?—Yes.

208. At what rental were they let in 1844 after they were got up from Mr. Pennefather?—£633 a year. It is set down here (rental produced in a book).

209. Is there any resolution about reletting these lands at such a reduced rent?—There were two valuators appointed to value the lands. They were let from year to year; and a few of them got leases.

210. Am I to understand that the persons who got these lands in 1844 are mostly yearly tenants?—Yes; but the agent will be better able to give you information on this matter, as he knows all about it.

Mr. Cornelius Hanly.

Mr. CORNELIUS HANLY examined.

211. Mr. EXHAM.—Are you the land agent of the Town Commissioners?—Yes.

212. You know the lands comprised in Pennefather's lease?—Yes.

213. How many lots did it consist of?—Five.

214. Give the names and acreage?—Lot 1, Owens and Biggs, contained 143A. 0R. 27P. statute acres; No. 2, Lalor's lot, 989A. 1R. 12P. statute acres; No. 3, Hill's lot, 400A. 0R. 32P. statute acres; No. 4, Attykitt, 491A. 3R. 12P. statute acres; and No. 5, Carron, 484A. 1R. statute acres.

215. Owen and Biggs's lot, No. 1, 143A. 0R. 27P. was relet in 1844?—Yes.

216. In how many lots?—I am sure there were either twelve or sixteen lots in that.

217. Are they yearly tenants, or do they hold under lease?—Most of them are tenants from year to year. But there may be one or two leases.

218. How many were let on leases?—I don't think that they were leased at all. There were resolutions giving them leases if they would accept them; but they would not accept them. There were only one or two leases on that lot—leases of thirty-one years. The leases have only expired in two cases as yet on the commons.

219. How many leases were made on this lot in 1844?—Only one lease on that lot—one to Mathew Hanley, I think. I think it was about 9A. 1R. 20P. Irish, for thirty-one years from the 29th September, 1853, at the yearly rent of £15 19*s.* 11*d.*

220. Who was the lessee?—Mathew Hanley, who lived in the town, and was my father

221. What is the marketable value of that land?—Well, I could not tell you that.

222. Are you the agent of the Town Commissioners?—Yes.

223. Are you in the habit of collecting rents of lands in this neighbourhood?—No; I only collect the rents of the Commissioners' property.

224. You know the neighbourhood of Cashel well?—Yes.

225. Now, I ask you to tell me candidly what is the value of that land at this moment, supposing it was put up to be let, and given to a good solvent tenant?—I don't think it would go for more than £2 an acre—at least, we are farming as good land from private parties at £2 an acre.

226. Do you know what Griffith's valuation is of that?—Griffith's valuation is £15, and the rent is £15 19*s.* 11*d.*

227. How many leases were made to this Mr. Hanley?—There were three.

228. You think it is worth £2 an acre, Irish?—I don't think it is worth any more than £2 an acre, Irish.

229. And that is, you say, the only lease upon that land?—I think it is the only lease upon that lot.

230. What is the rental of the rest of that lot?—The total rental of Owen Briggs's is £94 14*s.* 7*d.* per annum.

231. What is the total rental of Lalor's—No. 2 lot?—£217 7*s.* 3*d.*

232. What is the rental of No. 3.—Hill's lot?—£100 15*s.* 3*d.*

233. What is the rental of No. 4—Attykitt lot?—£96 1*s.* 9½*d.*

234. What is the rental of the fifth—Carron lot?—£124 19*s.* 8*d.*

235. And the total rental is £633 18*s.* 6½*d.*?—Yes.

236. That is, what was let in 1830 by Mr. Bolton for £1,550 a year is now producing to the town, £633 18*s.* 6½*d.*?—Yes; but it was let under valuation by sworn valuators, and they were recommended, I believe, by some leading counsel, and they had some difficulty to induce the tenants to accept these terms.

237. Do you mean to tell me that the lands let by Mr. Bolton in 1830, and continued to be let down to 1844 at £1,550 a year, since they then came into the possession of the Commissioners in 1844 are only producing £633 18*s.* 6½*d.*?—That is all that is upon the rental.

238. Is all that land about the same quality?—All that land is in or about the same quality; but Owen Biggs's lot is the best on the rental.

239. The nine acres which your father got are worth £2 an acre?—I am sure that is the marketable value, if a person wanted to extract the last farthing out of it.

240. What do you think a solvent tenant who intended to pay a fair rent would give for it, if it was put up for competition and duly advertised?—I think that £2 an acre would be fair for it.

241. You told me that all the land in Owens and Biggs's lot is about the same quality and value?—Oh, not at all. That is only with respect to part of that lot.

242. Now, supposing that it was put up to-morrow for sale, what would be the fair letting value of the whole lot between landlord and tenant?—I was going on the present lease.

243. You are land agent for four years for the Commissioners. What do you say, between man and man, is the present valuation of all Owens and Biggs's lot?—Well, I am not competent to give an opinion.

244. Can you form an opinion?—I cannot form an opinion about that.

245. What do you say is the value of the very worst acre of the 2,508 acres?—Some of it I would not farm at all. There is some of the land very bad. 6*s.* 2*d.* an Irish acre is the lowest at which it is let.

246. How far is the worst of it from the town of Cashel?—It is on the bounds of the lands.

247. How much is let for 6*s.* 2*d.* an acre?—It ranges

from 6*s.* 2*d.* to 7*s.* 8*d.* Attykitt I consider to be the poorest lot. It contains 491 statute acres.

248. Are there yearly tenants on that lot?—Yes; there is no lease.

249. And is that the rent they assumed it to be worth in 1844?—Yes.

250. How many tenants are there upon it?—At present twelve.

251. What is Griffith's valuation of that lot?—Griffith's valuation, £176 12*s.*, and the yearly rent is £96 1*s.* 9½*d.*

252. It is generally believed that Griffith's valuation is about one-third under the letting value?—I don't think it is. The valuation of Owens and Biggs's lot by Griffith and the rent are nearly the same.

253. Do you think when Griffith put that down at £176 12*s.* it was the real value of the lot?—It might have let for that.

254. And yet you let it for £96 1*s.* 9½*d.*?—That is all it is let at.

255. And you have continued it so since 1844?—Yes.

256. What is Griffith's valuation of Owens and Biggs's lot?—£102 7*s.*

257. What is the rent?—£94 14*s.* 7*d.*

258. What is the value of the worst acre on Biggs' land?—It is land that wants to be reclaimed. If it was reclaimed and money expended upon it—if it was improved—it might pay a great deal more. There are thirty acres in bog that I would not value at more than 15*s.* an acre.

259. And for residue—113 English acres—what do you think that would bring?—I think the remainder would bring 30*s.* an acre; but 25*s.* would be about the value of it. I know that we ourselves are farming for Mr. Cust better land for 25*s.* an acre. There are 88 acres, Irish, in Biggs's land.

260. Do you mean to say, as a resident in this town, and knowing the value of land in the immediate vicinity of the town, that to value that land fairly you would say it is only worth 25*s.* the statute acre from a solvent tenant?—Well, it is near the town and might go for a little more.

261. Do you mean to say that it was not worth what was paid for it in 1843?—I am not a judge of land. I am not a competent authority upon that.

262. You are nearly three years agent?—I think three years.

263. Is it your honest belief that the lands were let at one-third of their real letting value?—Well, I would not say that.

264. I ask you again, will you undertake to say that in your opinion the land is let within even one-third of its real value?—I would.

265. Is it let at half its value? Do you believe, at this moment, that the 2,508A. 3R. 3P. statute measure, if put up in the open market, honestly to be let to tenants, would not bring £1,500 a year?—I am not a judge at all that way. I could not give a competent opinion.

266. I should like to know your opinion for what it is worth. Suppose the Town Commissioners put that land up to the public competition, do you believe that 15*s.* the statute acre could be got for it from an honest solvent tenant wishing to live and pay a fair rent for it?—I could not give an opinion upon that.

267. In your opinion could £1,250 a year be got for it?—I am sure it would be richly worth about £1,000 or £1,100.

268. How much further will you go?—Well; I would not like to go much further. That is 10*s.* an acre upon the whole of those lots, one with the other.

269. Will you tell me what Lalor's lot is worth an acre?—There is some of it let at 6*s.* 2*d.* an acre, and the best of it at 15*s.* an acre; and it is not worth it.

270. At all events you think it would be richly worth £1,000 to £1,100 a year?—I think it would be worth £1,000 a year. I am not competent to give a valuation of it at all.

271. Excuse me for saying that the agent of Town Commissioners ought to know something of the value of land.—I am only their receiver. They are very good judges themselves.

272. Do you wish to state as your evidence that you, the land agent of the Town Commissioners, gave it as your opinion that upwards of 2,500 acres of land adjacent to this town is not worth more than £1,000 a year?—I should say it is worth £1,000 a year.

273. You have already told me it is richly worth it. You don't feel inclined to go beyond the £1,000 a year?—No.

274. Are the interests of the tenants in these lands sold from time to time?—They are.

275. Was there a Mr. Daniel Phelan a tenant on these lands?—There was.

276. How many acres did he hold?—Sixty-seven acres.

277. When did he cease to be a tenant?—I think about twelve years ago.

278. Was a lease of the lands made to him?—There was a lease made to his successor, Mrs. Dolan, in 1864.

279. For thirty-one years, at the old rent?—Yes.

280. Is it, or is it not, the fact that she paid him £700 for his interest in the farm?—£650, I heard.

281. Then that farm, of which the Town Commissioners made a lease at the old rent to Mrs. Dolan, was worth in the market £650?—She gave £650. I don't think the whole of the tenant farmers on the common, put together, have got £650. She was a person in the town who had made her money by trade, and wanted that farm for pleasure.

282. And gave £650 for the pleasure?—Yes.

283. Were you ever a Town Commissioner yourself?—No; never.

284. Don't you think that that was giving away £650 of the property of the town?—Well, I don't know that. I would like to see the Ulster usages adopted in this place.

285. What lot was Phelan's farm on?—Lalor's lot.

286. That is the lot you told me was so bad? I suppose it was the pick of the lot that Phelan had?—I think it was nearly the pick of the lot.

287. How much of the rest of the lot would you say was like that in value?—Well, I could not distinctly state that.

288. Is there one-half of it as good as what Phelan held?—I think about one-half.

289. Upon what lot was Jeremiah O'Connell a tenant?—Owen Biggs's lot.

290. How much did he hold?—Nearly five acres.

291. Did he sell his interest, and to whom?—Mathew Dwyer.

292. For how much?—£200.

293. When?—Last year.

294. Do you abide now by your statement that you believe that the annual letting value of the whole of this property is only £1,000 when £200 is given for the interest in that five acres?—I would not much mind a tenant giving that when they were making up the rent, but when they are not making it out of it, but giving these fancy prices to have land. It is different when a man has to make his living out of it.

295. I see he paid £7 10*s.* a year rent, and the valuation is £7 15*s.*, and he got £200 for it?—There is no lease existing on that land.

296. Do you know Mrs. Barry?—Yes.

297. Was she on Owen Biggs's lot?—Yes; the same person bought the two lots.

298. The lot of four and a half acres and the lot of nearly five acres. What was the rent?—£8 18*s.* 8*d.*

299. And the valuation?—£8 5*s.*

300. And how much did he give for that lot—was it £200 more?—I do not know what he gave for it.

301. You never heard?—Well I did hear, but I could not tell you; Mrs. Barry's lot was bought before the other. I think it was about £125 or £150, but I could not state what was the sum. I think there are some people here who know.

302. Did the Commissioners pay money for the

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Mr. Cornelius Hanly.

interests of any of the tenants in their lands?—Never to my recollection—never to my knowledge.

303. Was there a Mrs. Herrick a tenant of any portion of the lands?—Yes; she gave it up to the Commissioners.

304. Did they pay her anything for giving it up.

305. *Town Clerk.*—She got £10.

306. Mr. EXHAM.—Who was it let to?—To the representative of Mr. Cahill.

307. Was Mr. Cahill a late chairman?—I believe he was. There was a lease made to Mr. Cahill for thirty-one years in 1854 upon Hill's lot.

308. How many acres?—About eighty acres.

309. Was that lease made to the chairman himself?—At the time he got the farm he was not a Town Commissioner, but he was subsequently a Commissioner.

310. Was the lease made to himself?—The lease was made to him.

311. How many acres are in that lot?—Eighty acres two roods late Irish plantation measure.

312. Who has it now?—It is now in the possession of Thomas Cahill, at the rent of £31 15*s.* 6*d.*

313. What is the valuation of it?—£46.

314. Do you believe that was let at its real value?

315. *Town Clerk.*—That lot was put up to public competition—he was in possession when he got the lease.

316. Mr. EXHAM.—Can you express any opinion as to the value of that lot?—It is a very good lot.

317. Is it as good as the lot of your father's which you say is worth £2 an acre?—I do not think it is as good, but it is a very good lot.

318. And you say it is let for 7*s.* 6*d.* per Irish acre?—It was let by competition. Twenty-five or twenty-six years ago land was of very little value. It was advertised publicly at that time.

319. Do you consider it a fair farm of land?—It is a fair farm of land.

320. Have any leases been executed lately by the Town Commissioners?—No, not lately.

321. What is the last one?—There was a small lease lately executed for some building ground in the town. Mrs. Dolan's was the last lease made.

322. Any leases that were made in March, 1844, for thirty-one years must be out now?—The tenants are remaining as yearly tenants still. There was an increase of ten per cent. made in the rents by the Commissioners if the tenants chose to take leases, but none of the tenants availed themselves of that, and no leases were executed last year.

323. Or the year before?—No; there was only one lease of a small holding in the town.

324. Can you tell me how many leases are on the property altogether?—I do not think there are more than ten or twelve.

325. "Rathordan Green"—what lot do these come under?—Lawlor's lot (No. 2), that was given up to a tenant named Ryan. His rent was £53 15*s.* 8*d.*, and the valuation is £45 5*s.* He is paying about £2 3*s.* per acre; there is only twenty acres in it. Jordan has a lease for thirty-one years from 25th March, 1856, at a rent of £120 14*s.* 10*d.* There are houses on that part of the green which are his property; he pays £101 1*s.* 11*d.* for land, and his rent for house property is £18 18*s.* 11*d.*

326. Jordan got this in consideration of his giving up the tolls?—He got a renewal of the lease for doing so.

327. And he pays £120 14*s.* 10*d.*?—Yes.

328. Are the lands of Carron good land?—Well, no; it is not what I consider good.

329. Are these as good as Lawlor's lot?—No; part of Lawlor's lot I consider better than Carron.

330. What portion is it that Pat Hogan has?—He has fair land. I do not think there is any difference in any part of Carron.

331. I see Hogan gets 36A. 0R. 30P. Irish for £15 15*s.* a year?—No; his rent is £17 18*s.* 11*d.*

332. There are two leases to him—one lease of 36A. 0R. 30P. at £15 15*s.* a year, and the other of 36A. 0R. 31P. at £16 13*s.* 3*d.* a year?—There are two brothers living there. The rent of the representative of Thomas Hogan, £17 18*s.* 11*d.*, and of Daniel Hogan, £16 15*s.* 5*d.*

333. Carron contains 298A. altogether, and you say it is all as good as Hogan's. In Hogan's two lots there are 72A., and if you take that away from the 298 it will leave 226, and you get for that only £124 19*s.* 1*d.*?—The rental of that land varies from 7*s.* 2*d.* to 9*s.* 2*d.* per acre.

334. You say that Hogan's land is paying about 10*s.* an acre?—Something about 9*s.* 10*d.* an acre.

335. Grace has got fifty-one acres of Carron at 7*s.* 8*d.* an acre?—Yes; it was let by competition at that time. The same farm was offered to my father, and he fell out about 6*d.* an acre.

336. I see Richard Price, on the Commons—his ancestors held these lands under lease of 1772 for 99 years, and then the Commissioners renewed that lease to him in the year 1848, at the old rent?—Yes; he gave up some—he has property in Cashel.

337. There has been no lease since 1862 of these lands?—No.

338. I believe there is a house here that was called the fever hospital?—Yes.

339. Has it been given up as an hospital?—No, it is not; we receive £20 a year for it from the guardians.

340. Have you not got a house in which you attempted to have a school?—Yes; that is the old temporary barrack. It was formerly a lying-in hospital. It is now in the hands of a classical teacher.

341. Is it a fact that a number of young men, who were anxious to form a temperance society, applied for it when it was lying idle, and it was refused to them?—It was not lying idle; it was occupied by the teacher at the time.

342. Have you paid anything at all towards keeping up the lying-in hospital?—No; no patients ever entered it.

343. As the agent of the Commissioners, do you know anything of the sanitary condition of the town?—I think it is pretty good.

344. Do you mean as far as the streets are concerned?—Yes.

Mr. Patrick Corcoran.

Mr. PATRICK CORCORAN examined.

345. Mr. EXHAM.—You are the street superintendent?—Yes.

346. What are you paid for that?—15*s.* a week.

347. Were you previously their sanitary officer?—Yes.

348. Do the people keep pigs in their houses?—Some of them.

349. And horses and asses?—Yes.

350. About how many houses are there in which they keep horses and asses?—I should say about fifty.

351. Have the people in those houses any privies, cesspools, or ashpits attached to their houses?—No.

352. Where is the excrement of the houses thrown?—At the rere; but some of the houses have no rere at all.

353. Well, what do they do with it?—They throw it into the street.

354. Is it permitted to lie there?—What is put into the street is swept up.

355. Is what is thrown in the rere allowed to remain there for a long time?—It is.

356. It is a fact that in most of these poor people's houses they have nothing but earthen floors?—It is.

357. Do you know those two houses that were burned at the lower end of the town some short time ago?—They were burned in April last.

Mr. Patrick Corcoran.

358. Are they not made regular privies?—Well, there were no doors on the place, and persons went in and made use of them.

359. If you were sanitary officer, would you consider that a nuisance?—Yes.

360. Could not the Commissioners have done something to prevent that nuisance?—They consider they have no longer any power, as the guardians are the sanitary authority.

361. Did you see the filth flowing out from the front of these houses to the road?—Yes.

362. Are they not dangerous to the health of the poor people in the adjacent houses?—Yes.

363. Is there any overcrowding in these wretched houses inhabited by the poor people?—Only in one street.

364. How many people to your knowledge live together in one room?—There might be a poor man and his wife and two or three children in a small room. When the Commissioners were the sanitary authority, every April and May they gave me a supply of lime and whitewash brushes, and I went round every cabin and house where they could not get lime and brushes, and I employed men and had them whitewashed, and in cases of sickness of any kind we whitewashed and disinfected the houses.

365. Have these poor people a good supply of water?—We have twelve pumps.

366. Do I understand you to say that since the guardians took up the sanitary matters there is no lime-washing, disinfecting or anything of that kind?—No.

Mr. CORBY recalled.

Mr. Corby.

367. Mr. EXHAM.—What about this house which belongs to the Corporation that these young men wanted to form a temperance club in?—It was a long time occupied by Mr. Delahunt the classical teacher, and he died: he paid no rent for it, and he had a school there.

368. What was the rent offered for that house?—£6 a year.

369. Why did he get it for nothing?—I believe he could not pay rent for it.

370. Was this the house fitted up for the lying-in hospital?—Yes.

371. Was it never used as a lying-in hospital?—At the time it was established I heard no person would enter it.

372. What became of it then?—It was used as a classical school.

373. By the scheme it was to be fitted up as an hospital, and £120 was to be applied to keep it up?—Yes.

374. What was done with the £120 a year?—It was paid in other ways.

375. Is there a Cashel loan fund board?—There is.

376. Did they get the £1,000?—They did.

377. Who are they?—Five commissioners and five trustees.

378. How are the five commissioners appointed?—They are appointed annually.

379. Who nominates the trustees beside?—The loan fund committee.

380. Where is the £1,000 now?—They are working it in the loan fund.

381. What is their capital now?—Over £3,000.

382. How have they £3,000 now?—By the profits, and they have expended a good deal of money in the town.

383. You said a while ago that the Commissioners were to get £600 or £700 of it?—Yes; they got liberty from the central board of Dublin to expend that money upon the town.

Mr. JOHN MULLINS examined.

Mr. John Mullins.

384. Mr. EXHAM.—How long have you been Chairman of the Town Commissioners?—Twelve or thirteen years.

385. As long as you were the acting sanitary authority did you see after the sanitary condition of the town?—We endeavoured to do as well as we could.

386. Are you satisfied with the sanitary condition of the place now?—I must confess I am not. I felt myself called upon as Chairman of the Town Commissioners to direct the street inspector to call upon the sub-sanitary officer, and to draw his attention to the state of the sewers in the town and the lodging-houses. While we were the sanitary authority the inspector of lodging-houses called at these places to get them registered, and he reported very minutely to the Commissioners, and they took steps to have them kept as they ought to be kept.

387. That is in enforcing the provisions of the Lodging-house Act?—Yes.

388. Did you make by-laws for them?—Not beyond that.

389. Are you watching the lodging-houses still?—No; the Commissioners are advised that they have no authority to do so.

390. Are you satisfied with the way in which the Sanitary Act has been carried out here?—Well, up to the time the Commissioners ceased to be the sanitary authority they generally made the inspector go twice a year through the town, and get white-wash and lime and have all the houses white-washed, cleaned and disinfected.

391. But since 1874 has anything been done about the sanitary arrangements of the town?—I am not aware that anything has been done at all since 1874, as to the sanitary condition of the town.

392. As regards the water supply, do you consider it would be advantageous to have an improved water supply?—Well, I think the water supply at present is as good as it can be under the circumstances; but we hope in a short time to have a better. We expect to have a second reservoir to contain 9,000 or 10,000 gallons. I think the water, for 8 or 9 months in the year, is sufficient for every purpose; but for 3 or 4 months the people living in this neighbourhood, during a hot summer, have about five minutes walk to go down to the Main-street in order to get it; but for the remainder of the year they have a very good supply. We have an abundant supply of soft water, and the source from which we get it commands the town by about 300 or 400 feet. In the part of the town where we are situated at present the people complain that they have to go some distance to the tank in the Main-street, and before the water can be made available here the pipes have to be full, and it is only bog water which is conveyed to this part of the town. In the months of June and July there is not sufficient water to supply this neighbourhood.

393. Then it is perfectly clear there is a large portion of the town that is not sufficiently supplied with water?—Yes; during 3 or 4 months of the year this part of the town has not a sufficient supply of water.

394. Do you know anything about the loan fund?—Yes; their present capital has reached to about £3,200. There has been from £1,200 to £1,400 paid away under the sanction of the Central Loan Fund Board towards clothing for the poor people, increasing the supply of water, and charitable purposes in the town, and during the 25 or 30 years they have been in existence they have lost only about £2 5*s*.

395. I find that a sum of £300 was paid on the 3rd June, 1850, from the funds of the Board to the Commissioners?—I am now stating from documentary evidence. I was not living in the town, nor a member of the Commissioners at that time. From what I heard, the explanation of that £300 is that the Commissioners got into debt sometime before, and there

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Mr. John Mullins.

were some pressing demands upon them, and there was a surplus of money lying in this fund. Sir Patrick Heffernan was treasurer of the Loan Fund Board, and chairman of the Commissioners, and by some arrangement it was agreed to withdraw £300 from the Loan Fund Board, and transfer it to the Commissioners. Immediately upon that being done the inspector of the Loan Fund Board found that they were this £300 behind, and he recommended them to call upon the Commissioners to pay in that £300 at once.

396. Was there any sum of £300 paid to them that you know of besides this?—No, there was not.

397. With regard to this Lying-in Hospital, how was it that the Commissioners never kept it up, but let it to Mr. Delahunt?—Perhaps the best way to explain that would be this. The Commissioners in 1853 leased the entire concern to the then parish priest, to be used exclusively for a parish school. An order was made to lease the house, previously known as the parish school and yard, and the order was placed on the books to make this lease, and the then parish priest used this school as a National school, at the rent of 1*s.* a year. This house being on the premises, the Lying-in Hospital was not used by the public, and the parish priest took it as a dwelling-house for the National school teacher. In 1856 the people of the town were anxious to establish a classical school, and they applied to the then parish priest, who was the late Archbishop Leahy, to give them a lease of this house to establish a scientific and classical school. This continued up to within two years ago, when the classical teacher died, and there was no classical teacher could be got to take his place, and the Commissioners had the house then upon their hands. The young men applied for it to have it as a band-room or reading-room, but they felt bound if a classical teacher could be got to come into the town to give it to him. These young men applied to the Commissioners, and offered £6 a year for it. It is not in the hands of the Commissioners, but in the hands of the archbishop, and the Commissioners have no power over it for the time being, as it should be given to the classical teacher, should one come into the town.

398. First of all, what authority was there to let it to the parish priest for 1*s.* a year?—I do not know that myself—perhaps the minutes of the Commissioners will show you.

399. Did the parish priest surrender that old lease?—The lease was never made, but an order was put upon the Commissioners' books that the parish priest was entitled to go in and claim it.

400. But he did not do that?—He did.

401. What is the house worth?—I do not know what it is worth—it is used as a Christian Brothers' school.

402. Are they allowed to have it now without paying any rent?—Yes; for the use of the children, and the Commissioners felt that they could scarcely turn the house to better account than to give it to them. They gave another house in Edgar's land for the same purpose to the National Board.

403. But all they have power to do is to give £200 a year to two schools?—I am perfectly aware of that, but this was not done by the Commissioners themselves, as it was the wish of the inhabitants that it should be done.

404. Ever since 1869 you have been giving £50 to the Christian Brothers?—At the time the scheme was adopted the Commissioners were only after recovering £600 or £700 a year.

405. They got £6,000 mesne rates?—They got £600 a year.

406. They got all these lands—2,508 statute acres?—This land was recovered from the Pennefathers, and those schools were established on the strength of the incomes that would be derived annually from that property. Subsequently to that the Commissioners became active, and they got an additional sum annually from the Prices. The Prices held some property from the town, and the Commissioners instituted proceedings against them, and the Prices compromised the matter by accepting a renewal of the lease then nearly expired. This was additional property to what was first recovered. In the year 1856 or 1857, the people of the town began to be dissatisfied with the arrangements regarding their schools, and they called upon the Commissioners to induce a branch of the Christian Brothers to come here. The first thing they did was to give £50 out of this additional property, which was not embraced in the scheme at all. The Commissioners felt they could not turn that money to better account than to the education of the poor people. The schools were not established until 1869, and when they were established the Commissioners felt themselves bound to continue this £50. I am not going to pronounce any opinion as to the legality of that.

407. I want to ask you about this property you got from the Pennefathers. It now produces £633 18*s.* 6½*d.* a year; at the time the Pennefathers had it they received the same as Bolton had let it for, which was about £1,500; and when Pennefather's lease was broken, he was obliged to give it up, and pay £6,000 for mesne rates. What I want to ask you is, how the property which was then valued for £1,500 a year has dwindled down to £633 a year?—The only answer that I can give you is derived, not from actual experience, but from documentary evidence. When the Commissioners got this property from the Pennefathers, they had some difficulty in getting the tenants to attorn to the Commissioners, and the matter was laid before the late Baron Greene, and two valuators were appointed, one by the tenantry and the other by the Commissioners; and these two valuators submitted the valuation to the Commissioners, which was accepted, and upon that valuation they made an order to lease the land for thirty-one years at the valuation returned to them by these two valuators.

408. But they do not seem to have demanded leases?—There was a resolution put upon the books that at any time within the thirty-one years, which is now expired, the tenantry could come in and get leases, paying 10 per cent. over the rent. That was submitted to the tenantry, and they refused to accept it.

Mr. EXHAM (to Mr. *Corby*).—I shall be very glad indeed if you will furnish me with any opinion of the late Baron Greene's upon this matter, and also any document with reference to the appointment of these valuators.

409. Mr. EXHAM (to Mr. *Mullins*).—Does it not appear strange to you that lands for which Mr. Bolton offered £17,000, and out of which he was receiving £1,500 a year, are now only producing £633; that the interests in portions of these lands have been sold—68 acres for £650, four and a half acres for £200, and four and three quarter acres for £150?—*Witness*—It would appear strange, but the present Commissioners felt themselves bound by the order on the books until now.

410. What other corporate property is there besides the 2,508 acres?—(Rental produced in a book.)

411. Have you not got a room which is used by the Commissioners?—There is what we call the town hall in the main street. The ground floor is used as a butter weigh-house and market-house. The second floor is divided into two compartments—one is the town hall and the other a small room used by the Commissioners for their monthly meetings, and at other times it is used as a reading room by the townspeople.

412. Is there any rent paid for it, and is gas supplied to it gratis?—There is no gas at all. There was gas, but it was used for public purposes. The people using the gas had to pay the Gas Company, or the Commissioners paid for it. The members of the newsroom used to pay for the gas. The Commissioners used it as a room, and the townspeople used it as a newsroom. There is no rent paid for the use of it as a newsroom.

Mr. HANLY recalled.

413. Mr. EXHAM.—Give me the valuation by Griffith of the entire lots on No. 1 rental?—About £1,091.

414. No. 2 on the rental—Hickey's lot?—On the whole property of the Corporation there is a tithe-rent-charge of £146 4*s.* 10*d.* There is no quit-rent or crown-rent.

415. What is the rental of Hickey's lot?—£80 2*s.* 3*d.* for 125 acres, Irish. There is only one lease upon that. Griffith's valuation is £119 3*s.*

416. When was that lease made?—In 1854.

417. Of how much?—About twenty acres to Thomas Carew, at 10*s.* per acre.

418. And the rest is all let to yearly tenants?—Yes.

419. Do you know have any tenants been disposing of their interest, and got fines?—I do not know that they have been.

420. No. 3 on the rental?—That consists of land lots in the town and house property. Part of that is Mr. Jordan's. There are 342 acres altogether, and the rent is £328 17*s.* 8*d.* Griffith's valuation is £480 6*s.* Some of the late Mr. Pennefather's leases exist in the place. Some of them have six or seven years to run, and some of them about eighteen or twenty.

421. How much of it is leased?—I think there are three or four leases in this place.

422. What amount of acreage is upon that? What quantity of it is under lease?—I think about 230 or 240 acres.

423. Are the rest yearly tenancies?—Yes.

424. No. 4 on the rental?—That is all principally small lots on the commons. The annual rent is £205 5*s.* 2*d.*, and Griffith's valuation £244; there are 252 acres, Irish.

425. How many leases upon this?—There is only one lease which belongs to Mr. Price of 110 acres, Irish, which will be out in two years, at the rent of 9*s.* per acre.

426. No. 5 on the rental?—£7 15*s.* a year for shambles.

427. No. 6 on the rental?—Those are small lots let to tenants on the green. The rent is about £23 17*s.* 10*d.* They are let for 4*s.* 6*d.* and 5*s.* a house. The rent in Friar-street, No. 7 on rental, is about £48 10*s.* 5*d.*; it is let to weekly tenants at 1*s.* 6*d.* and 2*s.* a week.

428. Is that all?—Yes.

429. Does the entire of that make up £1,224 mentioned in this book?—The rental altogether is £1,328 1*s.*

430. There are "Agency fees." Do you receive the whole?—I receive the whole. I am allowed by the auditor, and I send in my bill regularly, 1*s.* in the pound on gas rents, sale of coke, and everything.

431. Do you receive all these rents yourself?—Yes.

432. Have you given any bond to the Commissioners?—Yes.

433. Are the sureties alive?—Yes.

434. What is the amount of the bond?—Two sureties in £250 each.

435. Who is your treasurer?—The National Bank.

436. Have you got the bank-book here?—Yes (bank-book produced.)

437. How often do you make your lodgments?—As often as I can get it.

438. Do you account for it weekly?—Sometimes I pay in the rents in March and September. I lodge most of the money between September and October.

439. Is there anyone who checks over your account weekly?—It ought to be checked by the town clerk, and the cheques of my lodgments produced. The only check is the bank-book.

440. How much money do you have in your hands at a time?—Very seldom £100. After paying the rents it is seldom £100. The March rent is supposed to be paid in September, and it is paid in a few days after it—sometimes in October.

Dr. MICHAEL P. CORMACK examined.

441. Mr. EXHAM.—You are the consulting sanitary officer of the rural sanitary authority?—Yes.

442. The Commissioners state that before the Act of 1874 they used to lime and whitewash, and disinfect the houses of poor people, and attend to the sanitary arrangements of the town, but that since 1874 nothing of the kind has been done?—I cannot say so. I think for the last thirty-five years the condition of the sanitary district was good. There is little disease in it—no epidemic nor contagious disease in the town; there is not a single case of fever in the town; and this is, I believe, owing to the working of the Sanitary Act. I go through the country, and the sanitary arrangements are improving. There are piggeries supplied now. I have made 146 reports, and in every case in which I have complained of nuisances I have found them abated.

443. The street inspector of the Commissioners has told me that there are about fifty houses in which people have pigs and asses in the rooms with themselves?—I cannot believe that It could not exist without my knowledge.

444. Strictly speaking it would not be your business to look after these things, but that of the rural sanitary authority—the guardians. Surely they should have some inspector going round to see after these things?—The sub-sanitary officer is the relieving officer, and he does that.

445. That is, he is supposed to do it?—I do not leave it to him; where I hear or suspect that nuisances exist I go and inspect the place myself, and make my reports upon them.

446. Did you examine the two houses at the right hand side of the road as you come into the town, which were lately burned?—I was in them before they were burned.

447. Did you go in there since?—I do not think I did.

448. Was the water used in the town ever analysed?—I do not recollect.

449. Mr. *Dennis J. Scully*, T.C., said that a considerable portion of the town was insufficiently supplied with water.

Mr. PATRICK BURKE examined.

450. Mr. *Burke* stated that the young men of Cashel were always of opinion that a Mechanics' Institution should be supplied by the Commissioners, and they ought to have got under the scheme, £240 for the erection of a Mechanics' Institution and Temperance Hall. They applied for the Lying-in Hospital in order to establish a Temperance Hall, and had laid out a good deal of money in repairing it, but they were ejected from it to make way for the classical teacher. He did not think the parish priest had anything to do with it.

451. Mr. EXHAM.—How much did you expend on the hall?—We expended £1 3*s.* for materials, but a good number of the members were tradesmen, and they worked at the place. They gave their time and labour for nothing.

452. What would you say the outlay was worth?—£5 or £6. There was not a lock nor hinge in the place, nor a pane of glass in the windows. It was lying idle for a long time; it was almost a wreck when we got it.

453. Then they took it from you?—They did.

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Mr. Patrick Burke.

454. Did you offer rent to them for it?—No; it was a temperance society had it; but the mechanics applied for it afterwards, and offered rent for it, but they were refused it. Twenty-five shopkeepers signed a paper saying they did not agree with the Commissioners in refusing to give it.

455. Who has it now?—This classical teacher. There are seven children in it, three or four of whom belong to the borough. We consider it was unjust to deprive thirty young men of the town of it.

456. Did they give you any reason for not expending the £240 in endowing the mechanics' institution?—No; in 1858 they expended £9 on the house.

457. Where did the balance go—the £231?—I do not know.

458. Mr. *Corby.*—In 1857 the mechanics applied for the house, and the Commissioners gave it to them.

459. Have they the house still?—No.

460. Mr. *Burke.*—There are fifty members of the mechanics' institution, and we have no place to meet. This classical school is really not in existence at all. There are two rooms in the town hall. The newsroom is a small room, and there is a man named Patrick Dwyer paid £7 a year for taking care of it, and the room is supplied with coals, and there is only one or two people in the town allowed into it except the Commissioners. I was asked to appear here on behalf of the people of the town, and state these matters to you.

461. Mr. EXHAM (to Mr. *Corby*).—Is this newsroom supplied with coals by the Commissioners?—It is.

462. Mr. *Mullins.*—With reference to this supply of coals—there were two tons of coal ordered for the purpose of airing these rooms; there might have been more than that used, but the members of the newsroom supplemented that out of their own pockets. £3 a year is paid by the members of the newsroom, and £3 by the Commissioners.

463. Mr. *Burke.*—There are two men there. Corcoran, the inspector, has charge of the large room, and a man named Dwyer charge of the small room.

464. Dr. *Laffan*, one of the Commissioners, said that the middle classes of the town were entitled to have a school for their children, and that it was not intended that the entire funds mentioned in the scheme should be expended in supplying schools for the poorer classes, and that the middle classes should be left without any school. They were not numerous enough to support a school such as they desired to have, and he thought that they should be assisted out of the funds in the hands of the Commissioners.

465. Mr. *Burke* said that there was one small portion of land (about 3½ acres) which the nuns had got.

466. Mr. EXHAM.—How long is that ago?—Mr. *Burke*—A couple of years ago; the nuns were acknowledged as the tenants.

467. Mr. *Mullins.*—I think I will be able to explain how that occurred. There is a rule on the Commissioners' books against sub-letting. When this piece of land was brought into the market, there were two offers for it, and seeing that the nuns should be recognized by the Commissioners, and that the other party could not, it was given to the nuns.

468. *John Minihan* said that Corcoran, the town inspector, had two men who were employed and paid by the Commissioners for breaking stones, privately engaged on his (Corcoran's) own business.

469. *Corcoran* was called and denied this statement, and said that the men worked for him, and that he paid them.

470. Mr. EXHAM.—Were they allowed sustenance money by the Commissioners?—They were.

471. Did they draw it while they worked for you?—One man did.

472. Mr. *Corby* referred to the pay sheets, and said that his attention had been called to that fact by Minihan, that these men were receiving subsistence pay during the time they worked for Corcoran; but he did not know of their employment by Corcoran until his attention was called to it by Minihan.

473. Mr. EXHAM (to Mr. *Corby*).—Have you any fire-engine?—Yes.

474. And hose?—Yes.

475. Are they in good order?—They are.

476. How many watchmen have you?—We have a man for the day and another for night. We are very quiet here.

477. Dr. *Coyle.*—We would require two watchmen here.

Adjourned.

Dec. 29, 1876

DECEMBER 29, 1876.

Mr. Cornelius Hanly.

Mr. CORNELIUS HANLY re-examined.

478. Mr. EXHAM.—How much of the 2,508A. 3R. 3P. statute in Pennefather's lease is leased by the Town Commissioners?—About 500 or 600 acres.

479. I want to get the particulars of every lease, its date, acreable contents, and terms; what remains behind will be the tenancies from year to year?—*Witness* reads:—Representatives of Michael Hanly, 4th September, 1854—there are three different leases of the same date: first, 30A. 3R. (Irish), rent, £11 17*s.*, term, thirty-one years; second, 7A. 1R. 2P. (Irish), rent, £2 8*s.* 7*d.*, term, thirty-one years; Griffith's valuation of the two is £27; those two are on Lawlor's lot; third (on Owen and Biggs' lot), 9A. 1R. 20P. (Irish), rent, £15 19*s.* 11*d.*, term, thirty-one years; Griffith's valuation is £15.

480. Who is the lessee in these three leases?—Mathew Hanly.

481. Do the lands adjoin one another?—No; they are three miles apart.

482. Lawlor's lot No. 2 adjoins Owen and Biggs' lot No. 1?—Yes.

483. Are the lots on Lawlor's lot as good as the other lands?—No, they are not.

484. What is the acreable difference between them?—About 6*d.* an acre.

485. Is the land on Owen and Biggs better or worse?—Better.

486. How much per acre?—Something about £1; it is paying 30*s.* an acre more.

487. Was Mr. Mathew Hanly a member of the Town Commissioners at that time?—I could not state—I do not know.

488. Mr. *Corby.*—He was a commissioner.

489. Was he the chairman at the time?—No.

490. Is there any resolution, and if so, give me the date of it, directing the leases to be made to him. I should like also if there is any advertisement or resolution in reference to the putting up of this land to public competition to see it also.

491. Mr. *Corby* (reads)—

"9th January, 1854—moved by Mr. Dunne, seconded by Mr. John Hanly, resolved that a lease or leases be executed to Mr. Mathew Hanly, of part of Owen and Biggs' lot, at the yearly rent of £15 19*s.* 11*d.*, and of part of Lawlor's lot, at the yearly rent of £2 8*s.* 7*d.*, and of part of Carron, at the yearly rent of £11 17*s.* for thirty-one years, from the 29th September last."

492. Mr. EXHAM.—Can you tell me from the minute book if Mr. Mathew Hanly the lessee was present at that meeting?—He was.

493. Was he a relative of Mr. John Hanly, who seconded the resolution?—There was no relationship between them.

Mr. Cornelius Hanly.

494. Was there any public tender, advertisement, or notice given of these lots being about to be let?—No, there is not any record of it on the books.

495. Mr. *Hanly* (witness.)—These lands were originally let to a person named Moloney, and my father bought them from Moloney. There was a lease made to Moloney by the Pennefathers at 12*s.* or 13*s.* per acre.

496. How much did your father give to Moloney for his interest in them?—About £150 for the lots Nos. 1 and 2.

497. Were new leases then made to him?—Yes.

498. If that is so the new leases were made at a reduction?—All the property was given by the Commissioners when they got it to the whole of the tenants at a reduction of rent. It was made before my father took the farms.

499. What is the present letting value of Nos. 1 and 2 to a fair tenant?—That is an unfair question to ask me, because I must tell you I may have an interest in the question you are asking me. I would not like to put a valuation on those farms. If they were any other person's I might do so.

500. I presume as the agent for the property you know the value of the land?—I don't wish to answer that.

501. Had your father held part of Owen and Biggs' lot?—There was a part of it which he purchased from Dr. Wood for £18 or £20; the other part was in the family for 100 years.

502. What rent was given for it?—He gave 30*s.* an acre for it; at that time it was paying 30*s.*, and he gave £18 or £20 for it.

503. How much of the 9A. 1R. 20P. did he give the £20 for?—Something about five acres.

504. The next is Mrs. Dolan's farm on Lalor's lot No. 2?—Lease dated 2nd December, 1862; contents, 68A. 2R. 3P., Irish; rent, £24 13*s.* 10*d.*; term, thirty-one years; Griffith's valuation, £47 5*s.*

505. That is the lot I have already heard of. She gave £650 for it?—I am not sure what it was.

506. Who had the interest in that?—Daniel Phelan.

507. Was he a Town Commissioner?—He was not; he resided on the farm, he paid the same rent that Mrs. Dolan is paying at present.

508. Was he a yearly tenant?—Yes, I think he was.

509. To Mr. *Corby*.—Can you give me the resolution of the Town Commissioners authorizing the lease of the 2nd December, 1862, to be made to Mrs. Dolan?

Mr. *Corby* (reads)—

"4th March, 1861. Notice of motion was given, and on 1st April, 1861, it was proposed by Mr. William Phelan, seconded by Mr. Lyttle, and resolved—'That a lease for thirty-one years be made to Mrs. Dolan of said land, at the yearly rent of £24 13*s.* 10*d.*, being the present rent.' An amendment was moved by Mr. Corby, and seconded by Mr. John J. Healy, 'that a lease be executed only for an unexpired term of fourteen years, to which the late tenant, Daniel Phelan, was entitled, and upon the same terms upon which he held it;' on a division the amendment was negatived by 9 to 3."

510. Mr. EXHAM (to Mr. *Hanly*).—You should have no objection to tell me what was the acreable value of this lot at the time the lease was made from your former answer, as it belongs to another.

511. Mr. *Hanly*.—I don't choose to give an opinion upon it.

512. £47 5*s.* a year is Griffith's valuation, and we all know that is generally one third under the letting value. I ask you, in your opinion as agent, what would a fair tenant have given for it?—It would be a queer thing to put up the rent after a person spending £800 or £900 on it; but I would say, if you put it up in its original state, it was worth 10*s.* or 12*s.* an acre.

513. Do you know who this Mrs. Dolan was?—Yes; she was the widow of a merchant in this town.

514. Had her husband been a member of the Town Commissioners?—He had been.

Mr. CORBY re-examined.

Mr. Corby.

515. Mr. EXHAM.—Do you know was she related to any of the then Town Commissioners?—No, she was not; these lands were Daniel Phelan's; he had not got a lease, but there was an order made in 1844 that leases should be given to the tenants for thirty-one years, and he sold his interest to Mrs. Dolan.

516. Was that publicly known?—It was.

517. Was Phelan, who proposed that resolution, a relative of the original lessee?—No, he was not.

518. Were you present when it was discussed?—I was.

519. Was it a notorious fact then that Mrs. Dolan had given this large sum of money for this lease?—Yes; and there was a notice of motion given at a previous meeting to grant her the lease.

520. Was it known at the time that Mr. Mathew Hanly had bought the tenant's interest in the lands afterwards leased to him, and given large sums of money therefor?—I was not there then.

521. Do you know how much was mentioned as given by Mrs. Dolan for the land?—I believe it was over £600.

Mr. HANLY re-examined.

Mr. Hanly.

522. To Mr. *Hanly*.—The next lease is of what I shall call lot No. 5. It is that to Thomas Carew, on Lalor's lot. What is that?—The lease is the 2nd of July, 1852, and contains fifty-eight acres and thirty-nine perches, Irish—rent, £23 13*s.* 9*d.*—term, thirty-one years. Griffith's valuation, £38.

523. Had Thomas Carew been the original tenant?—I am not sure about that—I do not know. My opinion is, that he got that farm from his first cousin, a person of the name of Ryan.

524. Had you any rental settled in 1844, or any time subsequently, or did you make one out yourself?—A rental was given to me about three or four years ago, and that is the first rental I ever saw, and I continued it since; I beg pardon, it is not the first rental I ever saw, for here is a rental of thirty or forty years ago (book produced).

525. But this goes back only as far as the year 1854?—There is another before that.

526. Is this the first rental that you know of?—Yes; that is the first rental the Commissioners had that I can find. The old corporation was dissolved in the year 1840. (Mr. Corby produced in a book what purported to be a rental from the 25th March, 1844, to the 25th March, 1845, but not for any subsequent year until the one of 1854 mentioned above.)

527. By that book the whole of the rental and rentcharge on Pennefather's lot is £647 17*s.* 1*d.*, so that some time before March, 1844, the rent must have been reduced from the £1,550 payable in Bolton's and Pennefather's time to £647 17*s.* 1*d.* with rentcharge. Is that the first trace you can find of it?—Yes.

528. I see from the minutes of April, 1844, that a lease was offered to Richard Woods of his lot. Did he get that lease?—No.

529. Why so?—He alleges he holds this still under the Pennefathers for ninety-nine years—a long term that is still unexpired. It contains in all over seventy-nine Irish acres, and is divided into two lots; one of these is sixty-one acres, for which he is paying £26, while Griffith's valuation is £43 10*s.*; the second lot consists of eighteen and a half acres, for which he pays £15 19*s.* 2*d.*, and Griffith's valuation is £15 10*s.*

530. Was Richard Woods one of the Town Commissioners?—Yes.

531. At the time that resolution was passed, offering him the lease?—Yes; but he never accepted it.

532. (Referring to minutes.) On the same day Mr. Dolan proposed that a lease be executed to Mr. Carew (he being then present), of a part of Lalor's lot, at 9*s.* 2*d.* per acre, and on the same day Mr. Kearney

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moved that a lease be executed to Mr. Dolan of lands, that portion of Owen and Biggs' lot that your father afterwards held. Compared with Woods' lot, what was the value of it?—There was portion of it better, and a good deal of it a good deal worse than my father's.

533. Taking it all in all, what was the difference?—I should say my father's, at that time, would be 10*s.* an acre better than Woods'.

534. Then, on the same day, your father gave notice of motion that he would offer £1 10*s.* an acre for portion of Owen and Biggs' lot then in his possession—five acres?—That appears to be so.

535. The Charter House School lands, twenty-two acres — was that let to Michael Dolan (now Mrs. Dolan)?—Yes.

536. What was the date of that lease?—The lease is out presently.

537. The lease is directed to be made on the 1st of May, 1842, and therefore it was out in 1873?—It was not out until this year, because they did not make the lease for some years afterwards.

538. Has that been relet?—No, Mrs. Dolan is in possession still; the lease was made in 1844.

539. Has she been allowed to hold it ever since?—Yes; the rent is about £10 higher than the valuation; the valuation is £45, and the rent £55.

540. Do you think Griffith's valuation is excessively high with regard to that?—I don't think any such thing; I think she is paying the full value.

541. For the twenty-two acres?—Yes.

542. And Griffith's valuation you think tolerably fair, being £10 under the rent?—Yes.

543. But where the valuation is ever so much higher than the rent you think Griffith's valuation is too high and that the rent is right?—I think Griffith is liable to mistakes in his valuation as well as any other individual.

544. I see the same day a lease was to be made to Thomas Carew, then one of the Town Commissioners, from September, 1843, and the lease was never granted until July, 1852, when an additional farm was given to him. What do you say of Griffith's valuation as compared with the rent that Mr. Thomas Carew is paying?—Griffith's valuation is in excess of the rent there.

545. How much in excess would you say?—I could not say.

546. Has Griffith put down half as much more?—Yes, about that; it is a poor tillage farm.

547. Mr. Thomas Carew in 1844, is ordered a lease of 11A. 2R., 14P. and 30A. 1R., at a rent of £39 0*s.* 10*d.* Griffith's valuation is £38. He originally paid £39 0*s.* 10*d.* for only 41A. 3R. 14P., but a new lease was made to him on the 2nd July, 1852, of fifty-eight acres and thirty-nine perches at a rent of £23 13*s.* 9*d.* for thirty-one years. Can you tell me anything about that?—I know nothing about it, but I say the adjoining land is a great deal better.

548. Can you tell me why he got in 1852 for £23 13*s.* 9*d.*, more land than he was paying £39 0*s.* 10*d.* for before that?—I don't know.

549. I see here again that in 1855, Thomas Carew held part of Lalor's lot, 14A. 2R. 36P.?—Yes; he has two lots of ground on Lalor's lot, one of 58A. 39P. and another of 14A. 2R. 36P. I beg pardon. There must be two persons of the same name on Lalor's lot; there was another Thomas Carew there.

550. To Mr. *Corby*.—Can you give me a resolution in 1852, directing a lease to Thomas Carew of 58A. 0R. 39P., at £23 13*s.* 9*d.* a year for thirty-one years. Is there any resolution of the Town Commissioners of that date by which his rent was reduced by nearly £16 a year?—I cannot find any resolution on the books ordering this lease to Carew.

551. To Mr. *Hanly*.—There is a lease to Avery Jordan?—Yes, an order was made for a lease to him on the 11th of February, 1857, of 161A. 2R. 31P. The order is made to grant the lease from the 25th of March, 1856, at a rent of £101 15*s.* 11*d.* for thirty-one years. Griffith's valuation is about £170. He held the land under the Penefathers, but I don't know at what rent.

552. At that time Mr. Jordan held 186A. 1R. 19P. of George's land?—Yes, of George's land and Lalor's lot; George's land was only a small portion adjoining the Great Green. He gave up about twenty or twenty-four acres of the Green.

553. Can you tell me the valuation of the other portion of what he held on the Green?—That is given up to Ryan.

554. What is the rent of Little Green?—That is some house property he has there; he pays £120 14*s.* 10*d.*; he has 6A. 2R. 6P. for which he pays £18 18*s.* 11*d.*, and he has four houses on the Little Green; and Griffith's valuation of that is £9 1*s.* He was town clerk to the Town Commissioners, but he never was a Town Commissioner himself.

555. Lease to Pierce Grace. What is that?—That was made on the 4th of September, 1854, of 51A. 3R. 1P. situate in Carron, at 7*s.* 8½*d.* the Irish acre, for thirty-one years. I believe that Grace's lot was let by competition at the time.

556. How much has he in Attikit?—22A. 3R. 22P., at 6*s.* 2½*d.* the Irish acre, for thirty-one years, from the same date; he pays for the two holdings £27 1*s.*, and Griffith's valuation of them is £42.

557. In that case also do you think that Griffith has put nearly double the value on the land?—It was put up to public competition.

558. Who held it before?—Elliott held the Carron lot.

559. What sort of land is Attikit?—The worst in the county. I think it is the worst townland I ever saw.

560. Has Griffith's valuation been altered?—I don't think it has.

561. Was not Griffith's valuation of this land made in very depressed times?—I know this farm was taken by competition.

562. Lease to Thomas Hogan. Give the particulars of that?—That lease was made on the 4th of September, 1854, of 36A. 0R. 30P., at a rent of £15 15*s.* 2½*d.*, for thirty-one years; Griffith's valuation is £34; he got two acres additional land, and his rent is now £17 18*s.* 11*d.*

563. In that case Griffith's valuation is double the rent of the land?—Very near.

564. Do you think it right that that man should be paying rates on a valuation of £34, if the land is not worth it?—The original lease made by the Pennefathers of that land was at 12*s.* and 13*s.* an acre.

565. Lease to Denis Hogan. What about that?—That lease was made on the 4th September, 1854, of 36A. 1R. 21P., at the rent of £16 13*s.* 3*d.*, for thirty-one years. Griffith's valuation is £34 5*s.*

566. Have you any difficulty in getting the rents in these cases?—Indeed I have. I had to threaten ejectments against them.

567. Lease to Thomas Carew. What is the date of that?—The 4th of September, 1854, of 20A. 1R. 12P., at a rent of £10, for thirty-one years. Griffith's valuation is £7 4*s.*

568. What is the date of the last lease?—5th September, 1854. I don't think there are any more leases made of the land. I think Mrs. Dolan's was the last lease, except one to D. Coyle, of a piece of ground adjoining his house. He built a house on it, and a building lease was made to him of seventy-five years.

569. I find with regard to Grace's lot that there is a resolution of the Commissioners of the 7th of July, 1850 (Mr. Grace, a Commissioner himself being present), and it appears there were proposals made by four persons for the lands that were afterwards leased to

Mr. P. Grace, but I have not the proposals and the resolution is to the effect, that the lease be executed to Mr. Grace, from 29th of September, 1850, for thirty-one years; but I find the lease was not executed until 1854. Why did Grace get it, and why was the lease not made until 1854?—I can't tell.

570. Do you know the portion of the commons that was owned by a man named John Sturdy?—Yes.

571. How many acres did he hold?—Seven or eight acres.

572. Was he a yearly tenant?—Yes.

573. Was he the original tenant?—Yes.

574. What rent did he pay?—I suppose he paid the same rent as the present man, Kearney.

575. How many acres did he hold?—I think about eight acres. I see in 1854 he held five acres and thirty-three perches, at a rent of £5 13*s.*

576. Do you know whether he sold that to a man named Kearney?—Yes.

577. Is it or is not a fact that Kearney gave him £150 for his interest?—I heard he gave £100. I don't know what he paid for it; Sturdy is dead; Griffith's valuation is £6 15*s.*

578. How long is it since Kearney gave that sum of money for it?—I suppose four or five years.

579. Do you recollect me reading out a resolution to you that there was to be no sub-letting, and that assignees would not be recognised?—Yes.

580. Was Kearney accepted as a tenant?—Yes.

581. Was it known to the Commissioners that Kearney had bought that man's interest in this ground?—I suppose it must have been.

582. Do you know as a matter of fact, that Kearney let that at £9 an acre, for the two following years after he got it?—I could not tell. That would be for potatoes, but that would not give the relative value of the land.

583. What is this Kearney?—A labouring man.

584. Upon what part of the commons did Sturdy hold this land?—Owen and Biggs' lot.

585. Was it better or worse land than the other land upon that lot?—It is all the same, except some bottom land.

586. Owen and Bigg's lot contains 143A. 0R. 27P. statute measure. Do you say it is nearly all of the same value except this bottom land? How much of it is bottom land?—About forty acres.

587. And the rest is about of an equal quality?—Oh, there is a difference.

588. Was Sturdy's lot as good as the rest of it?—I think it was.

589. I find this resolution on the books, 1st February, 1847—"That no tenants on the Commons of Cashel, under the Commissioners, be allowed to assign or sub-let their holdings to any person without the consent of the Commissioners." Do you know how much a man of the name of Shea held?—1A. 1R. 12P. Irish, on Lalor's lot, at 7*s.* 2½*d.* an acre. His rent is 9*s.* 6*d.*

590. What is Griffith's valuation?—£1 10*s*; Shea gave that up three or four years ago.

591. I understand that a person named Purcell occupies that now?—Yes.

592. Did you ever hear what he gave for it?—I don't think I did.

593. It is stated to me he gave £50 for it?—I don't know. He might have given that; he is living in the town at present.

594. What has become of Shea?—He is gone to America.

595. The rent you get for that altogether is 9*s.* 6*d.*, and Griffith's valuation is £1 10*s.* What do you say a fair tenant would give for it?—That little bit of land is greatly improved.

596. Did you hear that Purcell purchased the interest of Shea?—I heard that.

597. Did you hear what he paid for it?—No, I did not.

598. Is Purcell in the same class of life as Kearney?—No, he is a dealing man.

599. Do you recollect that land when Shea gave it up?—I do.

600. What would you say was the letting value of it?—I cannot tell. It might be worth 15*s.* an acre, with the improvements.

601. I ask you what, in your opinion, was the fair letting value of that ground when Purcell bought it? If you don't wish to give me an answer say so?—I would rather not give my opinion.

602. You don't like to give an opinion of what Shea's land was worth?—Yes; my opinion is that it is according to a man's pocket. If a man has £500 or £600 he will give it for a piece of land that is probably not worth £100.

603. Do you know a person of the name of Patrick Kennedy?—Yes.

604. How many acres does he hold?—About five Irish acres, at 6*s.* 2½*d.* an acre.

605. How long is he there?—He had part of it purchased before my time, and he is not recognised as a tenant for the first part by the Commissioners. I don't know who he purchased the first part of it from; he pays 11*s.* 7*d.* an acre for the Widow Malony's lot, and he holds John Morrissy's, and pays £1 15*s.* 2*d.* for it.

606. Do you know why the Commissioners refused to take him up as tenant for the one lot? Who holds it?—Kennedy holds it in his possession, but they took him in at Morrissy's rent, £1 15*s.* 2*d.*; Griffith's valuation of that lot is £3.

607. What has become of Morrissy?—I don't know; I heard he went to America.

608. Did you hear that he bought Morrissy's interest in it?—I did.

609. Did you hear what he gave for it?—No.

610. Did you hear he gave £75 for it?—I could not tell what he gave, as I never heard it.

611. Who is Kennedy?—A provision dealer in the town.

612. Has he any other lots?—He has a lot of his own held by himself.

613. Could you tell me any other lot he purchased that your Commissioners recognised him in?—Yes; Morrissy's lot, and the Widow Moloney's lot at 11*s.* 7*d.*; they recognised him on that.

614. Did you hear whether he purchased that from the widow?—I don't know; I never made inquiries.

615. Was there any tenant of the name of Robert Taylor?—Yes.

616. How much does he hold?—Twelve acres at 10*s.*

617. On what lot?—On No. 4 rental.

618. What is the valuation?—The present occupant is paying £8 11*s.*, and the valuation is £11 10*s.*

619. Who holds it now?—Michael O'Sullivan; he is a Town Commissioner.

620. Did you hear what he paid for it?—I never heard; I heard he bought it all.

621. When did you hear that?—Some eight or nine years ago.

622. Do you mean to say you never heard what he gave for it?—I did not.

623. Do you mean to say you never heard he gave £100 for it?—I might have heard it, but I don't remember; he might have given £200 for all I know.

624. Mr. EXHAM.—I find here on the books a resolution of the 7th of March, 1860, to the effect that any tenant parting with a portion of his land *without the consent of the Commissioners*, be ejected. Do you know a tenant of the name of Billy Ryan?—Yes.

625. Is he gone to America?—Yes.

626. How many lots did he hold altogether?—Several.

627. Four, I believe?—I am sure he did.

628. Did he hold eight and a half Irish acres that are now held by Patrick Farrell?—Yes.

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629. At what rent?—£5 6*s.* 5*d.*

630. And what is the valuation?—£7.

631. Did you ever hear what Patrick Farrell gave him for that?—No, I might have heard.

632. Did you hear he had bought it?—I heard he bought it.

633. Did you hear he gave £200 for it?—I could not exactly state whether that was the sum he gave.

634. Did you ever hear he gave about £200?—I did not.

635. Or any sum?—I heard he gave some sum.

636. Is Patrick Farrell living in the town?—John Farrell is the man that bought it. He is in court. He is not recognised by the Commissioners at all; the same name is still down in the rental—"William Ryan"—and he is gone to America these four years. I give the receipts "William Ryan, per John Farrell."

637. Now, I ask you, what do you honestly believe that eight and a half acres to be worth for which, I am informed, he gave £200, subject to the rent of £5 6*s.* 5*d.*, while the valuation is £7?—I don't know what it is worth. I gave the receipts the same as my predecessor gave them.

638. What do you honestly believe that land to be worth?—I decline to give an answer.

639. When last here you gave me your opinion as to the value of land?—I said I was not competent to give an opinion.

640. Have you been since directed not to give any opinion as to the value of the land?—No, I have not.

641. Had that William Ryan another lot of seven Irish acres now held by John Ryan?—Yes, that is his nephew.

642. What rent did he pay for that?—£4 15*s.*, and Griffith's valuation is £6 5*s.*

643. How long is it in the possession of his nephew John?—Since before my time, I think

644. Did you give the receipt for that land in the same terms as in the previous case?—In the very same terms.

645. Did you hear whether William sold the interest in that to John?—I am not sure. I am very sure he didn't give it away for nothing.

646. The rent being but £4 15*s.*, and the valuation being £6 5*s.*, do you decline, with regard to that lot, to give me your opinion as to its value?—I think the valuation of Griffith is high enough on that land. It is a bad part of the land.

647. Did you ever hear that John Ryan gave £180 for the interest in that?—He might have given it.

648. William Ryan held another lot that Denis Ryan has now. How many acres are in that?—11A. 3R. 35P. Irish, the rent of which is £4 3*s.* 3*d.*, and the valuation, £10 5*s.* It is a yearly tenancy.

649. And William Ryan, who has gone to America, had that also?—I could not tell you whether Billy Ryan held that at all or not. I see by the book for 1855 it was in the hands of Denis Ryan; he is the recognised tenant. I give receipts in his name.

650. Do you believe that land to be worth more than Griffith's valuation, or do you decline to give an opinion?—Oh, I think Griffith's valuation is too high.

651. How much?—That farm of Denis Ryan's is a very wet, bad sub-soil.

652. I ask you, according to your opinion, what is its letting value?—I decline to answer.

653. He held another farm from John Dwyer; how much is in that?—That farm was divided between Michael O'Sullivan, Town Commissioner, and John Dwyer. I think there is 8A. 0R. 38P. Irish, in it.

654. Did you ever hear whether they bought Billy Ryan's interest in that?—I heard they bought his interest, but I could not tell you what they paid for it.

655. Did you ever hear they gave £140 for it?—I could not say.

656. Did you know Billy Ryan?—I did.

657. Do you know the field that was called "Dr. Graham's"?—Yes, I do. It was in the possession of the representatives of John Cummins, it consisted of 7A. 3R. 8P. Irish, and the rent was £16 16*s.* 6*d.* Of that 7A. 3R. 8P. my father got about five acres, and Cummins got about two acres.

658. Was your father a Town Commissioner in 1854?—I could not tell.

659. Mr. *Corby.*—He was a Town Commissioner in 1854.

660. Mr. EXHAM (to Mr. *Hanly*).—Can you tell me how it was the rent was reduced from £16 6*s.* 6*d.* to £11 at the time your father got the lease?—I can't.

661. Do you know why Cummins got the lease?—I do not.

662. Did Cummins buy that land?—He might have.

663. Did you hear it?—I might have.

664. Do you know the place called the "Spa Field"?—Yes; that is a lease made by the Pennefathers long before the Commissioners coming into the property.

665. Mr. James Phelan, holds that forty-five acres for £13 14*s.* 4*d.* What is the valuation of that?—£75.

666. What is the date of that lease?—The lease will be expiring in about six years; it was made to Charles Wogan, for £13 14*s.* 4*d.* a year.

667. Then Phelan bought Wogan's interest in it?—I could not tell.

668. What did Phelan do with it?—He had it sublet.

669. To a person named John Scully?—Yes.

670. At £2 10*s.* an acre?—Yes; it is adjoining Owen and Bigg's lot between that and the town.

671. Is it of the same class of land?—No; it is much better land.

672. Do you consider Griffith's valuation of that land excessive, or would you like to give an opinion about it?—I think Griffith's valuation is not excessive.

673. Do you know that your father purchased Scully's interest in that?—Yes.

674. For how much?—£250.

675. That is exactly the information I got; that Matthew Hanly, the Town Commissioner, bought Scully's lot for £250; that Scully's sub-lease expired last year?—Yes.

676. When will Phelan's lease be out?—It will expire in six years.

677. When did your father purchase that?—About thirteen or fourteen years ago. I don't think my father ever took out of it what he gave for it.

678. Who was this Mr. John Scully?—A solicitor of the town.

679. Was he a Town Commissioner?

680. Mr. *Corby.*—He was.

681. Mr. EXHAM.—Was Mr. Phelan a Town Commissioner?—He was.

682. Mr. EXHAM (to Mr. *Hanly*).—Do you know a person of the name of Michael Stapleton?—I do.

683. What part did he hold?—He was in Owen and Bigg's lot. He had a part of Graham's; his father bought it from Graham, and sold it to Cummins.

684. At all events, Cummins is the person who has it now?—Cummins is the person in the rental.

685. Do you know Thomas Hogan?—Yes; he is in Carron.

686. Do you know the portion that William Moloughney, bought from Thomas Hogan?—I think it was from Michael Hogan he bought the land.

687. Was that a lot of two acres?—Yes.

688. Are you receiving the rent now from William Moloughney?—Yes, £1 5*s.* 3*d.*; and the valuation is £2 10*s.*

689. What has become of Michael Hogan?—He has another lot.

690. Did he sell that in the bad time?—I don't know. I give the receipt in William Moloughney's name.

691. Did you hear he gave £20 for it?—No.

692. Do you know the name of the gentleman who valued this property for Griffith?—I don't know his name; we must deal with things as we find them, and I say that Griffith's valuation on the commons is too high for a poor tillage country.

693. Do you know Richard Stapleton who bought a large lot from Thomas Ryan?—I can't tell you who he bought it from; but I can give you his rent.

694. How much is it?—In Hickey's lot it is £6 2*s.* 6*d.*; and in Loughgall, £13 14*s.* Richard Stapleton holds that now.

695. Did you ever hear he bought it from Thomas Ryan?—Yes.

696. Did you hear what he gave?—No.

697. Because I am told he gave £350 for it?—(No answer).

698. "Fox's-den." Who is the tenant of that, do you know?—Yes, he was the late Richard Woods, a Town Commissioner, and it was sixty-one acres Irish, on a ninety-nine years' lease from the Pennefathers at £26 a year—valuation, £43 10*s.*

699. Did you think Griffith's valuation of that lot excessive?—I decline to give an opinion upon that.

700. Is it sub-let to Daniel Foley at £1 15*s.* an acre?—I can't tell.

701. When did you say Richard Woods' term expires?—I don't know; he has a lease from Mr. Bolton, I am told, but I don't know.

702. Do you recollect a tenant in Attikitt, named James R. Keatinge?—I remember him as a man long before my time.

703. Have you a man named Daniel Foley a tenant?—The same; his rent is £7 11*s.* 4*d.*; the valuation is £15 10*s.*

704. How many acres does he hold?—It is named twenty-one acres.

705. I hear that Daniel Foley gave £150 for that?—I don't know.

706. Do you know Michael Carew?—Yes.

707. How much does he hold?—There are two Carews—one on Young's part and the other on Lawlor's.

708. What is his rent?—His rent is £12 2*s.* 11*d.* for about twenty-seven acres, and the valuation is £22 15*s.* He holds from year to year.

709. Is Carew a Town Commissioner?—He is not; he is living on the farm.

710. Did you hear he was about selling it this year?—I never heard that. I know his cart was canted off last year, and he has been near selling.

711. Did you hear he was wanting to sell it, and asking £600 for his interest in it?—No; I never heard that.

712. Do you know farms that are held under a lease called "Gabbett's Lease"?—No; I do not. There is the Plummer's lot, held by the representatives of the Pennefathers, but I don't know what it is called.

713. Do you know any farms that are to fall in in a couple of years?—No. There is a part of Thomas Pennefather's up in ten years, and there is a part of the lands belonging to the representatives of Thomas Pennefather will not be coming in for about eighteen years. The Commissioners have not got Gabbett's lands in their lease.

714. Was it before your time that Mrs. Harrick's lot on the commons was taken up by the Commissioners?—That was before my time. That land was competed for.

715. It was let to Mrs. Cahill?—Yes.

716. You know Mrs. Cahill's house?—Yes; the valuation of that is £19 5*s.*, and the rent is £10 a year.

717. Mrs. Cahill, I am told, is the widow of the late chairman?—Yes.

718. Does she hold it by lease, or as a yearly tenant?—A yearly tenant.

719. Was it let to her before your time?—Yes.

720. Have you ever been present at any meeting of the Town Commissioners when the propriety of allowing the people to sell the interest in their small farms was discussed?—I don't think I have. I don't think it occurred during my time.

721. Who is in possession of the Spa Field now?—Mrs. Phelan.

722. That is in Lalor's lot. Do you say that Lalor's is all about the same acreable value?—I think a good deal of it better than others.

723. Can you give me the acreage in statute acres, the rent, and Griffith's valuation of all the lots in Pennefather's lease?—Yes.

	Acreage.			Rent.			Valuation.		
	A.	R.	P.	£	*s.*	*d.*	£	*s.*	*d.*
No. 1. Owens' and Biggs' lot,	143	0	0	94	14	7	102	7	0
No. 2. Lalor's lot,	989	1	12	217	7	3	426	1	0
No. 3. Hill's lot,	400	0	32	100	15	2	160	12	0
No. 4. Attikitt,	491	3	12	96	1	9½	176	12	0
No. 5. Carron,	484	7	0	124	19	1	218	0	0

724. Do you know anything of Judith Keating's holding?—She held 27 acres of Attikitt, at a rent of £15 8*s.* 3*d*; Griffith's valuation is £18 12*s.* Wm. Casson seems to have got that, and there was added to it 2A. 3R. 27P., and the rent was reduced to the sum of £10 15*s.* 8*d.*

725. How was that done? There is a resolution here of the 5th of April, 1852, declaring William Casson a tenant for 29A. 3R. 27P., at the annual rent of £10 15*s.* 8*d.*?—That's all I know about it.

Mr. DANIEL FOLEY examined.

726. Mr. EXHAM.—Do you hold land at Fox's den?—Yes.

727. How many acres on it?—Sixty or sixty-one acres. It is part of Hill's lot.

728. Who is your landlord?—The representative of Richard Wood.

729. Those of course are Irish acres?—Yes.

730. How much rent do you pay?—£100 a year.

731. Have you a lease from them?—Yes.

732. For what term?—Thirty-one years.

733. From what time?—From '59.

734. I see that your valuation is £43 10*s.*?—Yes.

735. You pay the rates on that?—Yes.

736. Did you give any fine for it?—No.

737. This Wood appears to have made a very good thing of it?—It is not worth what I pay.

738. At all events Wood has been making £74 a year out of it, for he is only paying £26 a year for it. Do you know that?—I do.

739. Have you any of Attikitt?—I have.

740. How many acres?—About twenty or twenty-one.

741. Are you a yearly tenant?—Yes.

742. How did you get this twenty-one acres?—Through my father-in-law.

743. Keatinge was the former tenant?—Yes.

744. He paid £7 11*s.* 4*d.* a year for it?—Yes.

745. Are you paying the same now?—Yes.

746. How much did you give for it?—I paid nothing for it myself, but my father-in-law, Roger M'Grath, in '61, bought it from Keatinge for £140, and he made a present of it to his daughter, my wife.

747. And you continue to rent it ever since?—Yes.

748. Did the Commissioners after that accept you as tenant, and accept that rent from you?—Yes; but a few months ago, previous to the last gale day, they wished an increase of ten per cent. from me. This year they passed a resolution, and demanded an increase of ten per cent. from all the yearly tenants, and issued circulars for that purpose, of which I have one.

749. I suppose your father-in-law thought that Keatinge had a right to sell it?—Yes.

CASHEL. *Dec.* 29, 1876.

Mr. Daniel Foley.

750. Did you answer the circular?—Yes.

751. Have you a copy of your answer? (Letter handed in to Mr. EXHAM.)

752. Mr. EXHAM reads:—

"GENTLEMEN,—I have the circular of your agent, together with a copy of the resolution of the Town Commissioners, in reply to which I beg to call your attention to the fact that I bought the tenant's interest in the lands of Attikit, with the sanction of the Commissioners, with the full understanding expressed by them to me that I would not be disturbed so long as I paid rent. Under these circumstances I refuse your offer, and object to any change in the terms of my tenancy.

"Yours truly,

"DANIEL FOLEY."

That is a copy of your letter?—Yes.

753. You say the Commissioners distinctly gave you to understand that you would never be disturbed so long as you paid your rent?—That was only verbal.

754. You say the Commissioners distinctly promised yourself that as long as you paid your rent you should not be disturbed. I want to know if you can give me the names of any of the Commissioners who made that promise to you?—I don't recollect distinctly whom I was talking to; but I say I had a distinct agreement with them, and so had my father-in-law.

755. Was that at a meeting of the Town Commissioners?—It was not; it was meeting them casually in their shops and places in the town.

756. I suppose both of your lots are a great deal too dear?—Attikitt is not too dear; Fox's Den is a great deal too dear when I add the interest on my money.

757. But the Woods never reduced your rent?—No.

758. They take care to make you pay that?—As long as I can.

759. Have you heard of any more sales of land about here?—I have nothing to do with the sales of land.

760. Did you not hear about other sales?—I look upon it that it would be a criminal action towards the traders of the town if the farmers were not to be allowed to sell; it would be a criminal act if the people were prevented from disposing of their lands.

761. Do you think the people have the lands too dear?—I do; a part of Hill's lot; and some of the tenants at Attikitt, at the present day, if they had not the banks, and traders, and merchants, giving out value on such a liberal scale, might close their doors and leave the country.

Mr. Richard Stapleton.

Mr. RICHARD STAPLETON examined.

762. What lands do you hold?—I represent Pat Ryan, who held twenty-nine or thirty acres of Hickey's lot, Louggall and Price's lot.

763. When did you buy it?—About five years ago.

764. How much do you say you gave for it?—£333, including a lot of farm stock (seven cows, two two-year old heifers, five yearlings, pair of horses), farming utensils, a rick of hay, and two stacks of oats.

765. The £333 was for that?—Yes; the land and all together. I bought the whole of it at that.

766. What rent do you pay for it?—£19 18*s.* 6*d.*

767. Do you know what the valuation is?—£26 15*s.*

768. Could you tell me the value of your interest in those farms?—I could not tell you that.

769. Were you trying to sell it this year?—No.

770. Did you get one of the circulars from the Commissioners?—I did.

771. What did you do with it?—I didn't mind it.

772. Is that all the land you held?—It is.

Mr. Michael Stapleton.

Mr. MICHAEL STAPLETON examined.

773. Mr. EXHAM.—I see your father held four and three-quarter acres on Owens' and Biggs' lot?—Yes.

774. Did your father sell it?—Cummins bought that.

775. What rent did your father pay for it?—I think £7 odd—£7 15*s.* a year.

776. How much did your father get for it?—I think it was £60, and he would have got £100 if he had kept a hold of it.

777. Do you know how much of it Hanly (the agent's) father got?—In or about four acres. What Dr. Graham had. My father was about to buy the portion that Matthew Hanly got from Dr. Graham for £30, but Matthew Hanly stepped in and bought it over my father's head.

778. Does Cummins pay rent still for it?—I don't suppose he pays less for it. I remember my father selling the land, and I appeared before the Commissioners, and I thought I should have it myself. I was to get it by marriage articles, but notwithstanding that they let Cummins get it. Hanly had the other portion, which he bought from Graham before that. I don't think the part my father held was renewed at all.

779. Do you know what your father paid Dr. Graham for it?—I think about £30; he sold it to Cummins for £60; but only he was fond of a drop and that they came round him, he would have got £100.

780. Has there, to your knowledge, been much dealing by the people who have that land selling their interest in it?—There was a good deal of it; I know of another field near that, and I believe there was £90 paid for it; it was five and a half acres, and it was sold by Mrs. Beary.

781. What rent did she pay for that?—30*s.* per acre; the man who bought it is there still. I forget his name; there were also nine or ten acres sold by Jerry Connell to Dwyer, and I heard he got £200 from Dwyer for it.

782. Do you know how much Billy Ryan got for his lands?—Well, I heard he sold them, and that he got a good deal altogether, but I could not say how much. There are none of them selling it but those who are getting money for doing so; they can all get money for it.

783. What sort of a farm is Michael Carew's?—He has a house and twenty-eight acres Irish.

784. Did you hear whether he was trying to sell that?—I did not.

Mr. John Corby.

Mr. JOHN CORBY re-examined.

785. Mr. EXHAM.—You expended originally in the gasworks nineteen hundred odd pounds. When these gasworks were built, what was done with them?—The Commissioners worked them a short time themselves, and then let them to Mr. Ryan for fourteen years.

786. He was to supply gas to private consumers at 6*s.* 3*d.* per 1,000 cubic feet, and the public lamps at 6*s.* 8*d.* per month each—Mr. Ryan to keep everything in repair?—Yes.

787. You had not to pay any interest on the capital laid out?—No.

788. Who was Mr. Ryan?—He was a resident of Cashel.

789. Did he ever enter into any security to keep the place in repair?—No, he did not.

790. When was that agreement made with him?—That lease expired in 1867, and then they gave him a contract for three years more upon the same terms as the old lease; he did not continue working it for the last three years, for the moment the coals advanced in price Ryan threw up his contract as he could not work it unless at great loss to himself, and the Commissioners could not compel him as he had given no security.

791. Was he originally to have given security?—No, not at any time.

792. What condition did he give up the works in?—In a very bad state.

793. Were they in a bad state when the fourteen years fell out?—They were.

794. Did the Commissioners not require him to put them in repair?—They did.

795. Did he put them in repair?—He stated he did. When the second lease expired he was to have put them in repair.

796. Was it seen whether he had put them in repair in the meantime?—It was not.

797. Was there any resolution passed by the Commissioners requiring him to repair them?—No; it was not known then whether they were in good repair or not.

798. This was at the end of the *second* lease; but was it known at the end of the *fourteen years'* lease that they were in bad repair?—Yes; and he promised to put them in repair, but no one saw whether he did so or not, and at the end of the second lease which was for three years, the contract was renewed with him, although the Commissioners had not seen whether he put them in repair or not; and then he ceased to work them in September, 1872, and the Commissioners then commenced to work them themselves.

799. How much did it cost the Commissioners to put the place in repair in 1872?—It cost the Commissioners for that year £269 14*s.* 4*d.*, from September, 1872, to May, 1873, in repairing and working the gasworks; in 1872 there was a committee of the Commissioners appointed to examine the accounts with Ryan, and see how the matter stood.

800. When did the *first* lease for fourteen years expire?—In 1867; then there was a *second* lease for three years ending in 1870, and then a *third* lease also for three years, which would have ended in 1873. In 1867, on the expiration of the first lease, they were in bad repair, and he must have then expended something to put them in order or he could not have manufactured gas in the state they were in.

801. In 1870, when the first three years' lease had expired, what order were they in?—I could not tell.

802. At all events he ceased working them in 1872?—Yes; in September, 1872.

803. They were in very bad order then?—In very bad order.

804. Were any proceedings taken against Ryan to compel him to put them into repair?—No; the securities were never executed.

805. In 1872 the Commissioners commenced to work for themselves?—Yes; they employed a man named Anderson, to take charge of them and work them at a salary of £100 a year, and he continued to do so until about four months ago.

806. To whom have they given them now?—Mr. John Ryan, the old contractor.

807. The Commissioners are now managing the gasworks with Mr. John Ryan as their superintendent?—Yes.

808. Was Ryan ever allowed to receive a quantity of old iron from the gasworks?—I don't know; even if he did it was worth nothing.

809. Do you know whether old iron *was* removed, no matter whether it was worth anything or not?—No; the committee investigated Ryan's accounts and settled that he was £80 19*s.* 3*d.* in their debt at the time he gave up the gasworks; and this sum he has consented to pay by £20 a year, upon the understanding he should have the managership.

810. I think you told me that upon the first year's working, when the Commissioners took the gasworks into their own hands there was a surplus of £35 upon the year's working?—That was last year—it was £40.

811. Are you able to tell me what you have made this year?—Not until May next.

812. That £40 profit was after paying the salary of £100 a year to Mr. Anderson?—Yes; we advanced the price of gas during Ryan's time to 8*s.* 4*d.* from 6*s.* 3*d.*

813. Upon the last occasion I was here, when accounting for the expenditure of the £6,000, you mentioned £900 odd had been paid in law costs?—Yes.

814. I think you are in error in that, for that would have left a deficiency in the accounting. You will recollect that in this document you told me that in trying to make up that £6,000, you put down £2,295 for the gasworks—that was in excess by £300 of what you had given me before, for you said the gasworks cost £1,992?—They had to give £40 to Ryan for the site for the gasworks, and £55 to Mr. John Norton for superintending the construction of the gasworks.

815. Do you say now that Mr. Colquhoun's account for the contract of the gasworks was about £2,200; for on the former occasion you were only about to make it £1,992. How much was paid to the contractor?—He must have been paid £2,200.

816. Do the books show that £40 was paid to Ryan in addition?—They do.

817. So far as I can see, you are not able to show me, by the books, or in any other way, into what bank, or to whom, or how the £6,000 was ever paid. I have long since asked you to search for this, but even now you cannot give it to me?—(No answer.)

818. You told me, accounting for the payment of £6,000, that £1,040 14*s.* 10*d.* out of the £6,000 was paid for law costs. I think you will find that this is an error too, as you will see by the letter I have in my hand from Mr. O'Heany. (Reads letter.) *Witness.*—There was £700 expended in improving the streets.

819. You exceeded what was allowed for law costs by £740 14*s.* 10*d.*, and in your expenditure on the gasworks, you exceeded the scheme by £295?—(No answer).

820. You were to have expended £1,000 on water supply, and you expended £238 9*s.* 7*d.*?—We have expended more than that since.

821. You were to have expended £100 towards the formation of a lying-in hospital?—Yes.

822. Do you know if there was ever any account rendered to the Master in Chancery?—Never.

823. Was the £240 expended upon the Mechanics' Institute that was directed to be so laid out?—No.

824. Was the £1,000 given to the Cashel loan fund?—Yes.

825. Of the £6,000 set apart by the scheme, all that I can find upon the books as appearing to have been expended is £3,365 19*s.*, leaving a balance of £2,634 1*s.* unaccounted for. Can you show me any more expended according to the scheme?—(No answer.)

Adjourned.

DECEMBER 30, 1876.

Mr. HANLY re-examined.

826. Did you ever see, or were you shown a copy of the rental when the Pennefathers had it?—No.

827. It is stated that that document is among the Corporation papers?—I never saw it. I called upon the former clerk, Mr. Jordan, and upon Mrs. Jordan, and she says she never heard anything about it.

828. It appears that in 1843, when the Pennefathers' lease was set aside, what the Ryans had in Lalor's lot was let at £1 11*s.* 6*d.* an acre. Do you mean to tell me that you believe that 8*s.* 2*d.* an Irish acre, for which it was let in 1844, was anything like the letting value of that land?—I know it was easier to pay £1 11*s.* in those days than 15*s.* now.

829. Do you believe that 8*s.* 2*d.* an Irish acre was the fair letting value?—I don't believe anything at all about it.

CASHEL. Dec. 30, 1876. Mr. Hanly.

830. You may refuse to answer if you choose, for I have no power to compel you to do so; but I again ask you do you believe in your conscience that 8*s.* 2*d.* an acre was in 1843 the letting value of the land for which the Pennefathers had been receiving £1 11*s.* 6*d.* an acre up to that date?—I refuse to answer.

831. Do you refuse to answer me also as to the letting value of it to-day?—Well, yes.

832. Where do you receive the rents of those lands?—In my own house—in the house in which I stop; my mother's.

833. As you tell me you are not the agent, I wish to know if the Commissioners have any bailiff or agent to attend to or look after about 4,000 acres of property?—They have not; and they have not 4,000 acres; they have only 2,270 Irish acres.

834. Have they no agent or person to look after that property, to see whether it is fenced or kept up—to see to its condition, or whether the land is being worked out or exhausted?—I am not aware that they have.

835. Then they have no person to look after the lands at all?—Not to my knowledge.

836. Do you ever look after the lands?—No.

837. You receive the rents in the office in Cashel?—Yes.

838. Have you rent days?—Yes, two—the 25th of March and the 29th of September for half-yearly men, and for yearly tenants Christmas time.

839. That is three days in the year?—Yes; and besides I take it any time I can get it from them.

840. Have you a block book of receipts?—Yes.

841. What is the largest amount that you have received on any one of these rent days?—£100 is the largest amount.

842. Though you received £1,300 a year?—Yes. I cannot exactly state now, but the bank book will tell it. There was one day I lodged £200.

843. What are you paid for receiving the rents?—Five per cent.

844. And any other allowances?—No, except, I believe, 50*s.* for stationery.

845. I see in the audited account of 1875 the agent's fees amounted to £114 5*s.* 7*d.*?—That was the fees on £2,235 13*s.* 2*d.*, being the whole of what I received for rents, gas rents, the butter market, and everything to May, 1874, and £2 10*s.* for stationery.

846. You received £1,366 4*s.* 10*d.* rents to May, 1875?—Yes.

847. What arrears were in that?—£92 1*s.* 4*d.*

848. £441 18*s.* 2*d.* gas receipts and sale of coke?—Yes.

849. Butter market, £33 3*s.* 6*d.*?—Yes.

850. Who sells the coke?—I give tickets for the coke, and then they send down to the gasworks, and Mr. Ryan gives the coke and files all the tickets I give. I receive the money, and he has the tickets used for the month, and I return the amount for the sale of the coke and the monthly account of gas.

851. I see you charge 1*s.* in the pound for receiving the moneys for the sale of manure?—Yes.

852. Is the manure sold by auction?—Yes.

853. The auctioneer receives his fees for selling the manure?—Yes.

854. And then you charge for receiving the money from him?—I receive the money, and I charge for lodging it in the bank. I generally take an account of each party who buys at the auction. Sometimes they don't pay for a month or so, and I keep an account of each sale, and when the auctioneer is paid I receive the money and lodge it in the bank.

855. Then there is a double charge upon that sale?—The auctioneer is paid by the men who buy at the auction.

856. Then you get 1*s.* in the pound for receiving that money from the auctioneer, and lodging it in the bank?—Yes; I keep an account of the receipts the same as any other receipts.

857. Did you, in the month of December last year, bring before the Town Commissioners the fact that the leases of some of the property were about falling in?—Yes.

858. And did you ask their instructions about what was to be done with the re-letting?—Yes.

859. Was a resolution then passed in your presence that all lettings for the future were to be not less than Griffith's valuation?—Yes; there was a resolution passed, and an amendment afterwards passed.

860. Mr. EXHAM reads from the book as follows:—

"On the 13th of December, Mr. Scully gave notice—'That I will move at the next monthly meeting that in all cases of tenants on the Commons who have hitherto been paying rent less than the Poor Law valuation they shall be offered leases of their holdings for thirty-one years, dating from last gale day, provided the rent in future to be paid by them shall equal the present Poor Law valuation, and in all other cases that such leases be granted at the rents now paid.' Mr. Hackett gave notice on the same day—'That I will move at the next monthly meeting that ten per cent. be added to all rents of lands on the Corporation property where the rent does not exceed 20*s.* per acre.' On the 18th of January, 1876, moved by Mr. Scully, seconded by Dr. Laffan, and carried unanimously—'That in all cases tenants on the Commons who have heretofore been paying rent less than the Poor Law valuation shall be offered leases of their holdings for thirty-one years, dating from the last gale day, provided the rent in future to be paid by them shall equal the present Poor Law valuation, and in all other cases that such leases be granted at the rents now paid.' On the same day Mr. Hackett then gave notice—'That I will move at the next monthly meeting that the resolution passed this day respecting the terms on which leases be given to the tenants be rescinded.' On the 7th of February it was ordered 'That the agent be directed to offer to the tenants leases of their holdings in accordance with the terms of the resolution passed on the 18th ult., and report to the next meeting whether they will accept leases on those terms.' Dr. Laffan gave notice of motion on 7th of February, 'That he will move at next monthly meeting that Commons lands which were granted to the citizens of Cashel for the purpose of free pasturage, being at present let at rents materially less than those charged for land of similar quality anywhere else, and less also than the Poor Law valuation, which is below the standard advocated by tenant-right authorities as a just and reasonable rent for land; that it is therefore imperative that this Board, in order to carry into effect the valuation unanimously adopted by its own resolution of January 18th, and to discharge its trust and solemn obligation to the people of Cashel of all classes, to whom—but especially to the poor—these estates belong, should put a stop to further waste and misapplication of the property by letting it in future at a reasonable rent; that accordingly, taking the principles of tenant-right as our strict guide, the Board directs that in future for all of those lands for which no lease is now in force, the rent at present payable shall be continued, if such be not less than the Poor Law valuation; but if less than said valuation, that then the rent shall be raised to a sum equal thereto—the increased rents to be charged from the next date, which, by law, shall be allowable; and that the agent do take immediate steps to carry this resolution into effect.' This was moved on the 20th March, and an amendment was then moved by Mr. Hackett, seconded by Dr. Moloney 'That an advance of ten per cent. per annum be put on all the rented lands of the Commons which are now running out of lease, and other lands where no leases are existing, which were rated in Griffith's valuation.' That was carried on a division, by seven to two, Dr. Laffan and Mr. Scully being the only two against it. Then Dr. Laffan handed in the following protest on behalf of himself and Mr. Scully:—

"PROTEST.—We, the undersigned, protest against the resolutions passed here to-day with reference to the corporate lands. 1. Because the circumstances of the case remain exactly the same as they were when the resolution of the 18th January was adopted. 2. Because the resolution has been adopted by the votes of persons who are themselves corporate tenants, their heirs, or partners. 3. Because Griffith's valuation is universally accepted as not being higher than the value of land. 4. Because by charter the citizens can insist on occupying the land themselves. 5. Because the tenants, in this instance, by refusing the alternative of an arbitration, thereby confess their disbelief in their own allegations as to such valuation being too high. 6. Because tenant-righters universally accept valuation as the one fair means of doing justice between landlord and tenant. 7. Because any rent less than Griffith's valuation is not a reasonable rent, and is therefore an illegal one for us to accept. 8. Because the tenants paid the Pennefather family a rent equal to that which it is now proposed to charge them, and declared in the *Clonmel Chronicle* of March 4th their perfect satisfaction with such rents. 9. Because the lands in question belong to the people of Cashel, and we have no warranty to make a present of any portion of their value to any body, and we consequently have no warranty to underlet them. 10. Because, in our capacity as Commissioners, we are mere trustees, and it has never been alleged that trustees have a right to make free with any portion of the property committed to their trust. 11. That while they belong to all classes in Cashel, the largest share in them belongs of necessity to the poor; and while the lanes and alleys of Cashel are teeming with starving poor, it is unjust that any portion of the property which is theirs, should be made over at an undervalue to any person or persons whatever. 12. That the Commons tenants ought to be perfectly satisfied with having had the lands of the people of Cashel, for the the last thirty-one years at a nominal rent, without now seeking to obtain them for another thirty-one years at a mere fractional addition to such nominal rent. 13. That the commercial prosperity of Cashel, the poor of Cashel, and all classes in the town, could not fail to derive immense advantage from the increased income which a settlement of the corporate estate, in accordance with equitable

principles, would bring to the city. 14. That we, despite our present action in this matter, reserve to ourselves all rights secured to us, as citizens, by charter, as well as full right to avail ourselves of the statutory provisions made and provided, for the purpose of obtaining from the courts an equitable arrangement of the corporate estates, in conformity with the just claims of the citizens.

"Signed,

"THOMAS LAFFAN,
"DENIS J. SCULLY."

861. (To Mr. *Hanly.*) Have you received since that resolution of February the 7th, the ten per cent. extra?—No; but I went to the solicitor of the Commissioners, and he said that the way it would be enforced would be by ejectment.

862. In the case of Mrs. Dolan's Charter-house school lands, was the ten per cent. enforced there?—It could not be enforced there, for the rent is over Griffith's valuation.

863. Was any notice served upon them after that?—None.

864. Did you serve notice of the resolution of the 18th of January?—Yes; we served copies of both the 18th of January and the 20th of March.

865. Now, taking the whole lands let as yearly tenancies (for that resolution embraces the entire of the lands,—not small bits here and there), is it your opinion that it would be unfair to let the entire lands at Griffith's valuation, under that resolution of January?—Well, my opinion is that, taking the whole of the property, Griffith's valuation would be in excess of the value—that being poor tillage land, except a few places around the town.

866. Was any suggestion made to you or to the Commissioners, to your knowledge, within the last three years to have the lands revalued, on the ground that they were too high?—None.

867. And though you thought they were valued too high, you never brought such a proposition before the Commissioners?—It was not my duty.

868. When the resolution of the 18th of January was passed unanimously, did you inform the Commissioners that, in your opinion, Griffith's valuation was too high?—I did not; I would not be listened to by the Board. I am not their agent; I only receive their rents. I didn't want to make a humbug of myself before the Board.

869. You stated before to me you were the land agent to the Commissioners. Do you wish to qualify your last answer?—I am not their agent; the Board did not ask or consult me about it.

870. You told me the first day I was here that you were the land agent of the Commissioners, but you now say that you are not?—I say I am only the receiver of the rents of their property. There was a remark made here last night, by a person who tendered himself for examination, that my father paid £30 for the ground. I have to contradict that; £12 only was the sum paid. I said with regard to the other farm, that from £100 to £150 had been paid by my father for it. I was inaccurate in that; since that I have learned that the same land only cost £70, and in addition to that, there was a crop on the farm, and some other things, which went to nearly £70.

Mr. CORBY re-examined. Mr. Corby.

871. With regard to the expenditure on the gas works, have you anything to add to your former evidence?—I can only trace in the books £1,992, and £40 paid for the site to Ryan, and £52 paid to Mr. Norton for superintending their erection. I wish now to explain about the £6,000, that since yesterday I have found what purports to be a printed account of the receipts and expenditure of the borough of Cashel, from the 25th of March, 1844, to 1845, as received and expended by their then treasurer, the late Mr. Charles Doheny, and in that account he purports to charge himself with the receipt of £2,560, as a portion of the mesne rate. In the next year's account he also charges himself with £3,365 1*s.* 9*d.*, under the head of "proportion of mesne rates"; but I cannot find any separate account was ever kept by the treasurer of this £6,000 or how same was expended. It was mixed up with the other funds of the corporate property in his (Mr. Doheny's) books as treasurer, and therefore, I cannot tell how same was expended.

872. As far as you know, did anyone audit the books or examine the accounts of the late treasurer?—There did; I see from time to time that some of the Commissioners used to audit them.

873. Mr. *Mullins* (Chairman of Town Commissioners).—Mr. Doheny was treasurer up to 1848, when he left this country, and some time after he went away his accounts were examined and audited, and it was found there was a small deficiency in them, which was made good by his sureties.

874. Mr. EXHAM (to Mr. *Corby*).—Were the Commissioners in the habit of subscribing to the races?—Yes; from £40 to £50 a year in the commencement, but in later years £20 to £25, and it ceased altogether when the auditor was appointed.

875. I hear that the last year you subscribed you gave £75?—That was for three years for which the cheque was drawn but not used; the resolution was passed to subscribe, but the managers of the races never called for the subscription, and we then paid for three years all together. Mr. Pelly allowed it for that year, giving notice he would not allow it again.

876. I see that, as part of the scheme, £40 was to be applied to blankets for the poor?—Since 1856 that has been done; but before that for a few years it was not.

877. Between 1845 and 1857 was it given?—Some years I think it was, but not in all.

878. Mr. *Mullins.*—I know it was given since 1851.

879. £1,000 was to be expended on water out of the £6,000. When was the first attempt made to expend any money on water, as far as you know?—In 1859 they endeavoured to form a tank; the first money expended under the scheme was in 1843, and amounted to £238 9*s.* 7*d.*; afterwards there was a tank constructed in 1859.

880. Who was the contractor for making the tank?—Mr. Fahy.

881. Were the works put up to competition?—There were advertisements in several newspapers, but only one tender from Mr. Fahy.

882. Did the contractor ever sign a contract?—No, he sent in a proposal, and it was accepted by the Commissioners.

883. Are there any specifications for the reservoir?—There are.

884. Was Mr. Fahy, the contractor, although his tender was accepted, asked to make or sign a written contract, and give securities to carry it out?—No, he was not.

885. Though it was provided for in the specification?—Yes.

886. Was that gentleman closely related to four of the Commissioners of that day?—He was to four of them.

887. Was he connected with the building trade?—Yes; he was an architect.

888. Is it a fact that that reservoir was wholly useless?—It was.

889. When did it become useless?—In two summers after it was finished. He was to have kept it in repair for six months, and it did not leak for two years afterwards.

890. How did it become useless?—I believe that the plan the engineers prepared was not suited for the place at all; it should have been puddled. I believe the work was executed according to the plan and specifications; the name of the engineer was Mr. Malet.

891. Did he keep it in repair even for the six months?—No; he never repaired it at all.

892. What was he paid?—£197 10*s.*; and a wall was built about it afterwards at a cost of £120.

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893. Who built that wall?—Mr. Fahy had that contract also.

894. How long after the reservoir was built was it put up?—Immediately after.

895. Was it as useless as the reservoir?—Yes.

896. What use is made of the reservoir now?—No use.

897. Does the reservoir convey any water to the town at all?—No.

898. Is it made the receptacle of dead dogs and cats?—That is quite untrue; it is too far away to bring dead dogs and cats to.

899. Well, all I can tell you is, that I received two communications from Cashel, in which it was stated that if I went up there I would see plenty of dead dogs and cats in it?—Well, in point of fact they consulted Mr. Parke Neville, and he gave them specifications to carry out some day, so as to make the reservoir good.

900. When first did you find out the reservoir was leaking and not good?—After the pipes were laid.

901. How much did the laying of the pipes cost?—The total amount of the cost for pipes and reservoir was £629 2*s.* 4*d.*, including the wall. The £790 that I told you of was expended afterwards in the cast-iron pipes, under Mr. Neville's superintendence.

902. What was the amount of Mr. Fahy's tender for the piping?—£220 10*s.* 9*d.*, including their laying.

903. Did he sign any contract or give any security for it, as required by the specification?—He did not.

904. Was he asked to do it?—No.

905. Is it a fact that all these pipes were laid and jointed together with common yellow clay?—I don't think it is; I am sure it is not the fact. The engineer would be a very strange man to give a certificate if that were the case.

906. Do you mean to say the specifications were carried out?—I can't say, because I don't know.

907. But here is the document purporting to be signed by Richard Malet, 4th of December, 1859?—I have reason to say I believe that is his signature to it.

908. Have you reason to know from anything that occurred since then that the specifications were not, in fact, carried out?—I cannot state from what cause it happened, but I know that the work turned out a perfect failure.

909. How was that?—I heard a rumour about the town that he used yellow clay, but I don't believe it.

910. Did Mr. Neville never state so to you or to the Commissioners?—No. I recognise the certificate of Mr. Malet to be in his handwriting, certifying the works are executed in accordance with the contract.

911. Do you know from the Corporation books how much you give each year in charitable grants?—£250 a year, and £40 for blankets.

912. What authority had the Commissioners for giving anything to schools out of the funds of the Corporation?—They had authority to pay £200 according to the scheme: they gave £180 to the Archdeacon, and £20 to the Protestant dean.

913. Did they give £180 for keeping up two National schools?—Yes; but the whole of that is not expended on the National schools.

914. Mr. *Mullins.*—The Commissioners hand the £180 to the manager of the male and female schools, and £20 to the Protestant dean, and they have nothing further to do with it. The Archdeacon is the manager of both schools; we do not interfere with the way he spends it. And, in addition to this, the Commissioners give £50 a year to the Christian Brothers' schools, in support of the resolution passed by themselves some years ago.

915. Mr. EXHAM (to Mr. *Corby*).—You had a sanitary inspector some time ago?—Yes; Samuel Corcoran, at £8 a year.

916. Is he sanitary inspector now?—His salary was nine shillings a week as street inspector, and six shillings as sanitary inspector.

917. When he ceased to be sanitary inspector was the salary raised to fifteen shillings a week?—It was; he had £8 a year as sanitary inspector.

918. When deprived of the £8 a year, did he get an increase of salary?—Yes; his salary as street inspector was then increased from nine shillings to fifteen shillings.

919. He filled the two offices for nine shillings a week and £8 a year; and when he was deprived of one office he got an increase of six shillings a week to make up for the loss of the £8 a year?—Yes.

920. Is it a fact that in the centre of the town a kennel of hounds is kept?—Yes.

921. In one of the most populous parts of the town?—It is.

922. Who keeps this pack of hounds?—They are kept by subscription.

923. It has been represented to me by several persons, that these hounds are an intolerable nuisance?—Yes; they are.

924. Is horse-flesh boiled, for feeding them, in the place?—It is.

925. Have you had many complaints about it?—I never heard of any except from Mr. Kite.

926. Mr. *Mullins.*—The Town Commissioners took action in the matter, and referred it to the Board of Guardians. It is the Guardians who can deal with it, and the sanitary officer, Dr. Laffan, is here.

927. Mr. EXHAM (to Mr. *Corby*).—Does this day-inspector fill any other office under the Commissioners?—Yes; he has £5 a year for taking charge of the fire engine, and £8 a year for keeping the public pumps in order.

928. Had he always that?—Yes; and he gets £3 10*s.* a year for a suit of clothes.

929. Is the £8 a year for his salary included in the sum of £12 11*s.* 5*d.*, charged in the account for 1875, for keeping the public pumps in repair?—Yes; that takes in his £8 a year.

930. Does he keep any of the public pumps locked?—When the water is scarce he does.

931. Have the people to go to him to get the pumps opened when they want water?—They have.

932. Mr. *Mullins.*—In the summer months some of the pumps run dry, and, by order of the Commissioners, he locks one of them, in order that the people may work the others until the water gets into the one that is locked.

933. Mr. EXHAM (to Mr. *Corby*).—Is he not also night watchman?—He is; he goes to bed at five o'clock in the morning.

934. Who is it that has charge of the keys of the pumps in the day-time?—His father.

935. What does this man get altogether?—About £52 a year, and £3 10*s.* for a suit of clothes.

936. Has his father anything?—His father has £18 a year, and is street inspector also.

937. Then the father is street inspector at £18; and the son night watchman, also inspector of streets, repairer of pumps, and caretaker of the fire engine?—Yes.

938. Is he the only night watchman in the town?—Yes.

939. Have you a borough surveyor here?—Yes; we have a surveyor of ruined and dilapidated houses.

840. Who is he?—Mr. Fahy; the same man who constructed the water tank; he resides in Dublin, and he comes down once a month.

941. Did he report Corcoran at any time?—He did not.

942. Were complaints ever made against Corcoran?—There was one man complained of his having struck him; that is fourteen years ago.

943. Was he ever dismissed?—I believe the chairman suspended him for a week before the meeting came on.

944. Mr. *Mullins.*—There was something occurred in the butter weigh-house, and some persons complained of Corcoran's conduct to me; and as we were to have a meeting of the Commissioners on the Monday following, I told Corcoran I suspended him

from Wednesday till Monday, until the case was investigated at the meeting of the Commissioners, and the matter was afterwards arranged.

945. Mr. EXHAM.—I am told in one of the statements sent to me, that there is a great cause of complaint, that the keys are given to the Commissioners' servants by him to get water, while the other people are not allowed to get it.

Mr. *Mullins.*—There never was a complaint of that kind sent before the Commissioners that I am aware of; and if there was, it would receive attention.

946. Mr. EXHAM.—I am also informed that Corcoran got compensation for some injury that was done to some potatoes of his?

Mr. *Mullins.*—I recollect that his potatoes were injured; but I don't recollect that he received any money.

947. Mr. EXHAM.—Do you know of any compensation having been given to any pig jobbers?

Mr. *Mullins.*—Yes; the Commissioners made an effort to establish a pig market and the pig jobbers stated, that they sustained a loss by bringing the pigs here, and the Commissioners compensated them, in order to induce them to come again. The whole sum did not amount to £12. That was before Mr. Pelly's time. It was about seven years ago.

948. Mr. EXHAM.—Can you say it was not more than £12?

Mr. *Mullins.*—I can.

949. Mr. EXHAM (to Mr. *Corby*).—Mr. Corby, have you found any rental of those commons lands in Pennefather's time?—No; except the last leases.

950. I mean of the lands that were in yearly tenancies?—No.

951. As far as you know, the Corporation took no steps to get a rental in the Pennefathers' time?—I am not aware.

952. Do you recollect a resolution being come to in the year 1857 by the Commissioners, that Griffith's valuation should be made the basis of all the lettings?—No; that had reference to only one tenant. He held on a lease, and the Commissioners passed a resolution agreeing to give him a lease at Griffith's valuation, and that only applied to the one tenant.

953. Did they give him a lease?—No; he would not take it.

954. Was the question of settling the rents of the tenants on that property brought before the Commissioners in the year 1860 or 1861, by the Honorable Mr. French?—It was.

955. Could you show me the resolution of that day, and the particulars of Mr. French's motion?

Minute book was handed to Mr. Exham, from which he read as follows:—

"On the 7th of May, 1860, the Hon. Martin J. French, gave notice he would move at the next monthly meeting, 'That a competent person be appointed to value the unleased portion of the Corporation lands, and that he shall receive instructions to the effect, that the Commissioners only require that a reasonable valuation shall be made; and in the event of the valuation exceeding the present rent, each tenant shall be at liberty to show cause, if any, why that rent shall not be raised."

On the 4th of June, 1860, it was ordered—

"That the agent, Mr. Coman, be directed to have a notice to quit served upon Richard Stapleton, for having entered into possession of Judith Ryan's land without the liberty of the Commissioners, and for not satisfying the tenant for the just and reasonable claim which she had on the land."

I find on the same day, Mr. French gave notice that he would move at the next monthly meeting:—

"That the resolution of February, 1844, be rescinded, which granted a right to all tenants of the Corporation to obtain leases at a valuation which had been then made, and that a competent person be appointed to ascertain the present letting value of each unleased portion of the Corporation lands, and also the particulars, nature, general cost, and existing value of each tenant's own unexhausted improvements; that upon obtaining such valuation, leases for thirty-one years shall be offered at such a reasonable rent as shall appear fair and equitable towards the several tenants."

He does not appear to have brought that forward, for the next motion is the 2nd of July, 1860:—

"The Hon. M. J. French, chairman. Proposed by Mr. Murphy, seconded by Mr. Corby. 'That the resolution passed and entered on the minutes of the 26th of February, 1844, be rescinded, whereby it was agreed to grant leases to all the Corporation tenants at the then valuation.' An amendment was moved by Mr. Cahill, seconded by Mr. Patrick Phelan—'That we don't consider it expedient to alter the arrangement entered into between the Commissioners and their tenants.' On a division there were five for the resolution, and three for the amendment; but inasmuch as there were only twelve members present, four of whom did not vote, and as two-thirds of this number—say eight—would be required to rescind a resolution passed at a former meeting, the chairman decided the resolution not carried, in compliance with the provisions of the 46th section of the Commissioners' Act of 1847 (10 Vict., c. 16)."

956. Were you also present at a meeting that took place on the 20th of March last, where a resolution was adopted, advancing the rents ten per cent.?—Yes.

957. I have already asked you to make search to try if you could find in the books of the Commissioners, or among their papers, any resolution to appoint valuators to value Pennefather's lands; have you been able to find any?—No, the only thing I can find is the resolution in February, 1844.

958. Have you been able to find any trace of any valuation made by anyone?—No.

959. Have you been able to find among the accounts of Mr. O'Heany, who was paid his bills of costs, anything in relation to such valuation, or to any case laid by him before any counsel in relation to the reletting of those lands?—No; I never saw his bills of costs.

960. I suppose the bills of costs are among the papers?—I never met them.

961. Have you been able to find among the papers any case or any opinion of the late Baron Greene, or any barrister, relating to any valuation or letting of Pennefather's lands?—No.

962. Were you present at the meeting of the 20th of March last?—Yes.

963. Did you hear one of the Town Commissioners at that meeting state publicly before his brother Commissioners to the effect that he was authorized by the then law agent of the Corporation to state that the then Commissioners declared they did not approve of the valuation?—I think he said that it had not their approbation.

964. I will give you his words: the gentleman said this:—"That he was authorized by the law agent of the Corporation to state that the Commissioners' valuator exceeded his instructions, a result which the then Commissioners declared had they foreseen, they would sooner have put their hands into the fire than have consented to"?—Yes, he stated that.

965. The then law agent was Mr. O'Heany?—Yes.

966. I am told that Mr. O'Heany is unfortunately not able to be here?—He is not.

967. Dr. *Lafan* (one of the Town Commissioners.)—I had a conversation with Mr. O'Heany. At that time he was living in Dublin, and he said that the valuation gave dissatisfaction at the time to the Commissioners.

968. Do the Commissioners here give any pensions?—Not that I am aware of.

969. Are there any pensions given out of the loan fund?—I don't know; the loan fund has nothing to do with the Commissioners; it is quite an independent body under the control of the Central Loan Fund Board in Dublin.

Mr. JOHN RYAN examined.

970. You are now the manager of the gasworks?—Yes.

971. You wish to make a statement?—I do, as to what was said against me here yesterday.

972. Mr. EXHAM.—All that was stated against you was this—that, after the gasworks were erected new, you got them under the condition that you were to enter into the contract for fourteen years; that you were to pay no rent for them, but to keep them in perfect order and repair, and supply the gas to the citizens and public lamps at so much; that you were to give security, and that you never did enter into any written contract of the kind or give security.

973. *Witness* (handing in document, which was a statement as to the condition of the works, &c.)—Will you kindly read that? The works were not new when I got them. They were worked from 1846 by

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the Commissioners until I got them in 1853. I have no recollection of a tender made by me. There was a tender of some kind by which I was to supply the public and the public lamps at the prices already named, but the contract was never completed.

974. It was stated that at the end of the fourteen years they were in bad order, and that you then made a new tender for three years, which the Commissioners gave you on the distinct promise that you were to sign a contract to put them in good order and repair and keep them in such?—*Witness* (handing in tender of 1870).—That is the tender that was accepted, but I was not required to execute any contract.

975. Mr. *Corby*.—It might be only a verbal promise made by this gentleman.

976. Mr. EXHAM reads:—"Tender of the 6th of May, 1870.—As regards the expenditure it will be necessary for me to make on the works, it is impossible for me just now to fix the amount; but the Commissioners may rely that everything will be done by me with the greatest economy, at the same time doing it perfectly. And what I propose to do is to keep a correct account of such expenses and keep the same, and have an inspection of the execution of the necessary works." You were to do all these things at your own expense?—Yes.

977. Did you enter into the contract with sureties to do that?—I was never asked to do it; I tendered for it.

978.—It is alleged that you never did put them in order?—Oh, yes, I put them into order.

979. Mr. Corby alleges that when the year 1870 came round the works were then in bad order?—They were not in very good order, but they were not out of order, for they were never a night without gas.

980. But they were worked out in 1872 when you gave them up?—They required a very large expenditure then.

981. Show me any account of what you expended between 1867 and 1870 in putting the works in order and repair which was examined by the Commissioners at the time?—It was audited by Mr. Mullins and Mr. Scully this year.

982. But I am speaking about what occurred in 1867. Show me what money you expended in getting the place into repair in 1867. Is Mr. Corby right in saying that in 1870 the works were still in bad repair, and that you made a fresh tender, and you made a promise then to put them in repair?—There is my tender, which you already read.

983. Did you not promise the commissioners to put them in repair?—I never signed a document; I never was asked to put them in repair. No doubt they required an expenditure, and I had to pay my expenses too. It was stated here last night that I sold metals belonging to the Commissioners. I deny that I ever sold a metal, brick, or piece of iron belonging to them. I did sell some, but it was my own.

Mr. Patrick Corcoran.

Mr. PATRICK CORCORAN recalled.

984. It was stated that I got compensation for a crop of potatoes from the Town Commissioners. I deny that, and say it is utterly false.

985. Mr. EXHAM.—I am told that when you were sanitary inspector you were very fond of having pigs in your own house?—That is not the fact; the chairman is there, and he examined my place. I have kept a few pigs and do keep them. I have to tell you I have a great many friends in town, because I do my duty.

986. Had you ever any pigs in the house?—Yes, I had. I will tell you how that occurred. Once on a time there was a sow after half farrowing, and I brought her into the hall and had her there.

987. They say you keep some of the pumps locked and won't give water to the people?—I will tell you how that is. When a pump becomes exhausted, I take the chain off it, and put it on a pump not exhausted.

988. They say if the Commissioners' servants want water you will give them any quantity of it, but if a poor person wants it they can't get it?—The opinion of everyone is that since I got charge of the pumps there is a better supply of water, and the pumps are kept in better repair. I mind the turning of the cocks. I have them since 1863. During the entire of that time they never required any repairs. I mean the new iron pipes.

989. Then what are you paid the £8 a year for?—For repairing them.

990. But you say they don't require repairs?—I look after them.

Dr. Thomas Laffan.

Dr. THOMAS LAFFAN examined.

991. What office do you hold?—I am the consulting sanitary officer, and my duty is only to give advice when I am asked; and, secondly, as regards my interference with the other sanitary officers, according to the letter I received from the Local Government Board, I am not bound to call their attention to anything that is neglected by them, although I may do so if I please. With regard to the dog-kennel, I say it is a nuisance, but I have never been asked my opinion about it; the arrangement with regard to the regulation of my duties is, I consider, a very bad one, inasmuch as there are very many occasions when my advice would be valuable, which the whole of the Board is unable to see from the want of asking for it; for instance, in a little town within my district, there is a locality where we have fever prevailing the entire year, and from which 100 cases of fever have been sent to the hospital alone; I have not the least doubt if proper steps had been taken at an early period it could have been stamped out. With regard to the sanitary arrangements of Cashel, I consider they are not as good as when the Commissioners managed them; the Commissioners were more attentive, better acquainted with the circumstances of the town, and more sure to attend to those sanitary duties than the Guardians; for that reason I think it is a loss that the town has been placed under the Board of Guardians as a sanitary authority; but I wish at the same time to state that I do not think it would be any advantage that a separate staff should be appointed in the event of the town being separated, as I think the one staff for both would be enough. The Sanitary Act has worked here very much as it has done everywhere else—indifferently, and for a variety of reasons; the officers are too numerous, they are inadequately paid, and more important than all, their professional interests and their sanitary duties are in entire contradiction. With regard to the special sanitary condition—I mean the sewerage—of the town, there has been for a number of years, near the end of the town, a deep cesspool or pond for the purpose of containing all the solid matter which flows into it from the town for a year or two. It is cleared out sometimes, but an immense quantity of solid matter is always there; this is materially injurious to the health of the persons in the immediate proximity of the place. The outlet is so obstructed as to retain all the *detritus*, and the sewage of the town, and to let the excessive fluid escape; the construction of this into which the main sewer of the town leads is injurious to the general health of the place. Within the last two years there have been nine cases of fever from the immediate margin of this pool; there was one death in a private mansion, and several cases to my own knowledge in many of the houses about; I called on the local sanitary officer to report the sewer-drain, and to have the cavity filled up; the local sanitary officer said the place should be filled up, and the sewer continued on to the river Suir; my recollection is a positive and distinct one.

992. You stated at a meeting here sometime since that Mr. O'Heany, the solicitor for the Commissioners had given you some information as to the so-called valuation of the lands comprised in Pennefather's lease in 1843?—I did.

993. Is the statement that I read the substance of what Mr. O'Heany stated to you as to that?—It is.

994. How long have you been in Cashel?—Five or six years.

995. Have you ever seen that valuation?—No; but it is long a tradition that there *was* a valuation.

Mr. JOHN RYAN examined. Mr. John Ryan.

996. You have a lot of land that was held by Patrick Ryan, and your rent is £16 18*s.* 9½*d.* You hold 47A. 2R. 29P. Irish?—Yes.

997. The rent is £17 2*s.* 8*d.* according to the lease which was made on the 7th October, 1844?—I don't know what is in the lease, but £16 18*s.* 9½*d.* is the rent that I pay.

998. What is the Poor Law valuation of it?—£30.

999. Could you tell me when that Poor Law valuation was made?—I could not say; but I applied several times to the revisor to take something off the valuation. He told me he had no power to do it but that he had power to re-value it if there were buildings on it and to increase the valuation.

1000. Your's is part of Lalor's lot?—Yes. As compared with what is called "Owen and Biggs'" lot, what is the value of it?—There is a great difference in value.

1001. Your own opinion of your lot is that it is too dear?—No; it is let at the value; we can live and let live.

1002. Do you know those other lots—Owen and Biggs' lots?—Yes.

1003. What do you say is the value of those lands?—Some of the tenants there have land worth £1 an acre, and others 30*s.* an acre.

1004. What are they worth, one acre with another?—£1 an acre.

1005. What would you say Lalor's lot is worth all round?—It was worth about the rent we are paying; not more. I would put it down at 7*s.* an acre.

1006. Do you know what the Commissioners are getting?—I suppose they are getting 7*s.*; I am paying 7*s.* 2*d.* an acre. Speaking on behalf of myself and the other tenants, I say the rents we are paying are fair rents and no more. The following lease was produced by Mr. Corby. A lease from Richard Price (which was a lease of part of Pennefather's), to Michael Carew, dated 23rd January, 1837, of 27 acres of the commons of Cashel, part of Lalor's lot, at a rent of £42 12*s.* 9*d.* a year, for twenty-one years from 29th September, 1836.

1007. Mr. EXHAM.—Is that the land that was let to Mr. Michael Carew, in 1843, at 8*s.* 2*d.* an acre?

1008. Mr. *Corby.*—Yes.

1009. (*a.*) Lease of 22nd of January, 1832, made to Daniel Ryan by William Pennefather, for 13*s.* an acre [Daniel Ryan was the grandfather of John Ryan, who held 27 acres, part of 60 acres].

(*b.*) William Pennefather to Darby Kennedy, 2nd January, 1832, for sixty-one years, of sixty-five acres, at 10*s.* and 14*s.* an acre—Attikit lot.

(*c.*) Lease of the land that was purchased by Mrs. Dolan, made in 1832 by Wm. Pennefather at 13*s.* an acre, Owen and Biggs' lot. A lease by Wm. Pennefather to John Ryan, in the year 1834, for sixty-one years, of four and a half acres, at £2 2*s.* 9½*d.* an acre.

(*d.*) Attikit lot. Lease 31st September, 1832, to the Keatinges of 57A. 3R. 15P., yearly rent, £37 11*s.* 11½*d.*

(*e.*) Lease to Michael Morrisey, Attikit lot, 10th of June, 1832; 23A. 1R. 1P., £15 2*s.* 4*d.*

(*f.*) Lease to William Neville, of 9th of June, 1832, Attikit, thirty-one acres, £20 6*s.* 4*d.*

(*g.*) Lease to Redmond Keatinge, Attikit lot, 2nd June, 1832; 28A. 0R. 10P., £18 5*s.* 5*d.*

1010. Dr. *Laffan* gave the following as the new rents he had proposed to the Commissioners to be put on the following holdings:—Michael Carew, John Carew, and Denis Carew, present rents, 8*s.* 2*d.* the Irish acre; Pennefather's do. £1 11*s.* 6*d.*, proposed new rent 15*s.*; Hogan, present rent 8*s.* 8½*d.*, Pennefather's do. 13*s.*; proposed do. 12*s.* 11*d.*

Mr. WILLIAM MURPHY, J.P., examined. Mr. William Murphy, J.P.

1011. Mr. EXHAM.—What evidence do you wish to give?—I wish to contradict the statement of Dr. Laffan with regard to the disagreeable character of the place to which he has referred. It is my property; and I say there is not any nuisance upon it. The pool is in a field off the public road, and it has been in the same condition for several years; it is a place where the water flows in and out, and there is very little solid stuff in it, and what there is in it is deodorized by throwing turf mould into it and by cleaning it out occasionally. Captain Hamilton, the Poor Law inspector, stated to me that he saw nothing offensive in it. There is no doubt there were cases of fever in the houses which were crowded up; they always had a slight fever there in the summer time.

Dr. LAFFAN recalled. Dr. Laffan.

1012. Mr. EXHAM.—I wish to have on the notes the statement in detail that you made at the meeting on the 20th March. You are reported to have stated as follows (speaking with reference to what was said by some of the tenants at a meeting held shortly before)—

"I cordially concur in their statement that the Pennefathers were the best of landlords, but when they made that statement they quite forgot that you have in your archives every document connected with the Pennefathers' lettings. I have made complete extracts from these archives. I challenge you to test their correctness by examination for yourselves. I stated on a former occasion that the lands were let in 1843 at nominal rents. I told you that the valuators received instruction not to be particular. I am to-day authorized by the law agent of the Corporation to state that the Commissioners' valuator having exceeded his instruction, a valuation was the result, which the then Commissioners declared, had they foreseen, they would sooner have put their hands into the fire than consented to. Better far, however, than the statement of any gentleman, however honourable and respectable, is the evidence of figures and documents. I now tabulate some of those figures to you.

Tenant's Name.	Present or Nominal rent.	Pennefather's rent.	Proposed rent.
	s. *d.*	£ *s.* *d.*	*s.* *d.*
M. Carew,	8 2	1 11 6	15 0
J. Carew,	8 2	1 11 6	15 0
D. Carew,	8 2	1 11 6	15 0
— Hogan,	8 2½	0 13 0	12 11

It will be seen by those figures which I give you as a sample that we do not propose to charge the tenants more than half the rent in some instances, which those deservedly popular landlords laid on to the great gratitude of even the second generation of their quondam tenants."

Did you make that statement?—I did.

1013. Were the matters so stated by you true in fact?—They were.

1014. Did you search through the documents of the Corporation and ascertain that the statement you made as to the rents of the Carews and Hogans were accurate?—I did.

1015. Were they a sample of the rest of the cases of the tenants and the rents they paid?—They were.

1016. Did you propose the resolution of the 20th March which I have read out, and was it seconded by Mr. Scully?—Yes. (For resolution see question 860.)

1017. Was there an amendment proposed by Mr. Hackett which I read out?—There was. (For amendment see question 860.)

1018. Was the amendment carried?—Yes, by seven votes to two.

1019. Did you hand in the protest I have read?—Yes. (For protest see question 860.)

Since the closing of the inquiry Mr. Corby (Town Clerk) has forwarded copies of resolutions with respect to the appointment of valuators of the Corporation lands in 1843 and the subsequent letting thereof, and which are set out in the Report; also copies of resolutions, passed on the 7th May, 1860, and the 4th June, 1860, which are set out in the Appendix 19, page 393; also copies of agent's circulars sent to tenants, dated respectively the 22nd February and 26th April, 1876, set forth in Appendix, 19, page 393.

APPENDIX—PART III.

App. No. 1.

Portadown.

APPENDIX No. 1.

PORTADOWN.

Towns Improvement Act, 1854. Number of Commissioners, 15. Population, 6,735. Debt, £720. Acreage, within the Municipal Area, 657A. Rateable Value of Property, £15,178. Improvement Rate, 1*s.* in the pound; Sewerage Rate, 3*d.*

Town Commissioners.

TOWN COMMISSIONERS.

Name and Profession.	Rating. £	s.	d.	Name and Profession.	Rating. £	s.	d.
William John Paul, Merchant and Woollen Draper,	118	10	0	Anthony Cowdy, Linen Manufacturer,	20	0	0
Arthur Thornton, Merchant,	48	0	0	Thomas Carleton, Solicitor,	37	0	0
Averell Shillington, J.P., Merchant & Woollen Draper,	74	0	0	John Eccles, Petty Sessions Clerk,	14	0	0
Thomas Shillington (2), Linen Manufacturer,	156	17	6	William John Guy, Accountant,	32	0	0
David Wolfe Waugh, Merchant,	32	0	0	Hugh Wallace, Merchant,	70	0	0
James Johnston, Merchant,	45	0	0	William John Locke, Coach Builder,	42	0	0
William Hall, Hotel Proprietor,	94	10	0	John Davidson, Merchant,	26	0	0
John Kernan, Merchant,	24	0	0				

Abstract of Accounts.

ABSTRACT of the ACCOUNTS of the TOWN COMMISSIONERS of PORTADOWN for the Year ended the 13th May, 1876, showing the Receipts and Expenditure under the several heads during that period.

RECEIPTS.

	£	s.	d.	£	s.	d.
To Uncollected Rates, May 13, 1875,	457	7	1			
Rate made March, 1876,	630	16	1			
Central Sewerage District Rate,	61	4	5			
Private Assessment,	9	6	6			
	1,158	14	1			
Amount collected and lodged	544	12	5	544	12	5
	614	1	8			
Rates of 1875 remitted on account of Unoccupied Premises,	14	0	11			
	600	0	9			
Fines,				18	0	0
Hackney Carriage Licenses,				1	3	0
Town Hall, Assembly Room, and Public Offices,				39	16	0
Shambles,				128	6	3
Cranes,				80	8	5
Alphabetical Lists sold,				0	3	0
County Contracts,				235	0	9
Cleansing,				28	12	10
Footpaths, &c.—Received for Old Curb Stones,				0	6	0
Salaries—Received from Local Government Board, out of Parliamentary Grant, for Sanitary purposes,				6	13	7
James Hall (advanced),				20	0	0
Mrs. Quinn for breaking Lamp,				0	10	0
Belfast Bank—Loan on Ten £20 Debentures to purchase Fire Engine,				200	0	0
Amount received from the Registrar of Petty Sessions for Dog Licenses issued in the Town for the year 1875,				14	11	11
Balance due by Treasurer,				213	16	4
				£1,532	0	6

EXPENDITURE.

	£	s.	d.	£	s.	d.
Law Costs,				5	11	6
Town Hall, Insurance,	2	0	0			
Reps. E. Calvert, Interest,	11	18	0			
Rent,	1	4	3			
T. A. Shillington & Son,	2	16	6			
Robert Huston,	1	16	6			
Taxes,	5	15	11			
Gas,	13	13	11			
Hugh Wallace,	0	8	8			
Advances by Clerk,	3	16	0½			
				43	9	9½
Shambles, Repairs,	14	17	6			
R. E. Bredon, Interest,	13	17	8			
T. A. Shillington & Son,	1	8	6			
Insurance,	0	6	3			
Rent,	11	10	2			
Gas account,	1	12	1			
Clerk's Advances,	1	1	10			
Taxes,	4	16	6½			
				49	10	6½
Cranes—Rent and Taxes,	1	11	1½			
New Weights, Repairs, &c.,	6	3	11			
				7	15	0½
Advertising, Printing, Stationery, &c.,						
Trustee for Sara Farrell,	21	3	0			
John Kernan & Son,	4	3	2			
Hugh Wallace,	1	4	0			
D. W. Waugh,	2	11	0			
Clerk, Advances,	4	16	1			
				33	17	3
Lighting, Gas Co. for the year 1874–5,	202	15	0			
Trevor Forbes Lamp Pillars,	6	4	10			
Clerk, Advances,	1	12	0			
				210	11	10
Interest to J. Calvert on Sewerage Loan,	4	19	2			
,, Belfast Bank on Fire Engine Loan,	5	0	0			
Income Tax,	3	5	8			
				13	4	10
Incidentals (including £47 10*s.* for New Map of Sewers of Town),				69	0	6
County Contracts,				414	16	7
Cleansing,				155	14	11
Eastern Sewerage District,				0	13	6
Central Sewerage District,				3	14	11
Fire Engine (Carriage),				0	19	6
Repairs to Streets, Footpaths, Channels, &c.,				181	9	10½
Pumps,				45	5	4
Salaries,				185	8	0
R. M'Clatchey, to meet Advances,				20	0	0
Balance due by Treasurer,				83	16	7
,, by James Hall,				7	0	0
				£1,532	0	6

APPENDIX No. 2.

App. No. 2.
Dundalk.

DUNDALK.

Towns Improvement Act, 1854. Population, 11,377. Rateable Value of Property, £19,801.

Town Commissioners, appointed under Towns Improvement Act.

Town Commissioners.

Names and Occupation.	Rateable Value. £ s.
Middle Ward.	
Edward H. MacArdle, J.P., *Chairman*, Brewer,	142 15
Patrick Hanratty, Spirit Grocer,	29 10
Nicholas Byrne, do.,	27 10
Peter Sellars, Woollendraper,	48 0
Owen O'Hare, Ironmonger,	34 0
Seatown Ward.	
Joseph Farrell, Ship Owner,	58 0
James Carroll, General Grocer,	77 10
John Hamill, Fowl Dealer,	23 10
James Oakes, Coal and Salt Merchant,	133 0
Michael Hamill, Spirit Grocer,	18 0
Edward Carlton, Newspaper Proprietor,	18 0
North Ward.	
Peter Callan, Spirit Grocer,	20 0
Terence Hughes, Grocer and Spirit Dealer,	26 0
Eugene K. Doherty, do.,	45 10
South Ward.	
Peter M'Mahon, Grocer and Spirit Dealer,	24 0
John Ward, Leather Merchant,	20 0
James Murtagh, £50 Freeholder.	

Dundalk, 19th June, 1877.

EDWARD FERRAR, Town Clerk.

General Balance Sheet of the Dundalk Town Commissioners for the year ending June, 1876.

Abstract of Accounts.

Ordinary Town Account.

Receipts.

	£ s. d.	£ s. d.
Balance in favour of Commissioners from year ending June, 1875,		304 6 8
Amount received during the year:—		
For Rates—		
General, at 1s. per pound, £837 17 1		
Library, at 1d. do. 69 16 5		
Mortgage for Exchange Buildings Loan, at 3d. per pound, 209 9 3		
	£1,117 2 9	
On Account of previous collection,	3 9 4	
Allowance in lieu of Rates on Government Property,	69 9 4	
Government allowance towards Sanitary Expenses,	13 14 0	
For Licences—		
Post Cars, £16 0 0		
Drivers, 3 2 0		
Slaughter Houses, 2 5 0		
Lodging Houses, 1 5 0		
Dog Licenses, 59 19 9		
	82 11 9	
For Fines—		
In Borough Court, £16 19 2		
In Petty Sessions Court, 10 3 3		
	27 2 5	
For Incidentals—		
Harbour Board, Lighting Quay Lamps, £36 0 0		
Bank Interest, 4 13 6		
Stones sold, 2 0 4		
	42 13 10	
		1,356 3 5
		£1,660 10 1

Disbursements.

	£ s. d.	£ s. d.
Amount paid during the Year:—		
General Repairs, £164 2 0		
Cleansing and Watering, 78 4 5		
Lighting, 578 10 5		
Salaries, 182 1 2		
Election Expenses, 15 17 7		
Printing and Stationery, 29 0 3		
Incidentals, 13 1 10		
Sanitary Expenses, 49 11 1		
Pump Repairs, 10 10 0		
	1,120 18 9	
Mortgage Rate, as follows:—		
Amount Collected, 210 2 3		
Government allowance in lieu of Rate, 13 0 6		
	223 2 9	
Free Library Committee—		
Rate Collected and allowance due them,	74 7 7	
		1,418 9 1
Balance in favour of Commissioners,		242 1 0
		£1,660 10 1

Assets.

	£ s. d.	£ s. d.
Above Balance in Bank,		£242 1 0
Balance of Rates uncollected, viz.:—		
Arrears per last Account,	£48 6 4	
Rates for year to June, 1876,	1,190 8 4	
	1,238 14 8	
Deduct amount collected as above,	1,120 12 1	
		118 2 7
Harbour Commissioners—Lighting Quay Lamps for one year to 17th May, 1876,		36 0 0

App. No. 2.

Dundalk. Abstract of Accounts.

Exchange Buildings Account.

Receipts.

	£	s.	d.	£	s.	d.
Balance in favour of Trustees from year ending June, 1875,				151	0	5
Amount of Mortgage Rate from Town Account,	£223	2	9			
Rents—1 year, to May, 1876,	161	10	0			
Great Hall and Minor Hall,	51	13	0			
Corn Stands,	15	15	0			
Newsroom,	115	12	1			
				567	12	10
				£718	13	3

Disbursements.

	£	s.	d.	£	s.	d.
Amount of Debentures, Nos. 20 & 21, paid 24th March, 1876,	200	0	0			
Interest on Debentures,	110	0	0			
Newsroom,	51	13	5			
Gas,	38	19	11			
Coals,	15	5	0			
Repairs and Incidentals,	23	8	11			
Taxes,	30	1	7			
Insurance,	10	0	0			
Secretary,	22	4	6			
Housekeeper,	40	0	0			
				541	13	4
Balance in favour of Trustees,				176	19	11
				£718	13	3

Liabilities.

Balance of Debt secured by Town Debentures—	
John Neville, 10 Debentures,	£1,000
T. Connick and others, 6 Debentures,	600
Henry Fortescue, 4 Debentures,	400
	£2,000

Assets.

Above Balance in Bank, £176 19 11

Edward H. MacArdle, Chairman.
Edward Ferrar, Town Clerk.

App. No. 3.

Ardee.

APPENDIX No. 3.

ARDEE.

Towns Improvement (Ireland) Act, 1854. Number of Commissioners, 9. Number of Burgesses, 144. Population in 1871, 2,972. Acreage within Municipal Boundary, 1,158A. 2R. 38P. Rateable value—Houses, £2,285; Land, £1,673. Borough Rate of 1s. in the pound.

Town Commissioners.

Town Commissioners.

Name.	Occupation.
1. Anthony Smith, *Chairman*,	Apothecary.
2. Peter Hickey,	Hotel Keeper and Wine Merchant.
3. Thomas Dolan,	General Merchant.
4. James Halpenny,	Farmer.
5. Michael Halpenny,	Miller.
6. Andrew Byrne,	Baker.
7. Patrick Markey,	Bank Manager.
8. Patrick Callan,	Medical Doctor.
9. Peter Halpenny,	Draper.

Abstract of Accounts.

Abstract of the Accounts of the Town Commissioners of Ardee for the year ended the 30th April, 1876, showing the Receipts and Expenditure under the several heads during that period.

Receipts.

Nature of Receipt.	Amount. £	s.	d.
To Rates,	155	2	10
„ Rents,	75	8	5
„ Dog Tax,	8	9	1
„ Petty Sessions Fines for Drunkenness,	14	4	9
Total Receipts,	253	5	1

Expenditure.

Nature of Expenditure.				Amount. £	s.	d.
By Balance due to Treasurer at commencement of the year,				81	17	9
„ Salaries:—						
Town Clerk,	£12	0	0			
Caretaker of Shambles,	3	0	0			
				£15	0	0
„ Collector's Poundage,				6	8	4
„ Lighting—Paid Gas Company,				55	0	0
„ Rents—						
Market House,	£9	8	8			
Shambles,	8	14	8			
Governors of Erasmus Smith's Schools,	26	9	1			
Quit Rent,	1	8	11			
				£46	1	4
„ Taxes—						
Poor Rate,	£2	0	3			
County Cess,	1	1	3			
Income Tax,	0	1	9			
				3	3	3
„ New Water Cart,				15	12	11
„ Town Clock,				2	12	0
„ Printing and Stationery,				9	16	1
„ Preparation of Rate Book,				2	0	0
„ Cost of Audit,				5	5	0
„ Interest charged by Treasurer,				3	5	0
„ Miscellaneous Expenses,				2	19	6
Total Expenditure,				167	3	5
				249	1	2
Balance in hands of Treasurer at close of the year,				4	3	11
				£253	5	1

I certify the foregoing to be a true abstract of the Receipts and Expenditure of the Town Commissioners of Ardee for the year ended the 30th April, 1876.
Dated this 22nd day of August, 1876.

Thos. Collot, Auditor.

APPENDIX No. 4.

App No. 4.

KELLS.

Kells.

Towns Improvement Act, 1854. Population, 2,953. Debt, £1,000.

Town Commissioners.

Town Commissioners.

Names, and Occupation	Valuation of Premises. £ s. d.	Names, and Occupation.	Valuation of Premises. £ s. d.
1. Gustavus Tuite Dalton, J.P.,	70 0 0	9. Richard J. Halton, M.D.,	18 10 0
2. John Ffolliott, Woollendraper,	52 0 0	10. Samuel M. Kellett, Grazier and Farmer,	17 0 0
3. James Killeen, J.P.,	48 0 0	11. Joshua Clare, do.,	17 0 0
4. Michael Freeman, Auctioneer,	45 0 0	12. James Brady, Woollendraper,	16 10 0
5. Farrell Tully, Spirit Grocer,	32 0 0	13. John Tormay, Coach Builder,	16 0 0
6. James Cahill, Apothecary,	30 0 0	14. John Hoey, Spirit Grocer,	13 10 0
7. Patrick Maguire, Spirit Grocer,	25 0 0	15. George Mullen, do.,	12 0 0
8. Andrew Doyle, Builder,	25 0 0		

JOHN NORRIS, Town Clerk.

Letter from Mr. COLLOT, Local Government Auditor, to the Town Clerk of Kells, relative to proposed advance of £1,200 to the Town Commissioners by their Bankers.

Letter from Mr. Collot.

11th January, 1877.

SIR,—I received this morning your letter of 9th instant, requesting me to name a day on which I would receive a deputation from the Town Commissioners of Kells relative to the information I require as to the expenditure for permanent improvements on the lands of Loyd, and stating that the deputation will present me with an abstract of the expenditure, and show me that the rental has been greatly improved thereby.

In reply I desire to state that I shall be in the office of the Local Government Board, Custom House, Dublin, on Tuesday next, from 11 to 12 o'clock, when I shall be happy to meet any of the Commissioners if they wish to see me. At the same time I think it will not be necessary for them to do so. If they send me an abstract, and showing the amount expended on the lands of Loyd under the several heads of "drainage," "fencing," &c., &c., in regard to which the debt to their treasurer has been incurred, certified by the Chairman and two other of the Town Commissioners and yourself as correct, I think I shall be enabled thereby to allow the amount to be shown in the accounts, as a loan at yearly interest, provided that a sinking fund be established for the gradual extinction of the debt, in accordance with the requirements of the Towns Improvement Act, or the debt reduced yearly, as the funds of the township will admit.

I am, sir, your obedient servant,

THOMAS COLLOT.

To Mr. John Norris, Town Clerk,
Kells.

Abstract of the ACCOUNTS of the TOWN COMMISSIONERS of KELLS for the Year ended the 3rd May, 1876, showing the Receipts and Expenditure under the several heads during that period.

Abstract of Accounts.

RECEIPTS.

Nature of Receipt.			Amount. £ s. d.
To Balance in hands of Treasurer at commencement of year,			136 11 6
To Balance in hands of former Town Clerk,			17 17 3½
Rents—In hands of former Clerk and Collector,	£101 17 3		
Arrears,	167 6 3½		
Rental for the year,	1,205 12 6		
			1,474 16 0½
Dog Tax,			9 6 1
Fines and Penalties,			41 16 3
Miscellaneous,			0 14 10½
			£1,681 2 0½
Balance due to Treasurer at close of the year,			236 8 8
,, Town Clerk ,,			2 10 0
			£1,920 0 8½

EXPENDITURE.

Nature of Expenditure.			Amount. £ s. d.
By Salaries,			233 11 8
Clothing for Steward and Workmen,			41 10 0½
Cleansing,			180 2 4½
Labour,			193 7 4½
Lighting,			89 17 1
Paving,			4 1 4
Rent,			81 10 0
Taxes—Poor Rate,	£46 17 2		
County Cess,	25 16 1½		
Tithe Rent,	21 3 0		
Income Tax,	4 14 3		
			98 10 6½
Hay Seed and Oats,			54 17 9
Printing and Stationery,			12 6 7
Election Expenses,			12 11 10
Coal for Town Hall,			23 0 7½
Cost of Audit,			7 17 6
Law costs,			9 9 6
Miscellaneous Expenses,			81 12 7
Repayment of Loan on Promissory Note,			400 0 0
Discount of Promissory Notes and Interest on Overdrafts,			38 15 3
Promissory Note not met, charged to Commissioners,			7 16 2
Disallowed by Auditor,			33 14 4
Total Expenditure,			£1,604 12 6½
Rent uncollected at close of year,	£67 14 10½		
,, Declared irrecoverable,	74 14 5		
,, Deduction allowed for sick cattle,	22 1 8		
,, Balance in hand of present Clerk and Collector,	0 15 9		
,, Balance in hand of former Clerk and Collector, Mr. B. Commiskey,	128 18 5		
			294 5 1½
Balance in hands of former Clerk and Collector from other sources,			21 3 0½
			£1,920 0 8½

I certify the foregoing to be a true abstract of the Receipts and Expenditure of the Town Commissioners of Kells for the year ended the 3rd May, 1876.

Dated this 18th day of November, 1876.

THOMAS COLLOT, Local Government Auditor.

App. No. 4. Kells. Lands and Tenements of which Leases have fallen in.

LIST of LANDS or TENEMENTS the Property of the Corporation of which Leases have fallen in since 1840, Names of Parties to whom relet, the Rents and Terms for which Leases made, and the Rateable value of each on Griffith's Valuation, stating if any of the parties to whom Leases were made were at the time, or before, or since, Members or Officers of the Corporation, or in any instance nearly related to such.

Denomination of Lands or Tenements of which Leases have been made since 1840.	Names of Persons to whom relet.	Rents.	Term of Lease.	Griffith's Valuation.	Whether Members of Corporation or Officer, or nearly related.
A. R. P.		£ s. d.		£ s. d.	
8 0 0	Marquess of Headfort, .	16 0 0	Lease 75 years, .	10 10 0	
8 2 28	Cornelius Gavin, . .	17 7 0	Lease 31 years, .	18 0 0	Herd of lands.
5 1 5	Mary M'Cann, . . .	5 6 3	No Lease, . .	4 10 0	Mother-in-law of Herd.
2 1 30	Jane Crosbie, . . .	5 0 0	No Lease, . .	4 0 0	
	MAUDLIN GARDENS PREMISES, &c.				
	Kells Gas Company, .	4 0 0	Lease 91 years, . .	60 0 0	
	Francis Smith, . . .	—	Salary as Steward, .	2 15 0	House and Garden.
	Patrick Maguire, . .	0 8 4½	No Lease, . .	0 7 6	Commissioner.
	Farrell Tully, . . .	0 11 1	No Lease, . .	0 7 6	Commissioner.

N.B.—The Marquess of Headfort's lease, the term of which was to commence on 1st May, 1854, for 75 years has not yet been executed, but the Town Commissioners are still willing that the lease should be perfected.
Lease from Marquess of Headfort of Gas works and gardens commenced 3rd October, 1859, for 91 years.
Cornelius Gavin's lease commenced on 1st November, 1865, for 31 years.

App. No. 5 Naas.

APPENDIX No. 5.

NAAS.

Towns Improvement Act, 1854. Number of Commissioners, 9. Population, 3,660. Rateable value, £473. Area governed by Town Commissioners, 1 mile and a half. Rate, 1876, 1*s.* in the pound. Burial rate, 1873, 8*d.*

Town Commissioners.

TOWN COMMISSIONERS.

Name and Occupation.	Rateable Value of Houses and Lands in own Occupation. £ s. d.	Name and Occupation.	Rateable Value of Houses and Lands in own Occupation. £ s. d.
Robert S. Hayes, J.P., *Chairman*, Apothecary and Coroner, ...	23 0 0	James Fegan, Merchant, ...	18 0 0
Henry Sargent, Undertaker and Landholder, .	14 2 0	William Farrell, do., ...	27 10 0
Stephen J. Brown, Solicitor, ...	18 0 0	Joshua S. Cantrell, Pawnbroker, . . .	20 0 0
Richard H. Tracy, Petty Sessions Clerk and Land Agent, ...	38 0 0	William A. Craig, J.P., Banker, . . .	35 0 0
		Richard Treacey, Baker and Landholder, .	67 8 0

Abstract of Accounts.

ABSTRACT of the ACCOUNTS of the Receipts and Expenditure of the TOWN COMMISSIONERS of NAAS for the Year ending 30th April, 1876.

RECEIPTS.

	£ s. d.
To Balance in favour of Commissioners at end of previous year, . . .	61 19 7½
Dues at Potato Market, . £18 6 9½	
,, Butter Market, . 13 19 0½	
,, Ouncil, . . 42 15 0½	
	75 0 10½
Tolls at Fairs, ...	28 7 0½
Fines and Penalties imposed in Commissioners' Court, ...	43 7 5
Fines received from Petty Sessions Court,	4 7 6
Licenses for Hackney Cars and Drivers, .	13 17 0
Rents for use of Town Hall, . . .	33 19 0
Grazing of Fair Green, . . .	11 0 0
Dog License Duty, . . .	10 12 10
Contribution in lieu of Rates on Government Property from Her Majesty's Government, ...	4 8 0
Gas Receipts, ...	0 15 0
Fractions overlodged, . . .	0 0 2
Balance due to Hibernian Bank, . .	25 4 11
	£312 19 4½

EXPENDITURE.

	£ s. d.	£ s. d.
By Salaries, Wages, &c., viz.:—		
Town Clerk, . . £30 0 0		
Weighmasters, . . 37 0 0		
Town Sergeant, . . 10 0 0		
Market Porters, . . 6 17 4		
	83 17 4	
Uniform Clothing for Town Sergeant, .	5 3 6	
Printing, Stationery, and Advertising, .	14 18 7	
Gas for Public Lamps and Town Hall, .	30 1 0	
Election Expenses, . . .	6 15 8	
Local Government Board for Audit, .	5 5 0	
Rent and Taxes of Town Hall and Fair Green, ...	48 12 5½	
Repairs of Town Hall and Premises, .	105 12 0	
Fuel for Town Hall, . . .	3 18 0	
Incidentals, ...	7 14 10	
Disallowed by Auditor, ...	1 1 0	
		£312 19 4½

I hereby certify that the foregoing is a true abstract of the accounts of the receipts and expenditure of the Town Commissioners of Naas for the year ended 30th April, 1876, as audited by George W. Finlay, esq., Local Government Auditor. (Signed), WILLIAM S. GRAY, Town Clerk.

APPENDIX No. 6.

DROGHEDA.

Towns Improvement Act, 1854. Number of Aldermen, 6. Number of Town Councillors, 18. Number of Burgesses, 308. Population in 1871, 13,510. Parliamentary Boundary, 5,780A.; Municipal, 450A. Rateable value of property, £27,988. No rate levied.

Corporation of Drogheda.

Corporation.

Name, and Profession or Occupation.	Rateable Value of Premises, *bona fide* in their own Occupation. £ s. d.
Aldermen.	
George Knaggs, Mayor, Gentleman,	16 15 0
Thomas Simcocks, Hotel Proprietor and Mail Contractor,	30 0 0
Patrick Casey, J.P., Brewer,	166 0 0
Patrick Ternan, J.P., Corn Merchant,	221 0 0
R. B. Daly, J.P., Auctioneer,	28 0 0
John Chadwick, J.P., Gentleman,	85 0 0
Town Councillors.	
James Curtis, Pawnbroker,	30 0 0
Walter Kelly, Publican,	42 0 0
Thomas Brady, Pawnbroker,	42 0 0
Richard Moore, Publican,	21 10 0
John Mangan, Publican,	30 0 0
Patrick Reilly, Publican,	22 10 0
Thomas Connolly, Builder,	31 10 0
James M'Geown, Horse Dealer,	13 0 0
Robert May, Egg Merchant,	25 0 0
Robert J. Kelly, M.D.,	47 0 0
John Farrell, Poor Rate Collector,	16 0 0
Michael Cullen, Baker,	24 0 0
Laurence Branagan, Traffic Manager, Steam Packet Company, Drogheda,	15 0 0
Henry Douglas, Corn Merchant,	107 10 0
William Whitworth, M.P., Merchant,	52 0 0
Laurence Moore, Gentleman,	12 0 0
Nicholas Leech, Publican,	30 0 0
George Butterly, Auctioneer,	20 0 0

Letter from Mr. Collot, Local Government Auditor, to the Town Clerk of Drogheda.

Letter from Mr. Collot.

13, Herbert-road, Sandymount,
Dublin, 7th March, 1877.

Sir,—I forward herewith, to be laid before the Mayor and Council of the Corporation of Drogheda, a copy of my report to the Local Government Board on my audit of the Corporation accounts for the year ended 31st August, 1876, together with a copy of the abstract therein referred to.

I am, sir, your obedient servant,

Thomas Collot, L.G. Auditor.

To James Killeen, Esq., Town Clerk, Drogheda.

13, Herbert-road, 6th March, 1877.

Gentlemen,—I have the honor to report that I have audited the accounts of the Corporation of Drogheda for the year ended 31st August, 1876, and I forward an abstract showing the receipts and expenditure for that period.

The total receipts from all sources during the year amounted to £3,711 9*s.* 7½*d.*, making with a balance of £149 3*s.* 10*d.* to the credit of the Corporation at the commencement of the year, a total of £3,860 13*s.* 5½*d.* The total expenditure amounted to £3,621 17*s.* 0½*d.*, leaving a net balance in favor of the Corporation at close of the year amounting to £238 16*s.* 5*d.*, or, as shown by the abstract, £251 3*s.* 7*d.* due by the Hibernian Bank, less £12 7*s.* 2*d.* due to the Treasurer.

Since the 1st January, 1876, the entire of the petty sessions and court fines for all offences, save excise, customs, and militia fines, have been paid over to the credit of the Corporation, amounting for quarter ended 31st March to £50 2*s.* 8*d.*, and quarter ended 30th June £42 7*s.* 9*d.* The total amount is shown on the abstract.

The state of the collection of the rents of the Corporate property is thus shown:—

	£	s.	d.
Arrears, 1st September, '75,	809	10	8
Omitted as irrecoverable,	1	9	11
	808	0	9
Rental for year,	3,378	16	1
	£4,186	16	10
Received,	3,233	11	8
Remaining, 31st August, '76,	£953	5	2

It appears from the above that the arrears of rent have increased from £809 10*s.* 8*d.* to £953 5*s.* 2*d.*—showing the necessity for more exertion in the collection of the rental. This is the more necessary, as it may be seen that on the expenditure side of the abstract there is a charge of £13 18*s.* by the bank as interest on overdrawn account. This charge has hitherto been made and allowed, although considered as of very doubtful legality; but, in accordance with the legal opinion forwarded in your letter of November last, I have stated that such a charge is not a legal expenditure of the town funds, and will not be allowed after the present date.

I have disallowed, under the head of Salaries, the sum of £30, portion of the salary of £130 per annum paid to Mr. Greene, engineer. This salary has been paid to him since his appointment in June, 1871—at £50 as Surveyor and Inspector, and £80 as Sword Bearer. It has, however, recently come to my knowledge that Mr. Greene is only in receipt of £100, the difference—£30— being paid over by the treasurer to a Mr. Cogan, who held the appointment prior to Mr. Greene. This appeared to me to be a very irregular proceeding, being an indirect and illegal mode of superannuating Mr. Cogan—the power of superannuation given to the Corporation, under the Act 32 and 33 Vic., c. 79, not having been acted on by a direct minute to that effect—and I accordingly held that the true amount of Mr. Greene's salary was only £100, and that the difference—£30—was not a legal charge upon the funds of the town, and I surcharged the amount to the Town Councillors who by their signatures to the cheques authorized the payment.

I have the honour to be, Gentlemen,

Your obedient servant,

Thomas Collot.

To the Local Government Board, Dublin.

App. No. 6. Drogheda. Abstract of Accounts.

ABSTRACT of the ACCOUNTS of the CORPORATION of DROGHEDA for the Year ended the 31st August, 1876, showing the Receipts and Expenditure under the several heads during that period.

RECEIPTS.

Nature of Receipt.	£ s. d.	Amount. £ s. d.
To Balance due by Hibernian Bank at commencement of the year,		146 9 2
Balance in hands of Treasurer,		2 14 8
Amount of Rents Received and Lodged,	3,233 9 9½	
Received from Public Cranes,	150 0 0	
Bridge Committee,	225 6 11	
On account of Petty Sessions and Court Fines,	92 10 5	
From Government— Half Salaries of Sanitary Officers,	8 2 6	
For Gas for Mayoralty Rooms,	2 0 0	
Total Receipts,		3,711 9 7½
		3,860 13 5½
Balance due to Treasurer at close of the year,		12 7 2
		£3,873 0 7½

EXPENDITURE.

Nature of Expenditure.	£ s. d.	Amount. £ s. d.
By Income Tax paid or allowed to Tenants by Treasurer,	24 3 7	
Less amount allowed to Treasurer,	5 12 7	
		18 11 0
Poor Rate allowed to Tenants by Treasurer,	167 11 10½	
Less amount allowed to Treasurer,	23 14 3½	
	143 17 7	
On Corporate Buildings,	15 9 8	
		159 7 3
County Cess,		17 3 6
Rents paid,		332 14 8½
Paving, including Labour and Materials,		457 2 4
Lighting:—Paid Gas Company,	200 0 0	
,, Lamps, &c.	27 11 1	
		227 11 1
Cleansing and Watering,		264 15 0
Salaries:—		
Mayor,	150 0 0	
Treasurer,	100 0 0	
Town Clerk,	80 0 0	
Engineer,	100 0 0	
Sergeant at Mace and Court-keeper,	54 10 0	
Macebearer,	30 0 0	
Bellman, Caretakers, &c.	33 12 8	
Sanitary Officers:—		
Executive,	10 0 0	
Consulting,	10 0 0	
Sub-Sanitary,	3 15 0	
Disallowed by Auditor,	30 0 0	
		601 17 8
Pensions:—		
Blue School,	42 0 0	
Male and Female Schools,	21 0 0	
F. Evans,	10 0 0	
		73 0 0
Clothing for Town Sergeant, Watchmen, &c.,		17 0 0
Care of Town Clock,		8 0 0
Vicars Choral,		43 7 7
Watch Establishment,		190 8 10
Painting and Repairs,		151 16 11
Pumps and Water Supply,		58 12 5
Sewers,		385 2 5
Printing, Stationery, and Postage,		92 17 5
Municipal Expenses,		9 6 0
Interest on Bonds,	440 4 6	
,, Overdrawn Account,	13 18 0	
		454 2 6
Insurance of Public Buildings,		5 1 3
Fuel,		11 14 10
Local Government Board for Audit,		13 13 0
Compensation for Loss of Horse,		8 6 0
Miscellaneous,		20 5 4
Total Expenditure,		3,621 17 0½
Balance due by Hibernian Bank at close of the year,		251 3 7
		£3,873 0 7½

I certify the foregoing to be a true abstract of the Receipts and Expenditure of the Corporation of Drogheda for the year ended the 31st August, 1876.

Dated this 6th day of March, 1877.

THOMAS COLLOT, Local Government Auditor.

Compared with Original, 16th March, 1877.

JAMES KILLEEN, Town Clerk.

App. No. 7. Enniskillen.

APPENDIX No. 7.

ENNISKILLEN.

33 and 34 Vic., cap. 143. Number of Commissioners, 21. Population in 1871, 5,836. Acreage within the Municipal Boundary, 129A. Rateable value, £10,907. Improvement Rate, 2s. in the £1.

Town Commissioners.

ENNISKILLEN TOWN COMMISSIONERS.

Name.	Occupation.	Rated at £ s. d.
Jeremiah Jordan, Chairman,	Merchant,	23 0 0
William Carson,	Gentleman,	20 0 0
James Coalter, J.P.,	Merchant,	32 0 0
Thomas R. Whitley,	Do.,	65 0 0
John Maguire,	Do.,	36 10 0
John Molyneux,	Do.,	45 0 0
George Willis,	Hotel Keeper,	70 0 0
George Darragh,	Merchant,	51 0 0
Edward Gamble,	Do.,	37 0 0
James Kenny,	Merchant,	35 0 0
William Teele,	Do.,	50 0 0
Thomas Gordon,	Do.,	65 0 0
James M'Elgunn,	Do.,	25 0 0
William Trimble,	Printer,	35 0 0
Anthony Cassidy,	Merchant,	78 15 0
Thomas Plunkett,	Do.,	38 0 0
Edward M'Nulty,	Do.,	38 0 0

ABSTRACT of the ACCOUNTS of the TOWN COMMISSIONERS of ENNISKILLEN for the Year ended the 31st July, 1876, showing the Receipts and Expenditure under the several heads during that period.

RECEIPTS.

Nature of Receipt.	£ s. d.	Amount. £ s. d.
To Cash in hands of Town Clerk,		40 0 0
,, Borough Improvement Rate, collected and lodged,		966 0 2
,, Water Rate,		795 7 0
,, Water Rents:—		
From Portora Royal School,	20 0 0	
,, Model School,	18 0 0	
,, Great Northern Railway Company,	90 0 0	
,, County Infirmary,	12 0 0	
,, Military Authorities,	60 0 0	
,, Other Contractors,	24 14 6	
		224 14 6
,, Rents:—		
From Tenants who pay half-yearly,	563 13 0	
,, Tenants who pay weekly and monthly,	102 3 6	
,, Parties hiring the Large Room in Town Hall,	41 1 6	
		706 18 0

Nature of Receipt.	Amount. £ s. d.
To Amount received from Enniskillen Gas Company for Town Commissioners' interest in Gas Works and site thereof,	1,000 0 0
,, Fines in Borough Court,	98 19 0
,, Dog License Duty,	13 15 5
,, Government Contribution, in lieu of Rates (2 years),	77 2 0
,, Remittance from Local Government Board, on account of Salaries of Sanitary Officers,	22 13 4
,, Cash received for Manure,	28 3 0
,, ,, Works executed by Waterworks Caretaker,	9 5 2
,, ,, Gravel,	0 12 0
,, ,, Interest on deposit of £1,000,	9 3 6
,, ,, Old Harness,	0 15 0
,, ,, Sanitary Improvements effected by Town Commissioners,	17 12 8
,, Amount refunded by Sanitary Officer on account of payment made to him in error,	5 0 0
,, Balance due Treasurer,	154 8 11
	£4,170 9 8

EXPENDITURE.

Nature of Expenditure	£ s. d.	Amount. £ s. d.
By Balance due Treasurer,		36 11 6
,, Salaries, &c.:—		
Borough Surveyor, one year, to 31st July, 1876,	100 0 0	
Town Clerk, do.	50 0 0	
Do. for preparation of lists of Parliamentary voters,	15 0 0	
Town Sergeants,	84 7 10	
Do. for Clothing,	27 19 6	
Rate Collector, Fees, &c.,	37 3 8	
Agent,	17 5 3	
		331 16 3
,, Town Improvements; Repair of Streets, Footways, &c.:—		
Brooke-street and Willoughby-place,	£38 9 8	
Mill-street,	59 12 3	
Footway at R. C. Church,	4 3 6	
Henry-street,	2 17 9	
Water-street,	19 13 3	
Strand-street, &c.,	3 4 11	
Gas-street, Frith-alley, &c.,	1 18 1	
Belmore-street,	1 1 10	
Forthill-street,	0 14 4½	
Works at "Round O,"	0 6 0	
Hall's-lane,	1 17 8	
Materials for General Repairs,	13 16 9	
Repair of Streets under Contract,	265 8 2	
Repair of Workmen's Implements,	1 0 3	
Sundries,	1 9 11	
		415 14 4
,, Waterworks:—		
Salary of Caretaker,	34 9 0	
Wages of Assistants,	5 8 0	
Public Works Loan Commissioners—Instalment of Loan and Interest,	647 10 0	
Water Gauge, including Setting, &c.,	4 11 9	
Removal and Repair of Street Fountains,	3 4 2½	
Gravel for Walk at Gortmesson Tank,	2 2 0	
Quicks for Hedge, and Works at Tank,	4 10 5	
		701 15 4½
,, Lighting:—		
Public Lamps,	217 2 3	
Church Clock,	4 0 0	
		221 2 3

Nature of Expenditure.	£ s. d.	Amount. £ s. d.
By Sanitary Expenses:—		
Salaries of Sanitary Officers (15 months, to 31st July, 1876),	62 10 0	
Repair of Barrack Sewer,	20 14 9	
Flushing of Sewers,	2 10 0	
Sewer Traps and Setting,	27 11 6	
Pipes for Wesley-street,	4 13 6	
Other Works,	27 1 11	
		145 1 8
,, Sweeping and Cleansing:—		
Sweeper and Scraper, including carriage of same,	48 9 0	
Wages, Fodder for Horses, &c.,	158 19 6	
		207 8 6
,, Town Hall:—		
Erection of Shed in Yard,	147 12 6	
Repairs,	37 10 0	
Insurance,	2 10 0	
Gas Light,	11 0 8	
Fuel,	1 18 9	
		200 11 11
,, Fire Engine:—		
Storage and Repair of Engine,	4 3 6	
Drying and Repairing Hose,	0 14 1	
		4 17 7
,, Public Works Commissioners:—		
Instalment of Loan of £4,000, and Interest thereon,	330 11 10	
In Reduction of Debt,	1,000 0 0	
		1330 11 10
,, Grand Jury:—		
Borough Proportion of County Charges,		411 1 5
,, Local Government Board:—		
Audit of Accounts,		11 16 0
,, Clerk of Peace:—		
Duties connected with Borough Registry,		15 0 0
,, Clerk of Union:—		
Copy of Rate Book,		2 0 0
,, Printing and Stationery,		22 1 3
,, Law Expenses,		4 17 1
,, Rates and Taxes, including Tithe-rentcharge,		47 18 4
,, Repair of Houses and Stalls,		17 1 3½
,, Interest charged by Treasurer,		9 14 4
,, Miscellaneous, including Postage,		3 8 8
,, Cash in hands of Town Clerk,		30 0 0
		£1,470 9 8

I certify the foregoing to be a true abstract of the Receipts and Expenditure of the Town Commissioners of Enniskillen for the year ended the 31st July, 1876.

Dated this 13th day of February, 1877.

EDWARD J. BROWNE, Auditor.

App. No. 7.

Enniskillen. Lands and Tenements of which Leases have fallen in.

LIST of LANDS and TENEMENTS, the property of the CORPORATION, of which LEASES have fallen in since 1840; names of Parties to whom relet, the Rents and Terms for which LEASES were made, and the rateable value of each, on GRIFFITH'S VALUATION, stating if any of the Parties to whom LEASES were made, were at the time, or before, Members or Officers of the Corporation, or related to such.

Denomination of Lands, &c., of which Leases have fallen in since 1840.	Names of Persons to whom relet by Lease.	Rents.	Terms of Lease.	Griffith's Valuation—Poor Law Valuation.*	If Members of Corporation, or nearly related.
		£ s. d.		£ s. d.	
House and tenement, Gas-street,	William Armstrong,	8 10 0	31 years,	—	No relation.
Do. Tonystick,	William Arthur,	1 10 0	Promised a lease,	48 0 0	Do.
Garden, Forthill-street,	Richard Ball,	4 17 10	75 years,	30 0 0	Father-in-law to a Commissioner.
Tenement and garden, Tonystick,	John Collum,	16 0 0	Do.,	—	Not related.
Stripe of land, Tonystick,	Do.,	2 0 0	Do.,	—	Do.
House in Belmore-street,	Do.,	6 15 2	Do.,	—	Do.
House and tenement, Belmore-street,	Do.,	4 0 0	Do.,	15 10 0	
Two houses in Paget-street,	William Cooney,	10 10 0	31 years,	—	Do.
Building ground, Belmore-street,	James Drum,	6 3 9	75 years,	20 0 0	Do.
Fair green,	Earl of Enniskillen,	34 10 0	Do.,	10 0 0	Do.
House and tenement, Belmore-street,	George Frith,	6 0 0	Do.,	13 0 0	Do.
Do. do.,	William Frith,	2 0 0	Do.,	18 0 0	Do.
Land in Kilnaloo,	Robert Hueston,	24 8 0	3 lives, or 61 years,	—	Do.
House and tenement, Forthill-street,	George Irvine,	5 0 0	75 years,	34 0 0	Do.
Do. Belmore-street,	James Jeffers,	8 0 0	Do.,	35 0 0	Do.
Room in Town Hall,	George Kittson,	10 0 0	31 years,	7 0 0	Do.
House and Tenement, Belmore-street,	John Kernan,	5 13 9	75 years,	16 0 0	Do.
Do. do.,	Do.,	3 13 9	Do.,	13 0 0	Do.
Do. Tonystick,	Thomas Liddy,	1 0 0	Do.,	6 0 0	Do.
Land in Tonystick,	John Lemon. Date of lease, March, 1848.	3 0 0	31 years,	6 0 0	Town Commissioner at date of lease.
Building ground, Tonystick,	John Lemon. Date of lease, 1870.	13 1 8	75 years,	104 0 0	Not in office at date of lease.
Garden in Mill-street,	George Loury,	3 10 0	—	—	Neither a Commissioner nor relative.
Lands in Kilnaloo,	James Maguire,	23 0 0	31 years,	—	Do.
House and tenement, Forthill-street,	Mathew M'Donnell,	4 9 6	75 years,	22 0 0	Do.
Land, Forthill-street,	Do.,	1 10 0	Do.,	2 10 0	Do.
House and tenement, Belmore-street,	Joseph Tickell,	6 15 0	Do.,	16 0 0	Do.
Do. do.,	William Trimble,	1 0 10	Do.,	11 0 0	Do.
Building ground, Tonystick,	William Coalter,	At rate of 2s. 1d. per foot.	Do.,	17 0 0	Brother to a Commissioner.
Do. do.,	John Stewart,	At rate of 2s. 6d. per foot, frontage.	Do.,	38 0 0	Not related.

* NOTE.—No means of arriving at the answer in some instances, to the query here asked.—J. C.

To the best of my knowledge and belief, I certify that the above is correct.

JOHN CLELAND, Town Clerk.

App. No. 8.

Londonderry.

APPENDIX No. 8.

LONDONDERRY.

3rd & 4th Vic., cap. 108. Number of Corporation, 24. Number of voters at Municipal Elections, 697. Population, 24,830. Acreage within Municipal Boundary, 497A. Rateable value—Houses, £60,763; Lands, £1,173—total, £61,936. Improvement Rate, 4s. in the pound. Debt, £41,731. Number of persons rated at £4 and up to £12, 2,000; £12 and upwards, 1,392.

Corporation.

CORPORATION of the CITY of LONDONDERRY.

Names, and Occupation or Profession.	Valuation. £ s. d.
Mayor.	
Sir William Miller, Knt., M.B., Physician and Surgeon,	26 10 0
Aldermen.	
Henry Darcus, J.P., Gentleman,	108 15 0
Bartholomew M'Corkell, J.P., Merchant,	491 0 0
Joseph Ewing Miller, M.D., J.P., Physician,	50 10 0
Samuel Gilliland, J.P., Merchant,	440 10 0
William M'Carter, J.P., Ditto,	250 0 0
Sir Edward Reid, Knt., J.P., Ditto,	160 0 0
Councillors.	
John Cooke, Merchant,	270 0 0
William Thompson, J.P., Merchant,	220 0 0
William Dysert Porter, J.P., Tobacconist,	125 0 0
William John Foster, J.P., Tanner,	130 0 0
James Corscaden, Merchant,	300 0 0
Charles O'Neill, Ditto,	130 0 0
Matthew M'Clelland, J.P., Builder and Contractor,	450 0 0
Abraham Harvey Stewart, Gentleman,	135 0 0
Robert Hamilton, Merchant,	200 0 0
William M'Learn, Ditto,	180 10 0
Henry Richardson Darcus, Physician and Surgeon,	29 0 0
Alexander M'Elwee, Builder and Contractor,	185 0 0
Henry Lecky, J.P., Merchant,	335 0 0
Thomas O'Hanlon, Ditto,	51 0 0
Samuel Bell, Cutler and Surgical Instrument Maker,	35 0 0
Robert M'Vicker, J.P., Merchant Tailor,	120 0 0
Ethens De Tomanzie, Indian Doctor,	18 0 0

App. No. 8.

Londonderry. Abstract of Accounts.

ABSTRACT of the ACCOUNTS of the CORPORATION of the CITY of LONDONDERRY for the year ended the 31st of August, 1876, showing the Receipts and Expenditure under the several heads during that period.

RECEIPTS.	£	s.	d.
To Balance at 31st August, 1875,	405	3	1
,, Amount of Borough Rate,	10,850	19	3
,, Miscellaneous Receipts,	1,705	18	2
,, Streets and Roads,	26	0	8
,, Cemetery,	204	16	3
,, Corporation Hall,	89	8	0
,, Loans,	11,250	0	0
,, Gunpowder Magazine,	29	14	0
,, Markets,	2,394	8	0
,, Pipe Water,	125	3	4
,, Balance,	3,634	8	4
	£30,715	19	1

EXPENDITURE.	£	s.	d.
By Miscellaneous Payments,	909	1	6
,, Streets and Roads,	4,303	15	3
,, Cemetery,	216	14	1
,, Corporation Hall,	83	10	4
,, Gunpowder Magazine,	11	8	0
,, Interest on Loans,	1,829	7	9
,, Lighting of Public Lamps,	1,740	6	0
,, Expense of Markets,	1,249	9	1
,, Mortgages repaid,	11,000	0	0
,, Pipe Water — including purchase of Waterworks Lands,	2,701	5	1
,, Printing and Stationery,	180	18	2
,, Salaries,	1,538	1	2
,, Royal Irish Constabulary — including arrears,	4,736	0	6
,, John Algoe, Treasurer, Interest disallowed by Auditor,	216	2	2
	£30,715	19	1

I certify the foregoing to be a true abstract of the Receipts and Expenditure of the Corporation of Londonderry for the year ended the 31st day of August, 1876.

Dated this 1st day of March, 1877.

(Signed,) R. SIMMS, Auditor.

REPORT of CONSULTING SANITARY OFFICER to SANITARY COMMITTEE.

Report of Consulting Sanitary Officer.

City of Derry, 5th October, 1875.

In compliance with the resolution of the sanitary committee adopted at its last meeting, that I should submit a scheme as to the best means of removing and abating nuisances from houses and yards, I beg to offer the following, viz. :—

The most fertile, though by no means the only cause of disease in this, as well as in other large towns, is the non-removal of human excreta, more particularly in thickly populated, and imperfectly drained localities. To this may be added, as belonging to the same category, the keeping of animals, especially swine, in small yards and close proximity to dwelling-houses.

Having regard to this evil, the requirements of this city are—

1st.—The construction of privies where they do not already exist ;

2nd.—The alteration and repair of such as are deficient in construction or condition ;

3rd.—The keeping of them clean and in proper repair, so that they can be used with decency, comfort, and safety by both sexes.

4th.—Properly constructed receptacles for ashes, excreta, and other refuse ;

5th.—Removal of the contents of these at short intervals.

6th.—Drainage and pavement of all yards, so as to prevent soakage of slops and foul fluids.

For several reasons I do not recommend water-closets in connexion with the houses of the working classes. The expense of erecting, fitting, and keeping them in repair is very great ; and, if badly constructed, out of order, or deficient in water supply, they become an intolerable and dangerous nuisance. Earth closets are in the abstract, superior to all others, but are liable to the same objection ; a great amount of waste would take place with either, and constant inspection, involving great expense, would be necessary.

I believe the most efficient, and at the same time simple and economical mode of systematically remedying the evil now under consideration, would be a modified form of what is usually called the "pail system," which has been adopted with great success in some of our very large towns. This may be said to consist of a wooden trough or vessel, sufficiently large to contain the excreta, ashes, and refuse of the family, for (say) a week, and so placed in relation to the privy as to receive the excreta which would be absorbed, deodorised, and in a great degree disinfected by the ashes of the house, daily emptied into the receptacle by a simple arrangement. The pail or receptacle must be fitted with a lid and handles, and be made of such a form as to be easily removable, for the purpose of being emptied into the scavenging carts. These should call at each house within a specified district at an early hour on a fixed day, so that every portion of the city would be cleansed weekly. There is little doubt that the quantity of rich manure so collected would go a long way towards defraying the expense incurred, and perhaps leave a margin of profit.

Should the Corporation carry out this system, it would be necessary to have several depots at some distance outside the inhabited parts of the city.

With regard to animals, more particularly swine (if, unfortunately, the latter are to be allowed within the city), special rules approved by the sanitary committee, and carried out under the orders of the executive sanitary officer, should be made for enforcing cleanliness, and removal of manure, &c., with a proviso that no accumulation should remain longer than a week. The law gives ample power to enforce this.

In connexion with the words "early hour," I strongly recommend that the street sweeping should be done at night, and the sweepings removed in the morning before the doors and windows of dwelling-houses and shops have been opened, and before the street traffic makes the operation more difficult and less complete. The premises in each district should be cleansed on the same morning that its streets are swept.

By the 54th section of the "Public Health Act," it is made imperative on the Local Board, "to see and provide that all drains whatsoever, and all water-closets, privies, cesspools, and ashpits, are constructed and kept so as not to be a nuisance or injurious to health," and by the previous section there is ample power given to enforce the construction of water-closet, or privy and ashpit. The means for enforcing this are most simple, and are detailed in the several Acts bearing on the subject.

WILLIAM BROWNE, M.D.,
Consulting Sanitary Officer.

App. No. 8.

Londonderry. Executive Sanitary Officer's Report.

Executive Sanitary Officer's Report on cost of carrying out Consulting Sanitary Officer's Recommendation, dated 5th October, 1876.

To the Urban Sanitary Committee:

Gentlemen,—In compliance with your order on 2nd November last, I herewith submit a report on the probable cost of carrying out the recommendation contained in the consulting sanitary officer's report, dated the 5th October previous.

That I might be in a position to lay the full facts bearing on so important a matter before you, I directed the sub-sanitary officers to make a full examination into each house within the urban sanitary district, and make out statistical returns of each street, and which not merely for the present purpose but for future reference will be found to be of great value.

In the summary of returns it appears there are 3,846 houses within the city; attached to these there are 2,188 privies and 878 water-closets; there are 997 houses which have no accommodation of either water-closet or privy.

With the consulting sanitary officer I have gone very fully and closely into the probable cost of having his suggestions carried out.

The first of these, viz., the construction of privies where they do not already exist, supplying them with pails, so as to carry out the pail system, would cost at least £6 per house; this would amount to £5,982.

Second, the altering and repairs of such as are deficient in construction, so as to carry out the pail system, of 2,188 privies at £2 each, £4,376.

Repairs to pavings of yards, £600.

Recommendations 3, 4, & 5 include "the keeping of yards and privies clean."

Providing a proper receptacle for ashes, excreta, and other refuse;

And removing the contents of the pails at short intervals.

The cost of these of course, would require to be borne by the sanitary authority, against which there will be the value of the manure.

In the first place there will be required at least three depots, which will cost, say, £20 each per annum, £60.

Each house requiring to have the excreta removed once a week, and assuming that it will occupy two men and one horse and cart for half an hour every week, which costs 1*s.* 6*d.*

	£
The annual cost of, say, 4,000 houses amounts to	5,200
Total cost per annum,	5,260

Against this will be the value of the manure, which, estimating 15,000 inhabitants, making allowance for those using water-closets, and assuming the value per head being 5*s.*, will amount to £3,752.

I have examined the difference in cost of carrying out the arrangements recommended in paragraph nine, viz., cleansing the streets at night, and that at present of cleansing them in daylight,

I don't think the work could be done at all as effectively, and I should say I am below the mark when I estimate that night work will cost one-fifth more than day work.

At present the cleansing costs £800 per annum; by doing it at night it will cost £960 per annum.

In a summary of the entire cost to owners making preparation for the recommended system, it appears—

	£
The cost will be	10,958
Annual cost of carrying out the cleansing to be borne by Corporation,	5,340
Deduct value of manure, provided a market can be obtained,	3,752
Balance,	1,588

App. No. 9.

Coleraine.

APPENDIX No. 9.

COLERAINE.

Towns Improvement Act, 1854. Number of Commissioners, 15. Population, 6,522. Acreage within the Municipal Boundary, 205A. Parliamentary Boundary, 963A. Rateable Value, £13,109. Debt, £15,760. Improvement Rate, 1*s.* in the pound. Rate under Bann Navigation Act, 6*d.* in the pound.

Town Commissioners.

Town Commissioners.

Names and Professions.	Rateable Valuation of Property *bona fide* in their own Occupation. £	*s.*	*d.*
Joseph Cuthbert, *Chairman*, Leather Merchant and Tanner,	57	0	0
Thomas Andrews, Woollen Draper,	56	0	0
William Ellis, Coal Merchant and Spirit Grocer,	49	0	0
James Shaw Anderson, Woollen Draper,	80	0	0
Samuel M'Comb, Provision Merchant,	45	0	0
Thomas Henry, Grocer and Grain Merchant,	42	0	0
John Kennedy, Iron Founder,	43	0	0
Charles Daly, Seed Merchant,	56	0	0
Matthew Orr, Hotel Keeper,	40	0	0
James Barr, Surgeon,	30	0	0
James Gilmour, Watchmaker,	25	0	0
James Hamilton Coyle, Architect and Proprietor of Steam Saw Mills,	75	0	0
David Baxter, Painter and Glazier,	32	0	0
George Mooney, Auctioneer,	41	0	0
John Boyd Graves, Woollen Draper,	33	0	0
John Mathews, Woollen Draper,	35	0	0

ABSTRACT of the ACCOUNTS of the BOROUGH of COLERAINE TOWN COMMISSIONERS for the years ended the 17th May, 1876, and 31st December, 1875, showing the Receipts and Expenditure under the several heads during that period.

(*General Account, No. 1, for the year ended 17th May, 1876.*)

RECEIPTS.

Nature of Receipt.	Amount. £ s. d.
1876. May 17.	
To Amount received from Tolls and Markets,	458 5 8
,, on Account of Rents of Land to 29th September, 1875,	936 11 0
,, from Collector of General Assessments,	631 1 0
,, for use of Town Hall,	53 15 0
,, Dog Tax and Petty Sessions Fines,	30 11 4
,, from Local Government Board,	5 0 0
,, for use of Fair Hill and Sundries,	1 14 0
,, transferred from No. 4 Account (Cemetery),	124 8 5
,, transferred from No. 5 Account, (Waterworks), for which the Commissioners stand indebted to the Treasurer,	200 4 4
	£2,441 10 9

EXPENDITURE.

Nature of Expenditure.	Amount. £ s. d.
1875. May 17.	
By Balance due to Treasurer,	384 16 6
1876. May 17.	
By charges on Land,	130 18 1
Expenses on Markets,	172 14 4
Town Hall—Wages of Caretaker, Coals, Rates, &c.,	121 17 0
Wages of Fire Brigade,	98 15 6
Cleansing Streets,	57 10 0
General Management, including Salary of Clerk, Nuisance Inspector, &c., &c.,	207 4 11
Interest paid to Mortgagees,	570 16 7
Rate Collector's Fees,	17 1 7
Water Supply,	108 10 4
Fair Hill,	0 1 0
Lighting Public Lamps,	285 0 0
Cemetery,	101 8 6
Street Crossings and Footpaths,	107 5 0
Sewers,	19 14 4
Sanitary Operations,	47 0 6
Balance in favour of Commissioners,	10 16 7
	£2,441 10 9

I certify the foregoing to be a true abstract of the Receipts and Expenditure of the General Account of the Borough Commissioners of Coleraine for the year ended the 17th May, 1876.

Dated this 19th day of August, 1876.

R. SIMMS, Auditor.

(*Gas Account, No. 2, for the year ended 17th May, 1876.*)

RECEIPTS.

Nature of Receipt.	Amount. £ s. d.
1875. May 17.	
To Balance,	742 18 10
1876. May 17.	
Amount from Gas consumers,	1,845 6 10
Town Hall (upper story),	5 12 6
,, (under story),	15 15 0
Public Lamps,	285 0 0
Sale of Coke,	153 17 0
Coal Tar and Sundries,	39 18 9
Francis Richie & Son for Coal Tar,	3 6 8
	£3,091 15 7

EXPENDITURE.

Nature of Expenditure.	Amount. £ s. d.
1876. May 17.	
By Gas Works Account—Amount paid for Coal during the year,	1,055 6 10
Hannah, Donald, & Wilson for repairing Gasholder,	126 5 11
Wages,	386 17 8
Interest paid Mortgagees,	139 10 0
Rent,	32 5 4
Lime,	23 18 4
County Cess,	15 12 4
Poor Rate,	8 17 0
Town Rate,	8 17 0
Income Tax,	4 3 4
Sundries—comprising Clerk's Salary, Retorts, Freight, &c.,	282 6 9
Plant,	155 11 10
Balance,	852 3 3
	£3,091 15 7

RIVER BANN ACCOUNT, No. 3, for the year ended 31st December, 1875.

RECEIPTS.

Nature of Receipt.			Amount. £ s. d.
1875. December 31.			
To Cash received for balance of cargo of Coal sold at Shed,			18 0 0
Revenue Account—			
Dues on Ships,	£75 8 0		
,, Cargo,	148 7 2		
Ballast,	11 17 6		
Pilotage,	8 14 4		
			244 7 0
On Account of Town Rate,			250 0 0
			£512 7 0

EXPENDITURE.

Nature of Expenditure.	Amount. £ s. d.
1874. December 31.	
By Balance due Treasurer,	39 16 4
1875. December 31.	
By Harbour Master's Wages, Buoying the River, &c.,	36 1 10
Wages of Pilot, &c.,	87 18 0
Interest paid Mortgagees,	253 12 6
Balance in favour of Commissioners,	94 18 4
	£512 7 0

I certify the foregoing to be a true abstract of the Receipts and Expenditure of the Gas and River Bann Accounts of the Borough Commissioners of Coleraine for the years ended the 17th May, 1876, and 31st December, 1875.

Dated this 19th day of August, 1876.

R. SIMMS, Auditor.

App. No. 9.

Coleraine. Rental of Commissioners' Estate.

RENTAL of the Estate of the COMMISSIONERS of the BOROUGH of COLERAINE.

Denominations.	Tenants' Names.	Date of Lease, Terms, &c.	Quantity. Statute Measure. A. R. P.	Yearly Rent. £ s. d.
1. Blagh,	Thomas Craig,	9 Sept., 1874. 31 years from 29th Sept., 1871,	44 0 10	50 0 0
2. ,,	James Greer,	,, ,,	72 1 15	80 0 0
3. Craignahorn,	James Patton,	,, ,,	45 1 5	51 0 0
4. Blagh,	Campbell Dean,	,, ,,	9 2 16	12 0 0
5. ,,	Wallace Rankin,	,, ,,	44 1 6	52 0 0
6 ,,	Daniel Esdale, now Robert M'Conaghy.	3 Mar., 1873. ,,	22 3 26	25 0 0
7. Doey Beg,	John O'Neill,	9 Sept., 1874. ,,	31 1 2	33 16 11
8. ,,	Samuel Coleman,	Tenant from year to year,	7 1 8	12 0 0
9. ,,	William John Glenn,	9 Sept., 1874. 31 years from 29th Sept., 1871,	14 0 11	22 0 0
10. Kiltuney Beg,	Abel Eakin,	,, ,,	27 3 11	36 0 0
11. ,,	Samuel M'Curdy, now Abel Eakin.	,, ,,	17 2 23	24 0 0
12. ,,	Thomas M'Quiston,	22 Aug., 1874. ,,	21 0 3	30 0 0
13. ,,	James Black,	15 Aug., 1874. ,,	11 0 31	18 0 0
14. Tullans,	James Barr, now John M'Alister.	22 Aug., 1874. ,,	20 0 38	24 0 0
15. Island Verdan,	Henry Young,	9 Sept., 1874. ,,	59 2 1	80 0 0
16. ,,	William Woodside,	,, ,,	3 2 10	4 0 0
17. Inchmerring and Craignahorn.	James Black,	,, ,,	19 0 31	21 0 0
18. ,,	William M'Collum,	,, ,,	76 1 30	80 0 0
19. ,,	Elizabeth King,	,, ,,	29 2 17	33 0 0
20. Inchmerring,	William M'Neill,	,, ,,	24 2 0	25 0 0
		Old lease held by John O'Neill,	45 1 10	47 2 10
		Northern Banking Company (Coleraine),	—	10 0 6
		Robert Parkhill, ,,	—	2 0 0
		Dr. Church, ,,	—	15 13 10
			647 0 24	787 14 1

Amount of Property in Domesday Book, as held under the control of the Commissioners, 673A. 2R. 15P. Valuation, £687 15*s.*

App. No. 10.

Fethard.

APPENDIX No. 10.

FETHARD.

Town Commissioners.

TOWN COMMISSIONERS.

Name and Occupation.	Valuation for Municipal Purposes. £ s. d.	Name and Occupation.	Valuation for Municipal Purposes. £ s. d.
Henry B. Sayers, Chairman, General Merchant,	20 0 0	John Schofield, Farmer and Land Owner,	20 0 0
John M'Carthy, Flour and Timber Merchant,	40 0 0	Thomas Mockler, Draper and Clerk of Petty Sessions,	20 0 0
Frederick Sayers, Auctioneer and Land Agent,	20 0 0	John Mockler, Farmer and Baker,	20 0 0
Thomas Corcoran, Builder,	20 0 0	Michael M'Carthy, Farmer and Draper,	20 0 0
John Byrne, Corn Merchant,	20 0 0	James Kenny, Bank Manager,	20 0 0
Laurence Byrne, Seed Merchant,	20 0 0	Richard Maher, Victualler,	20 0 0
John Shea, Farmer, &c.,	20 0 0		

Abstract of Accounts.

ABSTRACT of the ACCOUNTS of the TOWN COMMISSIONERS of FETHARD, ending 17th June, 1876.

EXPENDITURE.

Nature of Expenditure.	Amount. £ s. d.
Salaries and Wages,	45 14 2
Lamps and Lighting,	24 9 11
Repairs to Pumps,	3 10 0
Repairs to Court-house,	5 18 0
Miscellaneous and Auditing,	4 8 8
Rentcharge, Rates, and Taxes,	20 3 0
Repairs to Streets and Cleansing,	25 19 2
Fire for Commissioners' Room,	1 0 0
Balance on hands,	60 19 1
	£192 2 0

RECEIPTS.

Nature of Receipt.	Amount. £ s. d.
On hands last Account,	16 18 9
Petty Sessions Fines,	9 5 0
Dog Tax,	15 4 7
Rents,	150 13 8
	£192 2 0

App. No. 11.

Tuam.

APPENDIX No. 11.

TUAM.

Number of Commissioners, 11. Number of Municipal Voters from £4 to £12, 93. Number of Municipal Voters above £12, 65. Population in 1871, 4,223. Acreage within Municipal Boundary, 606A. 1R. 4P. Rateable Value of Lands and Buildings, £3,918 2*s.*

Town Commissioners.

TOWN COMMISSIONERS.

Name and Occupation.	Rating. £ s. d.	Name and Occupation.	Rating. £ s. d.
1. William Gannon, *Chairman*, J.P., Gentleman,	41 0 0	7. Edward O'Donnell, Draper,	14 10 0
2. Thomas Bodkin, M.D.,	23 0 0	8. James Bourke, General Merchant,	13 0 0
3. William Quinn, Pawnbroker and Farmer,	17 5 0	9. John Cloran, Provision Merchant,	41 0 0
4. Peter A. Daly, Hotel-keeper,	54 0 0	10. Peter Kennedy, Hotel-keeper,	19 0 0
5. John Moylan, Pawnbroker and Grocer,	25 10 0	11. Francis Corbett, Grocer,	16 10 0
6. Patrick Culkin, Grocer, Wine & Spirit Merchant,	12 0 0		

App. No 11.

Tuam. Abstract of Accounts.

ABSTRACT of the ACCOUNTS of the TOWN COMMISSIONERS of TUAM for the Year ended the 29th September, 1876, showing the Receipts and Expenditure under the several heads during that period.

RECEIPTS.

Nature of Receipt.	Amount. £	s.	d.
To Balance in hands of Treasurer,	335	19	1
,, Amount received on account of Tolls,	760	0	0
,, Amount received from County Treasurer on account of Flagging,	55	0	0
,, Dog License,	5	15	5
,, Fines at Petty Sessions,	1	1	3
,, Receipts for use of Town Hall,	0	7	6
,, Sundries—Lodged by Chairman, £2 5 0			
,, Do. Lodged by late Clerk, 2 10 0			
	4	15	0
	£1,162	18	3

EXPENDITURE.

Nature of Expenditure.	Amount. £	s.	d.
By Building and Repairing,	13	0	9
,, Paving and Flagging,	22	4	8
,, Lighting,	75	0	0
,, Cleansing Streets,	45	11	4
,, Officers' Salaries,	107	15	4
,, Law costs,	3	0	0
,, Printing and Advertising,	8	5	0
,, Rents and Taxes,	102	10	5
,, Stationery,	5	18	6
,, Clock Account,	8	0	0
,, Weights and Measures,	2	15	0
,, Public Lamps,	32	15	6
,, Fuel,	7	10	2
,, Furniture,	0	5	0
Expenditure in connexion with Fairs,	22	3	0
On account of Mortgage,	679	7	0
Insurance,	0	17	6
Expenditure—Sundries,	24	3	4
Balance due by Treasurer,	1	15	9
	£1,162	18	3

I certify the foregoing to be a true abstract of the Receipts and Expenditure of the Town Commissioners of Tuam for the year ended the 29th September, 1876.

Dated this 2nd day of December, 1876.

ARTHUR M'HUGH, Auditor.

App. No. 12.

New Ross.

APPENDIX No. 12.

NEW ROSS.

Towns Improvement Act, 1854. Population, 6,772. Acreage within Municipal Boundary, 441 acres. Rateable value of property, £7,808. Number of Commissioners, 15. Number of persons entitled to vote at Municipal elections, 241. Rate, 8*d.* in the pound.

Town Commissioners.

TOWN COMMISSIONERS.

Names.	Profession or Occupation.	Rateable Valuation of Premises giving qualification. £	s.	d.
New Ross Ward.				
Patrick Kelly,	Draper,	23	0	0
Ambrose M. Shanahan,	Hotel-keeper,	43	0	0
Isaac Jeffares,	Merchant,	50	0	0
Edward Connor,	Shopkeeper,	15	10	0
James A. Magee,	Inland Revenue,	12	0	0
Patrick Bolger,	House Painter and Auctioneer,	18	0	0
Daniel Fowler,	Shopkeeper and Farmer,	14	0	0
David Murphy,	Shopkeeper, &c.	20	0	0
John Browne,	Draper,	21	0	0
John Williams,	Shopkeeper, &c.	14	0	0
William H. Whitney,	Medical Practitioner.	18	10	0
Richard Baldwin,	General Draper and Boot Warehouseman,	28	0	0
Rosbercon Ward.				
William Armstrong,	Merchant,	12	10	0
Mathias Quin,	Draper,	12	10	0
Shephard F. M'Cormick, J.P., *Chairman*,	Merchant,	70	0	0

Abstract of Accounts.

ABSTRACT of the ACCOUNTS of the TOWN COMMISSIONERS of NEW ROSS for the Year ended 20th May, 1876, showing the Receipts and Expenditure under the several heads during that period.

RECEIPTS.

Nature of Receipt.	Amount. £	s.	d.
To Amount received during year in respect of—			
Borough Rate,	321	14	4½
Corporate Rents,	372	7	10½
Pipe-water Rents,	55	5	5
Sale of manure,	58	10	0
Grand Jury Presentments,	134	3	4
Use of Town Hall,	3	7	9
Dog Tax,	13	10	0
Miscellaneous receipts,	7	10	7
Fines under Licensing Acts,	42	6	6
Contribution from Government towards Salaries under Public Health Act,	19	8	1
Total,	£1,028	3	11

EXPENDITURE.

Nature of Expenditure.	Amount. £	s.	d.
Balance due to Treasurer on 15th May, 1875,	189	10	1
By Amount expended during year in—			
Scavenging, Cleansing, &c.,	77	18	5½
Street Contracts, and new works,	108	19	10½
Public Lighting, &c.,	212	10	7
Salaries of Town Clerk, Inspector, &c.,	98	0	0
Wages of Assistant Inspector, Portress,	33	12	8
Printing, Stationery, and Advertisements,	31	17	4
Rent and Taxes,	28	12	11
Commission to Collector,	26	10	4
Law Costs,	7	3	2
Sinking Fund,	10	0	0
Interest on Loan,	10	0	0
Incidental Expenses,	56	9	2
Expended under Public Health Act—			
Water Supply,	30	11	9
Salaries and Wages,	54	2	8
Making and cleansing Sewers,	23	16	10
Printing, &c.,	1	9	4
Sanitary precautions,	2	10	10
Balance due by Treasurer on 20th May, 1876,	24	7	11
Total,	£1,028	3	11

I certify the foregoing to be a true abstract of the Receipts and Expenditure of the Town Commissioners of New Ross for the year ended the 20th May, 1876.

Dated this 19th day of July, 1876.

W. M'DERMOTT, Auditor.

App. No. 12.

Statement of Rates.

STATEMENT of RATES made in the BOROUGH of NEW ROSS, from the year 1855 to the year 1876, both years included.

Date when Rate made.	Rate in the £1 on Net Assessable Valuation.	Average Rate for five years.
1855, December 28th,	12*d.*	
1856,* —	—	
1857, February 12th,	12*d.*	9*d.*
1858, February 12th,	9*d.*	
1859, February 15th,	12*d.*	
1860, February 10th,	8*d.*	
1861, March 15th,	7*d.*	
1862, February 19th,	6*d.*	6⅗*d.*
1863, March 23rd,	6*d.*	
1864, March 24th,	6*d.*	
1865, April 21st,	6*d.*	
1866, June 8th,	6*d.*	
1867, June 28th,	6*d.*	6⅗*d.*
1868, August 21,	6*d.*	
1869, October 15,	8*d.*	
1870,* —	—	
1871, February 20th,	8*d.*	
1872, March 20th,	12*d.*	8*d.*
1873, April 3rd,	10*d.*	
1874, May 25,	10*d.*	
1875, November 30th,	12*d.*	6*d.*
1876,* —	—	
22 years,	162*d.*	7 4/11*d.* average for 22 years.

* No Rate made.

APPENDIX No. 13.

App. No. 13.

Cookstown.

COOKSTOWN.

Towns Improvement Act, 1854. Number of Commissioners, 12. Population in 1871, 3,501. Town Revenue, £380. Rateable value, £6,399. Rate, 1*s.* in the pound.

Town Commissioners.

TOWN COMMISSIONERS.

Wm. Jas. Devlin, esq., *Chairman.*	William A. Gunning, esq.	James Mullan, esq.	John Harbison, esq.
Joseph Berry, esq.	David Anderson, esq.	Ed. Liddle, esq.	William Smith, esq.
Thomas M'Sherry, esq.	David H. Charles, esq., M.D.	John W. Weir, esq.	John Hannah, esq.

Abstract of Accounts.

ABSTRACT of the ACCOUNTS of the TOWN COMMISSIONERS of COOKSTOWN for the year ended the 18th May, 1876, showing the Receipts and Expenditure under the several heads during that period.

RECEIPTS.

Nature of Receipt.	Amount. £	*s.*	*d.*
To amount of Town Rates,	306	7	5
Fines,	60	17	2
Dog Tax,	11	3	9
Cart sold,	1	10	0
Balance at close of financial year,	101	12	2
	£481	10	6

EXPENDITURE.

Nature of Expenditure.	Amount. £	*s.*	*d.*
By balance at close of last financial year,	145	2	2
Salaries,	20	0	0
Pumps,	10	13	0
Lamps and lamplighter,	32	12	9
Gas light,	115	0	4
Printing, stationery, and advertisements,	2	17	0
Rate Collector's remuneration,	5	4	9
Audit Fund,	5	5	0
Rent and taxes,	12	19	4
Sweeping crossings,	5	7	0
Incidental expenses,	3	5	1
Flagging,	100	0	0
Naming streets,	9	0	0
Interest,	5	2	3
Repairing Fire Engine,	9	1	10
	£481	10	6

I certify the foregoing to be a true abstract of the Receipts and Expenditure of the Town Commissioners of Cookstown, for the year ended the 18th May, 1876.

Dated this 13th day of July, 1876.

R. SIMMS, Auditor.

App. No. 14.

Newry.

APPENDIX No. 14.

NEWRY.

Number of Commissioners, 18. Population, 14,158. Rateable value of property, £30,602.

Town Commissioners.

TOWN COMMISSIONERS.

	£
James Fegan, J.P., *Chairman*, House and Land Agent,	*8 †501
Robert Glenny, Gentleman,	62
John Q. Henry, J.P., Land Agent,	21
John M'Dowell, Grocer,	48
William Frazer, Coal and Grain Merchant,	36
John K. Todd, Seed Merchant,	32
James F. Erskine, Esq., J.P., Gentleman,	50
Robert Lucas, Iron Founder and Engineer,	50
Abraham W. Sinclair, Grain Merchant,	105
Henry Thomson, J.P., Brewer, Wine, and Spirit Merchant,	102
Robert Dempster, Flax Spinner,	592
James MacMahon, Gentleman,	45
John J. O'Hagan, J.P., Woollendraper,	80
Patrick Campbell, Tanner and Currier,	50
Thomas Irvine, Gentleman,	33
Richard Downey, Grocer and Spirit Dealer,	44
Arthur J. Small, Grocer and Spirit Dealer,	23
Edward A. Maginnis, Baker,	45

* As occupier.

† As lessor.

ROBERT H. DOHERTY, Town Clerk.

ABSTRACT of the ACCOUNTS of the TOWN COMMISSIONERS of NEWRY for the Year ending 31st December, 1876. APP. No. 14.

Newry. Abstract of Accounts.

RECEIPTS.

Nature of Receipt.	£ s. d.	Amount. £ s. d.
To Amount at close of last year's Current Account,	671 6 8½	
To Balance to credit of Property Account,	460 12 4	1,131 19 0½
Rates, 1875 and 1876,		2,940 8 4
,, 1876 and 1877,		874 10 11½
Government contributions to Rates,		120 17 3
Fines,		259 4 3
Dog Licenses,		26 7 0
Hackney Car Licenses,		14 18 6
Manure Sold,		55 0 0
Rent of Houses,	20 8 4	
Proportion of Salaries (Public Health Act),	5 14 0	
Paving and Broken Stones Sold,	13 3 3	
Board of Works towards Sewer from Model School,	24 4 0	
Fire Brigade Attendance at Fires,	33 5 4	
Sundries,	1 8 6	
To Pipes sold,	3 19 6	
		102 2 11
Income from Markets,		2,406 19 7
		£7,932 7 10

EXPENDITURE.

GENERAL EXPENSES.

Nature of Expenditure.	£ s. d.	Amount. £ s. d.
By Salaries and Collector's Poundage,	677 5 0	
Rent of House and Borough Court,	41 5 10	
Advertising, Printing, &c.,	57 8 7	
Election of Commissioners, North Ward,	9 11 10	
Incidentals,	7 0 8	
Auditor's Fees,	14 14 0	
Uniform for Inspectors,	12 14 0	
Repairs of House, Offices, &c.,	8 15 1	
Public Healths Act Salaries,	45 12 0	
		874 7 0

CLEANSING.

Scavengers' Wages, Cartage, and Brooms,	231 7 1	
Rent of Manure Yard, &c.,	2 10 10	
Stones for do.	3 12 3	
Repairs, Horse Shoeing, &c.,	25 15 9	
Forage for Horses,	79 2 2	
		342 8 1

PAVING AND FLAGGING.

Wages and Sand,	67 5 9	
Asphalte and Crossings,	100 2 5	
		167 8 2

DRAINAGE.

Sewer, Queen-street,	16 17 4	
Sewer, Ruddle's-row,	30 15 6	
Sewer, Catherine-street,	43 1 0	
Sewer, George's-lane,	28 9 4	
Sewer Traps, &c.,	8 2 11	
Labour,	16 15 0	
		144 1 1

LIGHTING.

Paid Newry Gas Company,	490 18 3	
Macfarlan & Co.,	4 2 9	
		495 1 0

SURFACE REPAIRS.

Nature of Receipt.	£ s. d.	Amount. £ s. d.
Labour and Surface Men,	186 1 0	
Labour at Stone Breaker,	80 1 2	
Stones, Cartage, and Sand,	374 7 7	
Coals, Oil, &c., for Engine,	22 11 2	
Repairs of Engine, &c.,	27 9 0	
Incidentals,	5 12 11	
Godfrey Bridge Contract,	18 10 0	
Repairs of Stone Bridge,	13 17 2	
		728 10 0

FIRE BRIGADE.

Brigade Practices,	5 8 0	
Wages at Fires,	9 5 6	
Repairs, &c.,	1 12 3	
		16 5 9

COUNTY AT LARGE CHARGES.

Paid Grand Jury, County Down,	452 18 7	
Paid Grand Jury, County Armagh,	427 8 4	
Revision of Voters' Lists,	64 14 0	
Disallowed by Auditor,	35 0 0	
		980 0 11

MARKETS.

Labour and Wages,	919 1 8	
Incidentals, Books, Printing, &c.,	50 6 1	
Rates and Insurance,	24 1 9	
Repairs,	30 4 11	
		1,023 14 5

INTEREST AND INSTALMENTS.

Markets and Town Improvements,		1,417 18 6

PROPERTY.

By Pipes and Fittings,	88 1 11	
		88 1 11
Law Costs,	44 4 3	
Purchase of Property,	468 15 0	
Sundries,	13 17 6	
		526 16 9
Balance,		1,127 14 3
		£7,932 7 10

WATERWORKS ACCOUNT.

RECEIPTS.

Nature of Receipt.	Amount. £ s. d.
To Rates, 1875 and 1876,	902 10 10
Rates, 1876 and 1877,	256 9 11½
Government Contribution to Rates,	40 5 9
Rents, Special Supplies,	339 3 0
Fittings supplied to Consumers,	32 1 3
Balance,	272 6 10
	£1,842 17 7½

EXPENDITURE.

Nature of Expenditure.	£ s. d.	Amount. £ s. d.
By Balance from last year,		378 15 8½
Interest on Loan and Instalment,		1,300 0 0
Labour,	68 16 6	
Rents,	22 14 7	
Taxes,	30 16 10	
Repairs,	31 1 8	
Incidentals,	10 12 4	
		164 1 11
		£1,842 17 7½

BALANCE ACCOUNT.

	£ s. d.		£ s. d.
To Balance to Credit of Current Account,	1,127 14 3	By Balance to Debit of Water Works Accounts,	272 6 10
		Balance in Treasurer's hands,	855 7 5
	£1,127 14 3		£1,127 14 3

I certify that the above is a true abstract of the Receipts and Expenditure of the Town Commissioners of Newry for the year ending 31st December, 1876.

14th February, 1877.

THOMAS COLLOT, Local Government Auditor.

APPENDIX No. 15.

DUBLIN.

ESTATE of the Right Honorable the LORD MAYOR, ALDERMEN, and BURGESSES of Dublin.—SCHEDULE of PROPOSALS for NEW LEASES, pursuant to Order of whole Council of 13th February, 1877.

Page in Rental.	No. of Ho.	Situation or Denomination.	No. on Lease.	Original Lessees.	Occupants who have proposed.	Term of proposed New Lease.	Expiration of Subsisting Lease.	Present Rent.	Poor Law Valuation.	Proposed Rent on Lease for 31 years.	Proposed Rent on Building Lease for 75 years.	Observations.
								£ s. d.	£ s. d.	£ s. d.	£ s. d.	
31	104	Grafton-street,	A R 158	William Reaf,	Messrs. Hodges & Foster, booksellers.	31 years	Mar. 1880	32 1 6	135 0 0	200 0 0	—	Valuation by Brassington and Gale.
31	103	Ditto, . .	A R 159	John Exshaw,	Alderman Joseph Manning, silk mercer.	31 „	Mar. 1880	32 12 2	140 0 0	203 0 0	—	Ditto.
31	96	Ditto, .	Part of AR 193&	Mary Darragh.	Jno. Boon, outfitter,	75 „	Mar. 1880	23 6 2	105 0 0	—	150 0 0	Ditto.
31	1	Wicklow-st.	A R 164						27 0 0	—	32 0 0	Ditto.
31	97	Grafton-street,	Do.	Ditto, . .	George M'Master, watchmaker.	75 „	Mar. 1880		85 0 0	—	90 0 0	Ditto.
31	98	Ditto, . .	Part of A R 162 and 163	George Grant,	Alexander Ogilvy, foreign silk and shawl importer.	75 „	Mar. 1880	19 10 5	98 0 0	—	—	Proposal to purchase for £5,000.
33	2	Wicklow-st. .	Part of A R 165	Edward Tracy,	R. F. Mallett, vintner.	75 „	Mar. 1880	10 7 8	32 0 0	—	—	No rent stated in proposal.
31	110	Grafton-street,	A R 150	Graham Meyers.	James H. North, house and land agent.	75 „	Mar. 1880	21 11 1	110 0 0	—	132 0 0	Valuation by Brassington and Gale.
31	105	Ditto, . .	Part of A R 157	John Giffard,	Ferguson and Co., India rubber merchants.	75 „	Mar. 1880	49 1 2	80 0 0	—	105 0 0	Ditto.
31	106	Ditto, . .	Do.	Ditto, . .	William P. Huleat, hosier.	75 „	Mar. 1880		60 0 0	—	80 0 0	Ditto.
31	16	Suffolk-street,	Do.	Ditto, . .	Julius Beaumont, cigar merchant.	75 „	Mar. 1880		50 0 0	—	4 11 6	Per frontage foot to Suffolk-street.
35	22	Ditto, . .	Part of A R 153	Nugent Booker	Joseph Johnson, goldsmith and jeweller.	75 „	Mar. 1880	29 1 6	70 0 0	—	—	No rent stated in proposal.
24	12	St. Andrew-st.	A R 307	Frances Potter,	W. H. Empson, commission agt.	31 „	Sept. 1880	50 0 0	50 0 0	60 0 0	—	Lessee of Trinity College claims part of rere. Proposal does not name any amount of rent.
24	18	Ditto, . .	A R 354	James Molloy,	Jas. Molloy, tailor,	31 „	Sept. 1877	35 0 0	30 0 0	45 0 0	—	
25	3	Trinity-street,	A R 357	Owen Beatty,	Owen Beatty, tailor,	31 „	Mar. 1879	36 0 0	25 0 0	36 0 0	—	
25	7	Ditto, . .	A R 352	Edwd. Byrne,	Edw. Byrne, tailor,	31 „	Mar. 1878	30 0 0	25 0 0	35 0 0	—	
34	14	Wicklow-st. .	A R 367	John M'Lean,	George Johnston, manufacturer's agent.	31 „	Sept. 1880	28 0 0	25 0 0	—	—	
32	1	Pitt-street, .	A H 69	John Darragh,	Thos. Levingston, house painter.	31 „	Mar. 1877	3 0 0	20 0 0	13 0 0	—	Architect should examine and report if rebuilding required.
32	4	Harry-street,	A H 70	Ditto, . .	Ditto, . .	31 „	Mar. 1877	2 15 4	11 0 0	10 0 0	—	Ditto.
37	—	Peterson's-lane	Part of A R 101	Precious Clarke *	Monsell, Mitchell, & Co., timber and slate merchants.	75 „	Mar. 1878	23 6 2	17 0 0	—	40 0 0	
23	17	College-green,	A R 349	London Union Assurance Co.	Guinness & Mahon, land agents.	31 yrs. or 75 years	Sept. 1877	130 0 0	80 0 0	200 0 0	170 0 0	Valuation by Brassington and Gale.
14	10	Up. Bridge-st.	M A 96	Pk. M'Carthy,	Patrick M'Carthy, house painter.	31 years	Mar. 1877	17 0 0	17 0 0	15 0 0	—	Valued by Brassington and Gale at £15; approved by Committee No. 3.
12	117	Thomas-street,	Pt. of St. Geo. 5	Jno. Donnelly,	Michael A. Wall, salt importer.	31 „	Mar. 1878	53 11 8	28 0 0	28 0 0	—	These premises should be rebuilt.
12	118	Ditto, . .	Do.	Ditto, . .	Rose Gallagher, vintner.	31 „	Mar. 1878		25 0 0	25 0 0		
13	3	Wormwood-gate.	A R 348	Math. Connell,	Mathew Connell, .	31 „	Sept. 1877	16 0 0	13 0 0	—	—	No rent stated in proposal.
46	—	Colganstown,	A H 79	Wm. Sherlock,	Barthw. Colgan, .	31 „	Mar. 1877	344 15 10	282 0 0	371 19 0	—	
38	—	Ballycoolane,	A H 72	Joseph Kelly,	—	—	Mar. 1880	95 7 10	276 15 0	—	—	
38	—	Ditto, . .	A H 73	Js. Hamilton -	John Rafter, .	31 „	Mar. 1880	161 19 7	457 15 0	—	—	These four occupants intend to apply for leases.
					Nicholas Kearns, .	31 „	Mar. 1880					
					Thomas Daly, .	31 „	Mar. 1880					
					Richard Howson,	31 „	Mar. 1880					
38	—	Ditto, . .	A H 74	Bernard Foy,	—	—	Mar. 1880	42 9 0	140 0 0	—	—	
—	25	Suffolk-street,	—	Callinan and Son.	—	75 „	1879, .	17 14 11	—	—	—	To buy out, £1,600. Valuation by Brassington and Gale.

* Henry Rochford, as the direct representative of the original lessee, applied in 1869 for a new lease.

All proposals for 31 years are subject to have roof newly dry slated with best Duchess slates, to be approved by City Architect.

All proposals for 75 years, subject to rebuilding on outward plan, approved by Corporation and City Architect.

I have recommended that the houses, now Nos. 105 and 106, Grafton-street, should be rebuilt, capable of internal formation into one house. A passage not exceeding 4 feet wide to be constructed from the rere of No. 105, Grafton-street to the stable lane in the rere, which will also give back entrance to the ground, now Nos. 16 and 17, Suffolk-street.

The City Architect has laid before Committee No 3, a ground plan for rebuilding the two tenements, Nos. 105 and 106, Grafton-street, and the entire of the south side of Suffolk-street, according to which plan the ground in front from No. 16, Suffolk-street should be let by the frontage foot, with corresponding breadth to the stable lane in the rere.

The ground now occupied by the three houses, Nos. 18, 19, and 20, Suffolk-street, to be relet for rebuilding in two lots of equal frontage to Suffolk-street. The reres to extend in straight lines to the stable lane.

Nos. 21 and 22, Suffolk-street to be rebuilt according to their frontage to Suffolk-street. The rere of each to extend in straight lines to the stable lane.

The lots now comprising Nos. 23, 24, and 25, Suffolk-street, to be rebuilt, according to their present dimensions, front and rere.

App. No. 15.

Dublin. Report of Francis Morgan, esq.

REPORT of FRANCIS MORGAN, Law and Land Agent.—EXPIRATION OF LEASES, SUFFOLK-STREET, GRAFTON-STREET, and WICKLOW-STREET.

To the CHAIRMAN and GENTLEMEN of COMMITTEE No. 3 (FINANCE).

27th March, 1875.

Adverting to my report of the 13th instant, I have since prepared, and herewith submit a tabular schedule of above twenty-six tenements near expiration, also the map prepared by the city surveyor from the several leases and measurements, and the report of the city architect, that—

10 Houses in Suffolk-street
7 Do. in Grafton-street
2 Do. in Wicklow-street
} Require rebuilding.

3 Do. in Grafton-street, to be new roofed.

App. No. 15.

Dublin. Report of Francis Morgan, esq.

I submit that rebuilding should be made according to outward plan and elevation to be submitted to and approved by your Committee. I commence with Suffolk-street :—

		Occupants.			
25	Suffolk-street,	Callinan & Son,	Expiration M.,	1879	Occupant willing to rebuild.
24	Do.	Rigby,	Do.	1880	Do. unwilling; but proposes new roof.
23	Do.	Wiseheart,	Do.	1880	Do. do. do. do.
22	Do.	Johnson,	Do.	1880	Do. do. do. do.
21	Do.	Assignee, Atkinson,	Do.	1880	Vacant.
20	Do.	Boucher (late Waller),	Do.	1880	Alderman Harris has suggested that two new houses of equal frontage, with reres extending direct to Stable-lane, should be erected instead of Nos. 18, 19, and 20, Suffolk-street.
19	Do.	Harris,	Do.	1880	
18	Do.	Barnes,	Do.	1880	The City Architect concurs in the suggestion, which I also recommend.
17	Do.	Griffen,	Do.	1880	Requires rebuilding.
16	Do.	Beaumont,	Do.	1880	Do. do.
106	Grafton-street,	Huleat,	Do.	1880	The City Architect concurs with me that Nos. 105 and 106, Grafton-street, be rebuilt together, capable of junction or separation.
105	Do.	Ferguson,	Do.	1880	
104	Do.	Foster and Figgis,	Do.	1880	To be new roofed, on lease for 31 years.
103	Do.	Manning,	Do.	1880	Do. do. do.
102	Do.	Higginbotham,	Do.	1880	Do. do. do.
101	Do.	Forrest,	Held for lives uncertain.		
100	Do.	Do.	Expiration M.,	1880	Requires rebuilding.
99	Do.	Ogilvy,	Do.	1880	Do. do.
98	Do.	Seale,	Do.	1880	Do. do.
97	Do.	M'Master,	Do.	1880	Do. do.
96	Do.	Boon,	Do.	1880	Do. do. Mr. Boon will rebuild both.
1	Wicklow-street,	Travestino,	Do.	1880	Do. do.
2	Do.	Mallett,	Do.	1880	Requires rebuilding. I recommend that on rebuilding of this holding the urinal on west flank be abolished and added to No. 3, Wicklow-street.
3	Do.	Ogilvy,	Do.	1880	Lately rebuilt. Connected with No. 99, Grafton-street.
4 & 5	Do.	Forrest,	Do.	1880	Connected with 100 and 101, Grafton-street.

Twenty-five of the above now produce £386 1*s.* 7*d.*

On repeal of the 55th By-law, and securing each amount of profit rent by a rentcharge, the full increased value can be immediately realized.

As I expect your Committee will have to make more than one inspection to fix the letting value of each lot, I have not yet inserted any amount for my own valuation, but I will be prepared to do so at the proper time, when so directed. I again urge the necessity to procure the repeal of the 55th By-law, and memorial for assent of the Treasury to grant a rentcharge to each person entitled to profit rent pending duration of present interest.

FRANCIS MORGAN.

MUNICIPAL CORPORATION of DUBLIN.—PROPOSED BY-LAW for the Regulation of LETTINGS of CORPORATE PROPERTY.

Proposed By-Law.

I, Francis Morgan, of No. 35, Dawson-street, in the city of Dublin, solicitor, a burgess of the borough of Dublin, very respectfully object to the amended form as published in the *Freeman's Journal* of 26th February, 1876, for the following reasons :—

1st. That the proposed form of amendment is vague and uncertain, as it does not distinctly state whether all the words commencing with the word "that" on the first line, and ending with the word "judicious" on the ninth line, are or are not to remain in force, together with the amendment.

2nd. And for the further reason "that in case a tenant in actual occupation, under a lease within five years of expiration, shall present a memorial to the Council for a renewal of such lease, the Council may, with the consent of the Treasury, grant a renewal of said lease, without offering same to public competition, for a term not exceeding thirty-one years, or not exceeding seventy-five years for rebuilding, at a yearly rent as the yearly value of the premises to be calculated by a competent sworn valuator to be appointed by the Treasury."

That the Act 3rd and 4th Vic., cap. 108, confers no authority upon the Council or the Treasury to assent to a renewal of any lease unless under a subsisting covenant, nor contains any restriction to prevent acceptance by the Council of an actual surrender of a lease within five years of expiration without assent of the Treasury.

3rd. The words "on the express condition that before execution of such new lease of expending so much money upon the premises as the city architect for the time being shall on oath declare to be necessary, having regard to the term of years of such new lease, and for the purpose of having the premises put into such a state of repair as may, so far as practicable, enable them to be delivered up at the expiration of the term in good and substantial condition."

This form of amendment is not only open to doubt and dispute, but would, by implication, require the city architect to outlive the term of such new lease.

4th. That all ambiguity can be avoided by the simple repeal of the 55th By-law, and the exercise of proper vigilance and supervision by the Corporation and their officers upon offers made by occupants to ascertain the true value of each holding before letting, and declare the particular covenants to be contained in each lease before creating any new tenancy by agreement with the occupant, the rent to be reserved in such new lease to be not less than the latest revised valuation for relief of destitute poor in Ireland.

Dated 8th of March, 1876.

NOTICE of MEMORIAL to TREASURY, pursuant to Act 3rd and 4th Victoria, cap. 108, sec. 141, and 6th and 7th Victoria, cap. 93, sec. 8.

Notice of Memorial.

TAKE NOTICE that, pursuant to the provisions of the Act 3rd and 4th Victoria, chapter 108, section 141, a memorial, in writing, from the Right Honorable the Lord Mayor, Aldermen, and Burgesses of Dublin (the Municipal Corporation of the city of Dublin), was agreed to by them in Council assembled on Friday, the 23rd day of March, 1877.

That said memorial stated that King Henry VIII., by Royal Charter, in the thirtieth year of His reign, granted to the then Municipal Corporation of the city of Dublin the several townlands in the county of Dublin and elsewhere in Ireland, which had formed part of the possessions of the suppressed Monastery of All Hallows or All Saints, then situated near the city of Dublin.

That one of said townlands, formerly called King-

App. No. 15.
Dublin.
Notice of Memorial.

wood, but now called Ringwood, situate in the barony of Newcastle, parish of Newcastle (Lyons), and county of Dublin, containing 53A. 3R. 9P. plantation measure, equal to 87A. 0R. 26P. statute measure, was last demised by lease dated 10th July, 1819, granted by the Right Honorable the Lord Mayor, Sheriffs, Commons, and Citizens of the City of Dublin (the legal name and style of the then Municipal Corporation of Dublin) to William Sherlock, esq. To hold for fifty-eight years from the 25th day of March, 1819, at the yearly bulk rent equal to £116 2*s.* 9*d.* sterling.

That by virtue of an Act passed in the Imperial Parliament in the fifty-eighth year of the reign of His Majesty King George III., entitled An Act for enclosing certain Commons Land in said county of Dublin, including the Commons of Newcastle, in said county, a part of said last mentioned commons, containing about 7A. 0R. 10P., was in the year 1824, by a written award under said Act, allotted and awarded to the said then Municipal Corporation of Dublin, as owners of said adjoining lands of Ringwood; and that such allotted portion of said late commons was allowed by said Corporation of Dublin to remain, without payment of any additional rent therefor, in the enjoyment of said lessee of said lands of Ringwood, pending the duration of said lease.

That all the interest of said lessee, William Sherlock, in said lands of Ringwood and said portion of said former Commons of Newcastle subsequently, by mesne assignment dated 1st February, 1839, became vested in Edward Gerty, therein described, who had since said last mentioned date held and occupied said lands of Ringwood and said part of said commons so added as aforesaid.

That all the estates of the said then Municipal Corporation of Dublin had, by operation of the Act 3rd and 4th Victoria, chap. 108, section 12, become vested in said memorialists under their new name of the Right Honorable the Lord Mayor, Aldermen, and Burgesses of Dublin.

That said memorialists on 1st January, 1851, made a code of by-laws for regulation of the public business of said memorialists, the 55th of said by-laws setting forth that no property of said memorialists could be disposed of on lease without being first set up twice to public auction. That said 55th by-law was varied and amended on the 13th day of March, 1876, with consent of His Excellency the Lord Lieutenant, according to the printed form to said memorial annexed, will appear.

That said Edward Gerty, occupant of said lands of Ringwood under said lease (to expire 25th March, 1877), had proposed in writing to said memorialists for a new lease of said lands for thirty-one years from 25th March, 1877, at the yearly bulk rent of £116 2*s.* 9*d.*, reserved in said lease. That although said memorialists were advised that last mentioned rate of rent was quite insufficient, they were aware that said Edward Gerty had kept his lands well manured during his occupation thereof. Said memorialists were, therefore, desirous to give him a preference of a new tenancy at the present fair letting value of said lands; and said Edward Gerty, when required by said memorialists, procured and furnished to memorialists a written valuation of said lands, dated 30th October, 1876, signed by Messrs. Brassington and Gale, who have valued said lands, as follows:—

Fifty-six acres, Irish plantation measure, at the rate of £3 10*s.* per Irish acre, . .	£196	0	0
And for the slated dwelling-house and offices on said lands, ...	18	0	0
Making together	£216	0	0

As by a copy of said valuation to said memorial annexed will appear.

That said Edward Gerty had also sent in an amended proposal for thirty-one years at the said yearly rent of £214.

That although said memorialists wished to give the preference of tenancy to said Edward Gerty, they were first desirous to ascertain what value would be placed upon said lands by a sworn valuator to be appointed by the Lords of the Treasury, according to the terms of said amended 55th by-law; said memorialists therefore agree to present a memorial praying for appointment of a sworn valuator.

That as said lease, A H 80, will expire on the 25th March, 1877, said memorialists were desirous before that date to fix the rent to be reserved in any new lease to be made by memorialists to said Edward Gerty.

That pending the presentation of such memorial the said Edward Gerty died on 25th February, 1877, having first made his will in writing, whereof he appointed his daughter, Frances Gerty, spinster, his sole executrix and legatee, as will appear by a copy of the probate grant to said Frances Gerty to said memorial annexed.

That said Frances Gerty has petitioned said memorialists for, and agreed to accept, such new lease on the same terms that were intended to be granted to her deceased father, Edward Gerty.

That said memorialists, on Friday, the 23rd day of March, 1877, adopted the following resolution:—

"That this report be adopted, and that the memorial be sent forward with a clause to the effect that the rent to be reserved in the lease shall not be less than the sum fixed by the sworn valuator asked for in the memorial, or that offered by Miss Gerty."

And said memorial prayed the appointment by their lordships of said sworn valuator to fix the fair letting value of the above and several other holdings now coming within the scope of the 55th by-law, as amended.

And take notice that said memorial will remain posted in my office, for inspection during office hours, for one calendar month from the publication hereof.

JOHN MARTIN,
Assistant to the Town Clerk.

Dated this 14th day of April, 1877.

Report of Mr. Morgan.

REPORT of Mr. MORGAN, Law and Land Agent.—TOWN of BALDOYLE.

Henry Hutton, esq., J.P., had, during more than twenty years, before 1855, enjoyed the lessee's interest in eight leases of the lands and town of Baldoyle. He had resided in the town until about the year 1851. He was a most considerate landlord, and never resorted to eviction to increase his rental by removal of occupants to the poor-house.

Mr. Hutton had for many years appointed the late Mr. Pat Butterly as collector of his rents of the town of Baldoyle. Mr. Butterly subsequently became and continued Mr. Hutton's collector or under-tenant, until expiration of the leases in September, 1855, when Mr. Morgan, on part of the Corporation, received formal possession of each separate tenement on the lands and in the town of Baldoyle.

The town of Baldoyle then consisted chiefly of thatched mud-cabins and huts of the most wretched description; and although almost every such dwelling contained two or more half-naked and half-fed children of fishermen or sailors employed on board of colliers, it was quite evident that the very poorest of the poor residents shared their own very miserable means to preserve the more destitute children from actual starvation.

Yet, notwithstanding such poverty, not an habitual beggar, vagrant, or loose character, was found resident amongst them.

Twenty-three tenements in the town of Baldoyle are now held under leases, or agreements for leases, for thirty-one years from September, 1856, producing an aggregate yearly rent of £264.

The remaining portion of the town contists of 110

to 120 tenements, chiefly small cabins, held quarterly, monthly, or weekly, the rents of which were collected for the Corporation direct, and paid in to the City Treasurer quarterly by the late Mr. Pat Butterly, producing the net average yearly sum of £250.

	£
Total rents from town of Baldoyle, . . .	514
Do. Leaseholds, town lots, and town parks,	1,658
	£2,172

Note.—The late Mr. Patrick Butterly died on the —— March last; Committee No. 3 have appointed his son, Mr. John Butterly, collector.

The realization of £2,000 per year out of the lands and town of Baldoyle, naturally suggests to those members of the Council who had taken an active part in the regulation and reletting of that property, that some fixed amount of annual expenditure would be necessary to improve and reconstruct the town by the erection of so many new cottages, built of stone and slated, as would sufficiently accommodate the occupants of the most miserable cabins intended to be removed in the proportion of ten new slated stone cottages to be erected instead of twenty mud cabins to be removed. It was also recommended to prevent the habitual flooding of part of the lands adjoining Kilbarrack, by construction of a new road, and of a proper sewer or culvert for effectual drainage of that part of the Corporation land which became frequently flooded.

Upon the recommendation and report of the Committee then charged with the management of the Corporation land, it was ordered by the Council in 1857, that an annual sum, not exceeding £600, should be expended out of the rents of the lands and town of Baldoyle, upon building suitable cottages, construction of the new road and sewer, and other improvements there.

The actual expenditure of the Corporation in building or improvements during the same interval was not continued progressively, according to the resolution of 1857, as will appear by the following particulars, viz. :—

		£
1857 to 1858.	Paid for erection of ten new cottages,	660
1862 to 1863.	Do. do. do.,	1,038
1863 to 1865.	Paid for construction of new road and sewer, ...	1,156
1863 to 1865.	Paid for construction of walls and footpaths, ...	88
1857 to 1866.	Paid for pumps and repairs, .	88
	Total expenditure,	£3,030

It will appear by the late Mr. P. Butterly's accounts that there has been no loss of rent on any of the new cabins since their erection, and that the annual rents received for those so erected have realized £5 or £6 per cent. on the expenditure.

I have in several Reports to Committee No. 3 repeatedly urged upon their consideration the pressing necessity for an annual expenditure in the erection of new cottages and removal of decayed cabins in Baldoyle; but I regret to state that the question of such expenditure has been considered and discussed upon its probable results as a remunerative investment, irrespective of any obligation on part of the Corporation as owners to renew the dwellings falling into natural decay, and preserve the proper means of shelter for the inhabitants. In my latest Report on Baldoyle to Committee No. 3 (7th March, 1874), I felt bound to call particular attention to new devastation caused by the severe storms within the previous month. I regret to state that no remedial action has yet been taken.

The erection of proper labourers' dwellings is not only authorized but favoured by existing legislation; and I firmly believe that the judicious outlay of £2,000 at Baldoyle within the next two years in such dwellings would prove fairly remunerative in rent, and present material inducements to purchasers, in case the Corporation shall determine to act upon the recommendation contained in my printed Report of 25th May, 1872, for the sale in small lots in perpetuity, rent free, of all the Corporation lands in the county of Dublin, including the lands and town of Baldoyle, the proceeds to be applied in payment of City Debentures.

Having lately attended a Committee, at which Sir John Gray, M.P., the Chairman of the Waterworks Committee, was present, when the subject of a supply of Vartry water to the town of Baldoyle was casually mentioned, I now recur to that subject in order that he, being also Chairman of this Committee, may consider and advise whether such a water supply is practicable as an engineering project and financially.

I have also to mention that I have very recently learned that a late natural alteration in the tidal currents of the estuary, which ebbs and flows by the town of Baldoyle, is believed very likely to prove encouraging to the cultivation of oysters on that part of the beach which belongs to the Corporation.

Francis Morgan, LL.D.

7th April, 1874.

Report of No. 3 Committee.

To the Right Hon. the Lord Mayor, Aldermen, and Burgesses of Dublin.

Your committee beg leave to report that they have had under their consideration the proposal of Miss Frances Gerty for A H 80, lands of Ringwood, containing about ninety statute acres, on lease for thirty-one years from 25th March inst., at the yearly rent of £214.

The following is a copy of Miss Gerty's proposal :—

To Corporation Committee No. 3.—To the Right Honorable the Lord Mayor, Aldermen, and Burgesses of Dublin, the Municipal Corporation of the City of Dublin.

Lord Mayor and Gentlemen,—Whereas you have been pleased to accept the proposal of Edward Gerty, of Lower Baggot-street, in the city of Dublin, and Zion-road, Rathgar, county of Dublin, for the farm and lands of Ringwood, in said county, for a renewal of the lease under which he held the same, for a term of thirty-one years from the 25th March inst., at the yearly rent of £214. And whereas the said Edward Gerty departed this life on the 24th ult., having previously made his will, whereby he gave, devised, and bequeathed all his property, of every nature and kind soever, which he should die possessed of or be entitled to, to me, Frances Gerty, his daughter and only child, for my own sole and absolute use and benefit, and thereby appointed me sole executrix of his will.

Now I, the said Frances Gerty, do hereby propose and agree to become your tenant for said farm and lands in lieu of my said father deceased, for a term of thirty-one years from 25th March instant, subject to said annual rent of £214; and I hereby propose and undertake, at my own cost and charges, to execute such lease, to be prepared by your law agent, same to contain the usual covenants in your leases of similar character, and to pay the last year's rent in advance, and in other respects to comply with the conditions usually required from your tenants.

I am, gentlemen, your obedient servant,

Frances Gerty.

Dated 1st March, 1877.

Present—John W. Lane,
4, Garville-avenue, Rathgar, Solicitor.

Your committee now forward herewith for your consideration and approval a memorial to the Lords Commissioners of Her Majesty's Treasury, praying that their lordships may be pleased to appoint a competent and sworn valuator to fix the annual amount of rent, pursuant to the amended 55th Corporation By-law.

All which we submit as our report this 17th day of March, 1877.

Ignatius J. Kennedy, Chairman.

APP. No. 15.

Dublin. Statement of facts.

Re THE TOWN CLERK.—STATEMENT of FACTS drawn up by COMMITTEE of the WHOLE HOUSE, in pursuance of Order of Council of 23rd March, 1877, pursuant to the following Order of Council:

"Refer to a Committee of the Whole House, to be summoned forthwith, to report on the facts of the case without recommendation, to a Special Meeting of Council to be summoned for the purpose."

To the RIGHT HONORABLE the LORD MAYOR, ALDERMEN, and BURGESSES of DUBLIN.

Your committee beg to report that an account, amounting to £106 18*s.* 3*d.*, for works executed by Committee No. 1, for the London and North-Western Railway Company, was presented by the secretary for payment, in a letter dated 27th November, 1876, in which it was requested that the money be paid "to the city treasurer." On the 28th December the money was again applied for in a letter again requesting that it be paid "to the city treasurer." In consequence of instructions received early in February Mr. Morrison, overseer under No. 1 Committee, called, by direction of the secretary, on Mr. Pownall, of the London and North-Western Railway Company, at the Company's office, at the North Wall, to mention the matter. Some time afterwards, viz., on Monday, the 12th inst., Mr. Pownall called on the Secretary to No. 1 Committee, and stated that the money had been paid, and receipt received. The Secretary requested a copy of the receipt, and was sent the following by Mr. Pownall on the same day.

London and North-Western Railway,
Engineer's Office, North Wall,
March 12th, 1877.

DEAR SIR,—Referring to conversation I had with you this morning, enclosed is copy of receipt for the paving done by the Corporation for their Company.

You will see that the draft bears date so far back as January 11th, and that it was presented for payment a month subsequently.

I am, yours faithfully,

C. A. W. POWNALL.

J. Beveridge, esq., City Hall.

London and North-Western Railway,
Euston Station.
January 11th, 1877.

The Royal Bank of Ireland.

Pay the Corporation of Dublin the sum named below, on the receipt being presented, duly stamped, signed, and dated.

F. HARLEY, Assistant-Secretary.

Received of the London and North-Western Railway Company the sum of £106 18*s.* 3*d.*

For the Corporation,

W. J. HENRY, Town Clerk.

9th February, 1877.

£106 18*s.* 3*d.*
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The same day, viz., the 12th inst., on receipt of this letter the secretary to No. 1 Committee saw the town clerk, and handed him Mr. Pownall's letter, and called upon him to lodge the money to the credit of the improvement fund, on or before the succeeding Thursday, the 15th inst., so that it might appear in the financial statement of the succeeding Saturday, when the committee was to meet, which the town clerk undertook to do. As a matter of fact the money was lodged on the Saturday referred to, viz., the 17th inst., and did appear on the financial statement submitted to the committee. On that day the committee met, and the secretary reported the facts in the following letter:—

Corporation of Dublin,
Secretary's Office, City Hall,
Committee No. 1.

Dublin, 17th day of March, 1877.

GENTLEMEN,—On the 25th November last an account, amounting to £106 18*s.* 3*d.* for works executed by you for the London and North-Western Railway Company, was laid before you, and you instructed me to forward it for payment. I did so on 27th November, and again applied for the money on 28th December. Early last month I told Mr. Morrison to call on Mr. Pownall when next at the North Wall, and mention the matter; and on Monday Mr. Pownall came here and said it had been paid, and a receipt given. I asked for a copy of the receipt, and he forwarded it with the accompanying letter. You will perceive from the financial statement that the money has been lodged.

I am, gentlemen, your obedient servant,

J. BEVERIDGE, Secretary.

To the Chairman and Gentlemen of
No. 1 Committee.

The committee thereupon had Mr. Henry before them, and subsequently ordered that he report in writing, which he accordingly did, as follows:—

Town Clerk's Office, City Hall,
Dublin, 21st March, 1877.

GENTLEMEN,—In reply to your resolution of the 17th instant, forwarded by your Secretary to me for my explanation or report in writing, and for the production of certain correspondence with the London and North-Western Railway Company; I have to report that on or about the 12th January, 1877, I received a cheque from the London and North-Western Railway Company for the paving done for them by the Corporation. That cheque, owing to my absence from office, through illness, remained in my desk in the City Hall for some time, and was I must say quite forgotten by me. However I subsequently cashed it at the Royal Bank, and gave a receipt for its amount, signed with my name, as follows:—"For the Corporation, W. J. Henry, Town Clerk," and after some delay, which I will not attempt to excuse, I lodged the amount of the said cheque to the credit of the proper fund, viz., "The Improvement Fund."

I have had no correspondence whatsoever from or with the London and North-Western Railway Company or their Secretary on the subject.

I have the honour to remain, gentlemen,

Your obedient servant,

W. J. HENRY, Town Clerk.

To the Chairman and Gentlemen of
No. 1 Committee of the Corporation.

By order of the committee the secretary applied to the London and North-Western Railway Company for copies of any correspondence between them and the town clerk on the subject, and the following was received in reply:—

London and North-Western Railway,
Secretary's Office, Euston Station,
London, N.W., 21st March, 1877.

Sir,—I have to acknowledge receipt of your letter of the 17th instant, and in reply to inform you that the Company have had no correspondence with the Town Clerk of Dublin in reference to the cheque for £106 18*s.* 3*d.*, which was made payable and addressed to the Corporation of Dublin, City Hall, Dublin, and the receipt is signed for the Corporation of Dublin, W. J. Henry, Town Clerk, 9th February, 1877.

I am, sir, faithfully yours,

F. HARLEY, Assistant Secretary.

J. Beveridge, esq., Secretary's Office,
Corporation of Dublin,
Dublin.

Your committee have since had both the secretary to No. 1 Committee and the town clerk before them, and have ascertained that the cheque was received by the town clerk on the 12th January; that he cashed it in the Royal Bank, on the 9th February, as the receipt attached thereto, and given above, indicates; and that, as also stated above, he lodged the money to credit of the improvement fund in the Bank of Ireland, by receivable order, on March 17th.

All which we submit as our report, this 24th day of March, 1877.

(Signed) JAMES W. MACKEY, Chairman.

DISTRIBUTIVE STATEMENT of the SERVICE EXPENDITURE of No. 1 COMMITTEE, for Year ended 31st December, 1876.

APP. No. 15.
Dublin. Expenditure of No. 1 Committee.

	£ s. d.	£ s. d.	£ s. d.
SCAVENGING AND WATERING.			
Labour—Weekly Wages,		5,434 17 6	
Implements and Repairs,		335 6 7	
Proportion of Rents of Depots,		461 1 9	
Delivery Hose,	106 17 6		
Proportion of Gas Accounts—Lighting Depots,	24 16 6		
Carting Mud to Depots,	29 17 1		
Repairs of Inspector's Croydon,	7 19 0		
Stones to repair "Tip" at Island Bridge Depot,	13 10 0		
Repairs of Stand Pipes,	8 11 6		
Repairs of Goose-necks, Hydrants, &c.,	25 8 0		
		216 19 7	
		6,448 5 5	
Proportion of Horses and Carts Account,		6,900 8 6	
		13,348 13 11	
Deduct for Scavenging Cattle Market, from 1st September, 1875, to 20th October, 1876,	69 11 11		
Deduct for Scavenging of Asphalting, Grafton-st.,	37 0 0		
Deduct for Sales of Street Sweepings,	196 13 7		
		303 5 6	
			13,045 8 5
MACADAMIZING.			
Labour—Weekly Wages,		1,650 9 1	
Materials—Bray, Green and Black Stones, Shingle, Pebble, &c.,		10,488 12 3	
Materials from New Paving Works in Sheriff and Francis Streets,		434 10 0	
Timber, Lime, &c., used in building Depot-keeper's House in North Brunswick-street, and in general repairs in Depots,		117 0 4	
Repairs of Boundary-road, Kilmainham—One year,		30 0 0	
Do., do., Clonliffe—One year,		20 0 0	
Proportion of Gas Accounts—Lighting Depots,		25 9 0	
Verdict in Case of Groom *v.* the Corporation,	200 0 0		
Costs of Plaintiff and of Waterworks Committee in connection with same,	100 9 9		
Amount for Compensation, &c., in Settlement of Actions,	21 2 6		
		321 12 3	
Implements, and Repairs of same, Repairs of Weigh-bridges, &c.,		40 15 11	
Horse-hire (Contractor),		13 19 0	
		13,142 7 10	
Proportion of Horses and Carts Account,		144 4 10	
		13,286 12 8	
Deduct for Gas and Water Openings,	301 9 7		
Do. Sewer Openings,	92 1 3		
		393 10 10	
			12,893 1 10
PAVING—GENERAL—Presentment, &c.)			
Labour—Weekly Wages,		3,766 19 5	
Materials, Sets, Channels, Pebble, &c.,		2,212 13 4	
Do. do., do., (for Presentment Works not yet commenced,		887 10 0	
Proportion of Rents of Depots,		20 15 0	
Implements and General Repairs,		50 0 6	
Paraffin Oil, Lanterns, and Repairs of same, &c.,		26 3 10	
Amount paid for Compensation, &c., in Settlement of Actions,		36 0 8	
Horse-hire, &c. (Sundry Contractors),		24 6 4	
		7,024 9 1	
Proportion of Horses and Carts Account,		681 18 4	
		7,706 7 5	
Deduct for Gas and Water Openings,	371 13 7		
Do. Sewer Openings,	330 1 3		
Do. Sets, &c., sold to Tramway Company,	14 13 7		
Do. Amount lodged for Sundry Works,	46 14 6		
Do. Amount charged to Instalment of Loan of £50,000, for Supervision of New Works, Wear and Tear of Implements, &c., as per Ledgers,	598 12 2		
		1,361 15 1	
		9,068 2 6	6,344 12 4
Carried forward,			32,283 2 7

App. No. 15.

Dublin. Expenditure of No. 1 Committee.

DISTRIBUTIVE STATEMENT of the SERVICE EXPENDITURE of No. 1 COMMITTEE, for Year ended 31st December, 1876—*continued.*

	£	s.	d.	£	s.	d.
Brought forward,				32,283	2	7
PAVING—SPECIAL. Works commenced under Loan.						
Labour—Weekly Wages,	2,673	18	6			
Materials,—Sets, Channels, Pebble, Sand, Lime, &c.,	13,397	3	7			
Commission,	250	0	0			
Commission charged by Bank of Ireland for Cashing Draft on London,	10	0	0			
Horse-hire (Sundry Contractors),	669	4	1			
Sundries,	3	0	6			
	17,003	6	8			
Proportion of Horses and Carts Accounts,	806	1	0			
	17,809	7	8			
Deduct for Sets lent on security to W. L. Barrington,	650	0	0			
	17,159	7	8			
Sets returned by W. L. Barrington,	482	8	9			
Amount charged to Instalment of Loan of £50,000, for Supervision of New Works, Wear and Tear of Implements, &c., as per Ledgers,	598	12	2			
	18,240	8	7			
Deduct for excavated Material used on Macadamizing Works,	434	10	0			
				17,805	18	7
ASPHALTE PAVING.						
Asphalting Carriage-way of Mary-street,	1,895	13	4			
Do. Crossing, Hawkins'-street,	76	18	4			
Sand for Carriage-ways,	8	6	11			
The Val de Travers and the Limmer Asphalte Companies, one year's Rent-charge on Grafton-street and Henry-street Contracts,	294	8	9			
Interest on paid Instalments on above,	43	11	3			
	2,318	18	7			
Deduct amount contributed by Residents, Mary-street, towards cost of Asphalting Carriage-way of that street,	700	0	0			
				1,618	18	7
FOOTWAYS.						
Labour—Weekly Wages,	2,724	18	9			
Material—Granite Flags, Kerbstones, Lime, Sand, &c.,	1,633	0	7			
Stop-cock Covers, &c.,	58	6	8			
Implements, Oils, Lanterns, and repairs of same, &c.,	77	15	1			
Horse-hire, Sundry Contractors,	6	10	6			
Sundries,	5	6	2			
	4,505	17	9			
Proportion of Horses and Carts Account,	378	2	4			
	4,884	0	1			
	£	s.	d.			
Deduct for Gas and Water Openings,	78	10	3			
Do. Sewer Openings,	4	13	4			
Do. Work executed for L. & N. W. Railway Company at North Wall,	106	18	3			
Do. Amount lodged for Works by sundry persons,	3	13	8			
	193	15	6			
Asphalting Footpaths—15,000 yards, at 5s. per yard,	3,750	0	0			
Interest on two Bonds of £625 each,	62	10	0			
Tar pavement laid on Footpaths,	912	5	7			
				9,415	0	2
PUBLIC LIGHTING.						
Labour—Wages of Lamplighters,	1,227	6	6			
Gas, &c., supplied by the Alliance and Consumers' Gas Company, as per Contract,	7,649	17	1			
Account for lighting Testing Office, Hanover-street,	4	14	9			
Rent of Testing Office,	18	0	0			
Register Papers,	9	9	0			
Torches, Tanks, &c.,	10	2	9			
Indian Rubber Tubing, General Repairs, &c.,	32	11	10			
	70	3	7			
Re-adjusting of Standard Gas Holders,	110	0	0			
Carried forward,				61,122	19	11

DISTRIBUTIVE STATEMENT of the SERVICE EXPENDITURE of No. 1 COMMITTEE, for Year ended 31st December, 1876—*continued.*

APP. No. 15.

Dublin. Expenditure of No. 1 Committee.

	£ s. d.	£ s. d.	£ s. d.
Brought forward,			61,122 19 11
Travelling Expenses in connexion with Reverification of Standard Gas Measures,	13 17 9		
Ladders and Repairs of same,	6 4 10		
Painting Work at Testing Office,	9 5 10		
Sundry petty Expenditure,	12 8 5		
		41 16 10	
Wages of Testing Office Porter,		52 0 0	
		9,155 18 9	
Salary of Gas Inspector and Tester of Meters,		296 11 3	
		9,452 10 0	
Deduct amount of Fees for Testing Meters, lodged within the year to credit of Improvement Fund,		196 18 0	
			9,255 12 0
HOUSE-DRAINS, &c.			
Labour—Weekly Wages,		577 10 11	
Materials, Socket Pipes, Junctions, &c.,		326 3 10	
		903 14 9	
Proportion of Horses and Carts Account,		88 4 0	
			991 18 9
DOMESTIC SCAVENGING.			
Labour—Weekly Wages—North,	66 13 6		
Do. do. South,	144 2 6		
		210 16 0	
Buckets, Baskets, &c.,		10 4 9	
		221 0 9	
Proportion of Horses and Carts Account,		252 15 2	
		473 15 11	
Deduct amount Chargeable to sundry Debtors Account,		12 19 0	
			460 16 11
WHITEHORSE-YARD.			
Labour—Weekly Wages,		349 10 10	
Rates and Taxes,		25 17 9	
Proportion of Gas Accounts,		12 2 6	
Miscellaneous Expenditure,		1 10 9	
		389 1 10	
Deduct—For Proportion of Taxes Chargeable to the Waterworks Committee,		17 5 2	
			371 16 8
MISCELLANEOUS.			
Lamps erected at Grattan Statue,		120 0 0	
Wages of Step Sweeper,	26 0 0		
Labels for Lamp-posts,	19 18 9		
Alterations to Tree-guards in Sackville-street,	12 7 0		
Accountants' Fees,	32 6 0		
Repairs and Painting of Railings, North Circular-road,	17 10 8		
Livery, &c., for Messenger,	7 6 0		
Street Labels, &c.,	9 14 3		
		125 2 8	
		245 2 8	
Proportion of Horses and Carts Account,		2 9 0	
			247 11 8
URINALS.			
The Waterworks Committee, for Repairs of Urinals,		97 17 1	
Piping, Tubing, and General Repairs,		28 15 4	
Delivery Hose, Brushes, &c.,		12 15 3	
			139 7 8
PARLIAMENTARY COSTS AND LAW CHARGES.			
Amount advanced to Law Agent out of Borough Fund, to meet Expenses in connexion with Opposition to the South City Markets Bill,	150 0 0		
Re-lodged by Law Agent to Credit of Borough Fund,	61 19 9		
		88 0 3	
Taxed Costs of Parliamentary Opposition (1875) to North Dublin Street Tramways Bill,	33 4 8		
Taxed Costs of Parliamentary Opposition (1875) to South Dublin Railway Bill,	40 8 0		
		73 12 8	
Carried forward,			72,580 3 7

App. No. 15. Dublin. Expenditure of No. 1 Committee.

DISTRIBUTIVE STATEMENT of the SERVICE EXPENDITURE of No. 1 COMMITTEE, for Year ended 31st December, 1876—*continued.*

	£ s. d.	£ s. d.	£ s. d.
Brought forward,			72,580 3 7
Law Agent's Costs out of Pocket, Services of Notices *re* Dilapidated Buildings and Hayricks, and Miscellaneous Office Expenditure, as per Monthly Accounts,	58 10 2		
Deduct Costs received from Sundries,	2 17 6		
		55 12 8	
		217 5 7	
Deduct—Costs *re* North Dublin Street Tramways Bill and South Dublin Railway Bill, as guaranteed by the Promoters,		73 12 8	
			143 12 11
DANGEROUS BUILDINGS AND PLACES AND MISCELLANEOUS WORKS.			
Labour—Weekly Wages,		536 11 3	
Proportion of Horses and Carts Account,		45 6 6	
			581 17 9
SICK FUND.			
Weekly Payments,		63 2 4	
			63 2 4
SALARIES.			
Office Staff, Street Inspectors, City Treasurer's Assistant, City Engineer, and Messenger,		1,395 14 11	
			1,395 14 11
REPAYMENTS OF BALANCES OF DEPOSITS ON LICENCES.			
Weekly Payments,		1,493 11 4	
			1,493 11 4
NORTH SEWERS.			
Labour—Weekly Wages,		2,066 1 5	
Materials—Socket Pipes, Junctions, &c.,	127 5 8		
Sand,	52 5 6		
Cement,	132 6 0		
Lime,	41 11 1		
Bricks,	490 19 6		
Kilkenny Flags,	31 7 0		
Black Stone and Pebble,	16 9 0		
		892 3 9	
Tide-gates, Gully Traps, Gratings, &c.,	244 16 7		
Repairs of Tide-gates,	37 10 0		
Horse-hire—Sundry Contractors,	18 2 3		
Proportion of Stationery Accounts,	37 8 0		
Oils, Lanterns, and Repairs of Same, &c.,	46 11 6		
Boots,	8 15 0		
Plumbing Work,	4 1 10		
Implements,	18 19 4		
Timber,	18 11 4		
Proportion of Taxes on Depots, Advertising, and Sundry Expenditure,	19 19 7		
Proportion of Rents of Depots,	21 5 0		
Sick Fund,	31 19 4		
		507 19 9	
Proportion of Salaries of City Engineer, Assistant to same, and Sewer Inspector,		239 16 0	
		3,706 16 11	
Amount lodged to Credit of Improvement Fund for Hire of Horses, Carts, &c., employed at North Sewer Works within the year,	392 9 4		
Expenses incidental to Repairs of Openings made in sundry Streets within the Year, as per Subsidence Account Book,	178 7 3		
		570 16 7	
			4,277 13 6
SOUTH SEWERS.			
Labour—Weekly Wages,		1,512 9 8	
Materials, Socket Pipes, Junctions, &c.,	80 1 4		
Sand,	35 15 8		
Cement,	128 6 6		
Lime,	49 7 6		
Bricks,	201 0 0		
Kilkenny Flags,	47 8 9		
Stones,	16 4 0		
		558 3 9	
Tide-gates, Gully-traps, Gratings, &c.,	115 6 0		
Oils, Lanterns, and Repairs of same, &c.,	51 17 3		
Proportion of Stationery Accounts,	37 8 0		
Boots,	8 15 0		
Plumbing Work,	4 5 11		
Carried forward,			80,545 16 4

DISTRIBUTIVE STATEMENT of the SERVICE EXPENDITURE of No. 1 COMMITTEE for Year ended 31st December, 1876—*continued.*

App. No. 15. Dublin. Expenditure of No. 1 Committee.

	£ s. d.	£ s. d.	£ s. d.
Brought forward,			80,545 16 4
Supervision of Poddle River,	18 4 0		
Horse-hire—sundry Contractors,	60 15 0		
Implements,	18 19 6		
Timber,	21 12 4		
Proportion of Taxes on Depots, Advertising, and Sundry Expenditure,	38 6 0		
Repairs of Tide-gates,	37 10 0		
		412 19 0	
Proportion of Rents of Depots,	21 5 0		
Sick Fund,	20 6 4		
Proportion of Salaries of City Engineer, Assistant to same, and Sewer Inspector,	239 16 0		
		281 7 4	
Amount Lodged to Credit of Improvement Fund for Hire of Horses, Carts, &c., employed at South Sewer Works within the year,	355 14 4	2,764 19 9	
Expenses incidental to Repairs of Openings made in sundry Streets within the year, as per Subsidence Account Book,	248 8 7		
		604 2 11	
		3,369 2 8	
Deduct Amount Chargeable to the Alliance Gas Company for their Proportion of Allowance to Widows Mulligan and Collins, as per Agreement, July, 1870,		162 11 0	
			3,206 11 8
STATIONERY AND ADVERTISING.			
Stationery,		222 7 9	
Advertising, &c.,		27 7 9	
			249 15 6
REPAYMENT OF LOAN.			
First Instalment of Loan of £20,000 taken up October, 1875,		1,000 0 0	
			1,000 0 0
EXPENSES INCIDENTAL TO LOAN.			
One Year's Interest on First Instalment of Loan of £50,000 for Special Paving Works,		890 12 6	
Deduct for Interest which Accrued on Deposit Notes to time of their Withdrawal,		204 16 10	
			685 15 8
Total Expenditure for Year 1876,		— £	85,687 19 2

J. BEVERIDGE, *Secretary, No. 1 Committee.*

J. P. KERRIGAN, *Book-keeper, No. 1 Committee.*

SUMMARY of HORSES, STABLES, and CARTS ACCOUNTS, and DISTRIBUTIVE STATEMENT, for Year ended 31st December, 1876.

HORSES AND STABLES.	£ s. d.	£ s. d.	£ s. d.
Labour—Wages of Carters,	3,323 11 4		
Do. Wages of Overseers, Stablemen, &c.,	531 19 11		
Forage,	3,487 9 7		
Horses purchased,	562 0 0		
Veterinary charges,	377 7 0		
Harness, and Repairs of same,	217 19 5		
Proportion of Rent of Stables in Depots,	65 5 0		
Do. Gas Accounts,	64 14 0		
Coals,	56 2 6		
Clipping Horses,	7 12 0		
Stable Fittings, Repairs, &c.,	26 2 10		
Insurance,	6 12 9		
		8,726 16 4	
Deduct for Horse-hire charged to Sundries,		65 0 6	
			8,661 15 10
CARTS, &c.			
Labour—Wages of Carpenters, Cartmakers, Smiths, &c.,		510 15 4	
Wheels, Shafts, &c.,		304 5 0	
Iron, Steel, &c.,		206 11 2	
Timber,		155 1 10	
Freight of Wheels, &c.,		20 2 0	
Paints, Oils, &c.,		112 11 11	
Coals, £13 2*s.* 6*d.*; Bolts, Nuts, &c., £29 10*s.* 1*d.*; and Leather, £21 13*s.* 1*d.*,	64 5 8		
Sundries,	12 4 7		
		76 10 3	
			1,385 17 6
TOTAL,		— £	10,047 13 4

App. No. 15. Dublin. Expenditure of No. 1 Committee.

SUMMARY of HORSES, STABLES, and CARTS ACCOUNTS, and DISTRIBUTIVE STATEMENT, for Year ended 31st December, 1876—*continued*.

Distributed as under:—	£	s.	d.	£	s.	d.	£	s.	d.
Scavenging and Watering,	6,900	8	6						
Domestic Scavenging,	252	15	2						
Macadamizing,	144	4	10						
Flagging,	378	2	4						
Paving, General,	681	18	4						
Do., Special,	806	1	0						
House-drains,	88	4	0						
Dangerous Buildings, &c.,	45	6	6						
Miscellaneous,	2	9	0						
North Sewers,	392	9	4						
South Sewers,	355	14	4						
				—		£	10,047	13	4

No. of Days Worked by Horses, 24,378.
Average cost of Horse, Man, and Cart, per day, nearly 8*s.* 3*d.*

J. BEVERIDGE, *Secretary, No. 1 Committee.*

J. P. KERRIGAN, *Book-keeper, No. 1 Committee.*

Macadamizing.

MACADAMIZING.—RETURN showing the Quantities, Prices, and Cost of the several Descriptions of Material supplied to No. 1 Committee of the Corporation, within the Year ended 31st December, 1876.

1876.	Bray Stone.		Bohernabreena Green Stone.				Broken Black Stone.							
	7*s.*	6*s.* 8*d.*	6*s.* 6*d.*	6*s.* 4*d.*	6*s.* 3*d.*	6*s.*	4*s.* 3*d.*	4*s.* 2*d.*	4*s.*	3*s.* 10*d.*	3*s.* 6*d.*	3*s.* 5*d.*	3*s.* 4*d.*	3*s.* 3*d.*
January,	—	329 10/20	266 10/20	92 8/20	—	347 18/20	—	505 18/20	569 1/20	322 9/20	—	—	—	55
February,	23 10/20	524 18/20	365 6/20	—	238 6/20	174 8/20	986 7/20	198 18/20	340 17/20	133 5/20	—	—	20 9/20	48 16/20
March,	161 16/20	463	365 6/20	—	411 6/20	—	1,660 11/20	—	—	—	75	112	49	—
April,	495 13/20	313 13/20	263 19/20	—	340 3/20	—	1,435 7/20	—	—	—	—	167	—	—
May,	285 9/20	368 18/20	391 9/20	—	438 8/20	—	2,128	—	—	—	—	112	—	—
June,	—	319	383 16/20	—	441	—	1,817	—	—	—	—	—	—	—
July,	—	284 13/20	249 3/20	—	299 7/20	—	1,489 10/20	—	—	—	—	—	—	—
August,	—	—	255 11/20	—	248 19/20	—	1,463	—	—	—	79 10/20	—	60 7/20	—
September,	—	—	337 15/20	—	373 10/20	—	1,600 4/20	—	—	—	—	—	8 16/20	—
October,	—	—	427 9/20	—	461 14/20	—	2,010 4/20	—	—	—	—	—	55	—
November,	55 14/20	262 3/20	289 8/20	—	413 18/20	—	2,414 4/20	—	—	—	264	—	12 15/20	—
December,	113 9/20	357 17/20	316 10/20	—	408	—	2,536 10/20	—	—	—	330	—	—	—
Tons,	1,135 11/20	3,223 11/20	3,912 5/20	92 8/20	4,074 10/20	522 8/20	19,540 17/20	704 16/20	909 18/20	455 14/20	748 10/20	391	206	103 16/20

1876.	Pebble.		Shingle.		Total Monthly Quantity.
	3*s.* 3*d.*	3*s.*	3*s.* 3*d.*	3*s.*	Tons.
January,	101 18/20	583 3/20	—	529 13/20	3,703 9/20
February,	157 1/20	330 8/20	—	576	4,118 3/20
March,	100 9/20	160 1/20	—	648 15/20	4,207 7/20
April,	69 13/20	43 5/20	10 3/20	453 11/20	3,592 6/20
May,	221 3/20	4 17/20	—	483 18/20	4,433 14/20
June,	36 14/20	72 14/20	401 8/20	47 9/20	3,519 1/20
July,	39 4/20	25 4/20	359 12/20	118	2,864 13/20
August,	—	36 8/20	516 18/20	190 13/20	2,851 6/20
September,	69 1/20	40 8/20	508	320 10/20	3,258 4/20
October,	221 17/20	131 5/20	466 13/20	275 15/20	4,049 16/20
November,	262 18/20	36 14/20	349 18/20	235 11/20	4,597 3/20
December,	272 11/20	53 12/20	187 18/20	243 14/20	4,819 16/20
Tons,	1,552 2/20	1,517 18/20	2,800 7/20	4,123 10/20	46,015

SUMMARY.

Material.	Quantity.	Rate per Ton.	Amount.	Total.
		s. *d.*	£ *s.* *d.*	£ *s.* *d.*
Bray Green Stone,	1,135 11/20	7 0	397 8 10	
,, ,,	3,223 11/20	6 8	1,074 10 4	
				1,471 19 2
Bohernabreena ,,	3,912 5/20	6 6	1,271 9 7	
,, ,,	92 8/20	6 4	29 5 2	
,, ,,	4,074 10/20	6 3	1,273 5 7	
,, ,,	522 6/20	6 0	156 13 10	
				2,730 14 2
Broken Black ,,	19,540 17/20	4 3	4,152 8 8	
,, ,,	704 16/20	4 2	146 16 8	
,, ,,	909 18/20	4 0	181 19 7	
,, ,,	455 14/20	3 10	87 6 11	
,, ,,	748 10/20	3 6	130 19 9	
,, ,,	391	3 5	66 15 11	
,, ,,	206	3 4	34 6 8	
,, ,,	103 16/20	3 3	16 17 4	
				4,817 11 6
Pebble,	1,552 2/20	3 3	252 4 4	
,,	1,517 18/20	3 0	227 13 10	
				479 18 2
Round Shingle,	2,800 7/20	3 3	455 1 2	
,,	4,123 10/20	3 0	618 10 6	
				1,073 11 8
Tons,	46,015			10,573 14 8
			Weighing,	85 2 5
			Net Cost,	£10,488 12 3

J. P. KERRIGAN, *Book-keeper, No. 1 Committee.*

Abstract Apportionment of Net Expenditure for Year ended 31st December, 1876.

App. No. 15. Dublin. Apportionment of Net Expenditure.

	£	s.	d.	£	s.	d.
Scavenging and Watering,	13,045	8	5			
Macadamizing,	12,893	1	10			
Paving (General and Presentment),	6,344	12	4			
Do. Special,	17,805	18	7			
Asphalte Paving,	1,618	18	7			
Footways—Flagging,	4,690	4	7			
Do. Asphalting,	3,812	10	0			
Do. Tar Pavement,	912	5	7			
Public Lighting,	9,255	12	0			
House Drains,	991	18	9			
Domestic Scavenging,	460	16	11			
Whitehorse Yard,	371	16	8			
Miscellaneous,	247	11	8			
Urinals,	139	7	8			
Parliamentary Costs,	143	12	11			
Dangerous Buildings, &c.,	581	17	9			
Sick Fund,	63	2	4			
Stationery and Advertising,	249	15	6			
Salaries,	1,395	14	11			
Repayment of Balances of Deposits on Licences,	1,493	11	4			
Repayment of Loan—First Instalment,	1,000	0	0			
Expenses incidental to Loan,	685	15	8			
				78,203	14	0
SEWERS.						
North District,	4,277	13	6			
South do.	3,206	11	8			
				7,484	5	2
Total Service Expenditure for Year 1876,				85,687	19	2

J. BEVERIDGE,
Secretary, No. 1 Committee.

J. P. KERRIGAN,
Book-keeper, No. 1 Committee.

Accounting Statement and Balance Sheet of No. 1 Committee of the Corporation for year ended 31st December, 1876.

Dr. Cr.

—	Gross Expenditure.	Deduct Sundry Credits.	Net Expenditure.	Total.	—			Total.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.		£ s. d.	£ s. d.	£ s. d.
To Sundry Creditors outstanding 31st December, 1875, including Three Bonds, not then due, issued to Limmer Asphalte Co., amount, £1,875,	—	—	—	15,990 0 11	By Sundry Debtors, outstanding 31st December, 1875,	—	—	721 9 6
Service Expenditure.					„ Payments for year—			
To Scavenging and Watering,	13,348 13 11	303 5 6	13,045 8 5		Improvement Fund,	78,583 9 1		
„ Macadamizing,	13,286 12 8	393 10 10	12,893 1 10		Borough do.	223 12 8		
„ Paving, General (Presentment, &c.)	7,706 7 5	1,361 15 1	6,344 12 4		North Sewer do.	4,249 0 6		
„ Paving, Special,	18,890 8 7	1,084 10 0	17,805 18 7		South do. do.	3,305 5 6		86,361 7 9
„ Asphalte Paving,	2,318 18 7	700 0 0	1,618 18 7		„ Sundry Creditors, as per Detailed Statement on Ledger—			
„ Footways—Flagging,	4,884 0 1	193 15 6	4,690 4 7		Improvement Fund,	12,039 17 10		
„ Do. Asphalting,	3,812 10 0	—	3,812 10 0		North Sewer do.	248 8 1		
„ Do. Tar Pavement,	912 5 7	—	912 5 7		South do. do.	227 11 6		
„ Public Lighting,	9,452 10 0	196 18 0	9,255 12 0				12,515 17 5	
„ House Drains,	991 18 9	—	991 18 9		„ Bonds Issued to the Limmer Asphalte Company for Asphalting Work executed, to be redeemed within Eight Years—			
„ Domestic Scavenging,	473 15 11	12 19 0	460 16 11		Roadways, £1,195 13 4			
„ Whitehorse-yard,	389 1 10	17 5 2	371 16 8		Footways (1875) 1,250 0 0			
„ Miscellaneous,	247 11 8	—	247 11 8		Do. (1876) 3,750 0 0			
„ Urinals,	139 7 8	—	139 7 8			6,195 13 4		
„ Parliamentary Costs, &c.	220 3 1	76 10 2	143 12 11				6,195 13 4	
„ Dangerous Buildings, &c.	581 17 9	—	581 17 9					18,711 10 9
„ Sick Fund,	63 2 4	—	63 2 4					
„ Stationery and Advertising,	249 15 6	—	249 15 6					
„ Salaries,	1,395 14 11	—	1,395 14 11					
„ Repayments of Balances of Deposits on Licences,	1,493 11 4	—	1,493 11 4					
„ Repayment of Loan—First Instalment,	1,000 0 0	—	1,000 0 0					
„ Expenses incidental to Loan,	890 12 6	204 16 10	685 15 8					
„ Total for Improvement Fund,	82,749 0 1	4,545 6 1	78,203 14 0					
Sewers.								
To North Side,	4,277 13 6	—	4,277 13 6					
„ South Side,	3,369 2 8	162 11 0	3,206 11 8					
„ Total for Sewers,	7,646 16 2	162 11 0	7,484 5 2					
				85,687 19 2				
„ Sundry Debtors as per Ledger:								
Improvement Fund,	723 3 9							
Borough Fund,	73 12 8							
South Sewer Fund,	162 11 0							
			959 7 5					
„ Cash Deposit Account,	—	—	3,157 0 6					
				4,116 7 11				
				£105,794 8 0				£105,794 8 0

J. BEVERIDGE,
Secretary, No. 1 Committee.

J. P. KERRIGAN,
Book-keeper, No. 1 Committee.

App. No. 15. Dublin. Eight Years' Accounts of Improvement Fund.

RETURN showing the RECEIPTS and EXPENDITURE of the IMPROVEMENT FUND of the CORPORATION

DR. The IMPROVEMENT FUND of

RECEIPTS.	£ s. d.	£ s. d.	£ s. d.
YEAR ENDED 31st AUGUST, 1869.			
Balance to credit on 31st August, 1868,	—	—	1,054 14 4
Rates and Arrears lodged by the Collector-General of Rates, viz. :—			
Arrears of Assessment, year 1866,	38 2 9		
Ditto, ditto, 1867,	1,043 3 0		
Ditto, ditto, 1868,	23,797 0 11		
On account ditto, 1869,	25,222 16 6		
		50,101 3 2	
Deposit Account, Licenses and Sundries,		7,122 19 1	
Wide Street Rents, Coal Duty Account,		456 16 4	
Circular-road Turnpike Trust,		17 10 0	
Markets, Smithfield, Weights and Measures, &c.,		372 0 10	
			58,070 9 5
YEAR ENDED 31st AUGUST, 1870.			
Rates and Arrears lodged by the Collector-General of Rates, viz. :—			
Arrears of Assessments, year 1867,	54 9 5		
Ditto, ditto, 1868,	756 7 2		
Ditto, ditto, 1869,	23,251 8 5		
On account ditto, 1870,	24,827 10 1		
		48,889 15 1	
Deposit Account, Licenses and Sundries,		4,273 14 4	
Wide Street Rents, Coal Duty Account,		330 1 9	
Circular-road Turnpike Trust,		39 12 6	
Markets, Smithfield, Weights and Measures Department,		401 3 9	
			53,934 7 5
YEAR ENDED 31st AUGUST, 1871.			
Rates and Arrears lodged by the Collector-General of Rates, viz. :—			
Arrears of Assessments, year 1868,	39 3 5		
Ditto, ditto, 1869,	1,453 7 2		
Ditto, ditto, 1870,	24,508 9 10		
On account ditto, 1871,	25,039 10 8		
		51,040 11 1	
Deposit Account, Licenses and Sundries,		4,751 6 5	
Wide Street Rents, Coal Duty Account,		456 1 9	
Circular-road Turnpike Trust,		26 2 6	
Markets, Smithfield, Weights and Measures Department,		416 9 11	
National Bank, Advance to buy Horses,		975 0 0	
Amount contributed by Bank of Ireland towards Improving College Railings,		250 0 0	
			57,915 11 8
YEAR ENDED 31st AUGUST, 1872.			
Rate and Arrears lodged by the Collector-General of Rates, viz. :—			
Arrears of Assessments, year 1869,	52 18 5		
Ditto, ditto, 1870,	878 18 7		
Ditto, ditto, 1871,	25,638 6 3		
On account of ditto, 1872,	25,969 5 8		
		52,539 8 11	
Deposit Account, Licenses and Sundries,		3,831 0 11	
Wide Street Rents, Coal Duty Account,		369 1 9	
Circular-road Turnpike Trust,		19 16 9	
Markets, Smithfield, Weights and Measures Department,		363 9 0	
National Bank, Advance to buy Horses,		1,003 6 2	
Widening and Improving Streets Account, Presentments, &c.,		1,320 16 7	
			59,447 0 1
Carried forward,		—	230,422 2 11

of DUBLIN during Eight Years commencing on 1st September, 1868, and ended on 31st August, 1876. APP. No. 15.

Dublin. Eight Years' Accounts of Improvement Fund.

the CORPORATION of DUBLIN. CR.

PAYMENTS.	£	s.	d.	£	s.	d.
YEAR ENDED 31st AUGUST, 1869.						
General Works Account, including Paving, Macadamizing, Scavenging and Watering, Flagging, House Drains, Stores, and Miscellaneous,	37,169	9	8			
Lighting Public Lamps	8,858	6	1			
Gas Meter Department,	3	14	3			
Stationery, Printing, &c.,	95	15	6			
City Hall Expenses, proportion of,	196	4	2			
Sanitary Department,	150	3	9			
Market, Weights and Measures Department,	744	19	2			
Instalments of Wide Street Debt, with Interest,	1,082	18	1			
Law Expenses,	265	16	4			
Parliamentary Expenses,	402	16	2			
Compensation Annuities (under Dublin Improvement Act and Collection of Rates Act, 1849),	2,554	6	6			
Salaries of Officers,	2,302	12	5			
Repayments of Balances of Deposits for Licenses, &c.,	1,982	0	4			
Wide Street Rents and Taxes,	137	0	7			
				55,946	3	0
YEAR ENDED 31st AUGUST, 1870.						
General Works Account, viz., Paving, Macadamizing, Scavenging, Watering, &c.	36,300	3	8			
Repayments of Balances of Deposits for Licenses, &c., £1,063 15*s.* 10*d.*; Lighting Public Lamps, £8,900 14*s.* 1*d.*,	9,964	9	11			
Wide Street Rents and Taxes, and Law Expenses incident thereto,	297	17	8			
Rates, Circular-road Turnpike Trust, £5 2*s.* 5*d.*; Stationery, Printing, &c., £151 15*s.* 8*d.*,	156	18	1			
Markets, Weights and Measures Department, &c., £947 19*s.* 5*d.*; Salaries of Officers, £2,376 2*s.* 10*d.*,	3,324	2	3			
Sanitary Department, Urinals, &c.,	108	4	4			
Law Expenses, £1,143 10*s.* 6*d.*; Parliamentary Costs, £57 18*s.* 11*d.*; City Hall, proportion of Expenses, £239 9*s.* 6*d.*,	1,440	18	11			
Instalments of Wide Street Debt, with Interest, £1,839 8*s.* 3*d.*; Widening and Improving Street, £156 2*s.*,	1,995	10	3			
Compensation Annuities (under Dublin Improvement and Collection of Rates Acts, 1849),	2,029	2	8			
				56,617	7	9
YEAR ENDED 31st AUGUST, 1871.						
General Works Account, viz., Paving, Macadamizing, Scavenging, Watering, &c.	41,737	17	5			
Repayments of Balances of Deposits, £1,089 11*s.*; Wide Street Rents and Taxes, £64 2*s.* 6*d.*,	1,153	13	6			
Circular-road Turnpike Trust, Rates and Taxes, £3 19*s.* 7*d.*; Purchase of Horses, £535 2*s.*,	539	1	7			
Lighting the Public Lamps, &c., £7,409 9*s.* 7*d.*; Stationery, Printing, &c., £203 14*s.* 8*d.*,	7,613	4	3			
Smithfield Markets, Weights and Measures Department,	882	7	3			
Sanitary Department, Urinals, &c., £180 4*s.*; Salaries of Officers, £2,423 12*s.* 10*d.*,	2,603	16	10			
Law Expenses, £150 16*s.* 5*d.*; Parliamentary Costs, £403 6*s.*,	554	2	5			
Repayment—two Instalments, with Interest—Account Advance from Bank of Ireland,	310	12	9			
Compensation Annuities (under Dublin Improvement and Collection of Rates Acts, 1849),	1,979	14	8			
City Hall, proportion of Expenses of Maintenance, &c.,	252	0	4			
				57,626	11	0
YEAR ENDED 31st AUGUST, 1872.						
General Works Account, viz., Paving, Macadamizing, Scavenging, &c.,	37,275	14	9			
Repayments of Balances of Deposits for Licenses, &c.,	893	6	5			
Widening and Improving Streets, Sundries, including Instalments to Bank of Ireland,	1,205	7	10			
Wide Street Rents, Coal Duty Account, £136 12*s.* 7*d.*; Horse Account and Expenses, £5,422 14*s.* 1*d.*,	5,559	6	8			
Lighting the Public Lamps, &c., and Gas Meter Department Expenses,	8,043	4	5			
Stationery, Printing, &c., £280 7*s.* 9*d.*; Smithfield Markets, Weights and Measures, &c., £811 12*s.* 10*d.*,	1,092	0	7			
Sanitary Department, Urinals, &c.,	125	16	8			
Law Expenses, £96 2*s.*; Parliamentary Costs, £1,680 11*s.*,	1,776	13	0			
Salaries of Officers,	2,478	1	6			
Compensation Annuities (under Dublin Improvement and Collection of Rates Acts, 1849),	1,753	18	0			
City Hall, proportion of Expenses of Maintenance,	275	0	5			
National Bank Instalments, Account of Loan, together with Interest,	1,044	15	10			
				61,523	6	1
Carried forward,	—			230,713	7	10

App. No. 15.

Dublin. Eight Years' Accounts of Improvement Fund.

Dr. The Improvement Fund of the

Receipts.	£ s. d.	£ s. d.
Brought forward,	—	230,422 2 11
Year ended 31st August, 1873.		
Rate and Arrears of Rate lodged by the Collector-General of Rates, viz. :—		
Arrears of Assessment, year 1870, £ 60 4 11		
Ditto, ditto, 1871, 836 12 0		
Ditto, ditto, 1872, 24,765 6 6		
On account of ditto, 1873, 25,836 5 9	51,498 9 2	
Deposit Account, Licenses and Sundries,	3,549 6 9	
Wide Street Rents, Coal Duty Account,	381 15 0	
Circular-road Turnpike Trust,	14 8 9	
Markets, Smithfield, Weights and Measures Department,	336 9 8	
Widening and Improving Streets Account, Presentments, &c.,	2,206 0 0	
Recoupments,	105 4 9	
Waterworks, Street Openings,	75 15 8	
Repayment, by No. 3 Committee, of Temporary advance,	1,000 0 0	
		59,167 9 9
Year ended 31st August, 1874.		
Rate and Arrears of Rate lodged by the Collector-General of Rates, viz. :—		
Arrears of Assessments, year 1871, £ 142 0 10		
Ditto, ditto, 1872, 948 3 0		
Ditto, ditto, 1873, 25,647 3 9		
On account of ditto, 1874, 26,405 7 3	53,142 14 10	
Deposit Account, Sundries, Licenses, Domestic Scavenging, &c.,	3,268 6 10	
Wide Street Rents, Coal Duty Account,	333 12 2	
Circular-road Turnpike Trust,	18 4 4	
Markets, Smithfield, Weights and Measures,	422 6 1	
Widening and Improvement of Streets Account, Presentments, &c.,	3,160 0 6	
Committee No. 2, Scavenging Cattle Market,	61 0 0	
Port and Docks, Paving Work at Quays,	636 11 2	
Waterworks Committee, Street Openings Account,	55 17 5	
Dividends on Purchase-money,	101 19 1	
Repayment, account of Salary to Mr. Cotton,	250 0 0	
Stationery Account, recoupment,	0 8 6	
		61,451 0 11
Year ended 31st August, 1875.		
Rate and Arrears of Rate lodged by the Collector-General of Rates, viz. :—		
Arrears of Assessments, year 1870, £ 68 3 5		
Ditto, ditto, 1872, 128 13 0		
Ditto, ditto, 1873, 1,253 17 6		
Ditto, ditto, 1874, 25,082 6 1		
On account of ditto, 1875, 26,376 5 5	52,909 5 5	
Deposit Account, Sundries, Licenses, Domestic Scavenging, &c.,	3,388 17 6	
Wide Street Rents, Coal Duty Account,	446 4 6	
Circular-road Turnpike Trust,	33 18 5	
Markets, Smithfield, &c., £355 9*s.* 3*d.*; Alliance Gas Company, Street Openings Account, £1,453 9*s.* 9*d.*,	1,808 19 0	
Paving Sets sold, £49 4*s.*; Old Iron sold, £102 1*s.* 2*d.*,	151 5 2	
Waterworks, Street Openings Account, £154 12*s.* 8*d.*; Dividends on Purchase-money, £106 11*s.*,	261 3 8	
Recoupment from North and South Sewers,	2,482 12 8	
Cheque charged in last year's Account but not paid,	25 0 0	
Widening and Improving Streets Account, Presentments, &c.,	2,310 15 0	
Law Expenses Account,	11 19 11	
		63,830 1 3
Carried forward,	—	414,870 14 10

CORPORATION of DUBLIN—*continued.* CR. APP. No. 15.

Dublin. Eight Years' Accounts of Improvement Fund.

PAYMENTS.	£ s. d.	£ s. d.
Brought forward,	—	230,713 7 10
YEAR ENDED 31st AUGUST, 1873.		
General Works Account, viz., Paving, Macadamizing, Scavenging, Watering, &c.,	38,824 11 7	
Repayments of Balances of Deposits for Licenses, &c.,	825 12 2	
Wide Street Rents, Rates, &c., £92 18*s.* 9*d.*; Horse Account and Expenses, £5,398 14*s.* 4*d.*,	5,491 13 1	
Lighting the Public Lamps, and Gas Meter Department, &c.,	7,242 10 10	
Stationery, Printing, &c., £258 5*s.* 11*d.*; Markets, Smithfield, Weights and Measures Department, &c., £637 9*s.* 6*d.*,	895 15 5	
Law Expenses, £107 5*s.* 5*d.*; Parliamentary Costs, £923 14*s.* 8*d.*,	1,031 0 1	
Widening and Improving Streets Account, including Instalments to Bank of Ireland,	1,503 2 8	
Salaries of Officers, £2,992 2*s.* 5*d.*; City Hall, Proportion of Expenses, £314 10*s.* 8*d.*,	3,306 13 1	
Compensation Annuities (under Dublin Improvement and Collection of Rates Acts, 1849),	1,759 1 0	
National Bank, Repayment of Loan,	1,000 0 0	
No. 3 Committee, an Advance as Temporary Loan in aid of Borough Fund,	1,000 0 0	
Local Government Board (Ireland), Proportion of Audit Fee, 1872,	29 4 3	
		62,909 4 2
YEAR ENDED 31st AUGUST, 1874.		
General Works Account, viz., Paving, Macadamizing, Scavenging, Watering, &c.,	42,194 12 0	
Horse Account and Expenses,	5,439 16 10	
Lighting the Public Lamps, &c.,	4,408 16 9	
Stationery, Printing, &c.,	307 19 1	
Smithfield Market, Weights and Measures,	728 18 7	
Law Costs, £12 11*s.* 4*d.*; Parliamentary Costs, £379 5*s.* 3*d.*,	391 16 7	
Widening and Improving Streets, including Instalments to Bank of Ireland,	1,170 5 11	
Salaries of Officers,	2,516 6 3	
Compensation Annuities (under Dublin Improvement and Collection of Rates Acts, 1849),	1,529 12 6	
Ditto, Proportion of Annuities under 32 and 33 Vic.,	183 6 0	
City Hall, Proportion of Expenses of Maintenance,	452 16 5	
Repayments of Balances of Deposits for Licenses, &c.,	1,041 5 8	
Domestic Scavenging Expenses,	221 10 10	
Wide Street Rents and Taxes,	24 15 6	
Local Government Board (Ireland), Balance of Proportion of Audit Fee, 1872,	0 9 10	
City Treasurer, to supplement Cheque for Wages,	33 8 5	
		60,645 17 2
YEAR ENDED 31st AUGUST, 1875.		
General Works Account, viz., Paving, Macadamizing, Scavenging, Watering, &c.,	40,299 0 2½	
Horse Account and Expenses, £5,999 7*s.* 11*d.*; Stationery, Printing, &c., £348 4*s.* 4*d.*,	6,347 12 3	
Lighting the Public Lamps, &c.,	6,970 13 6	
Smithfield Market, Weights and Measures Department,	722 17 5	
Law Costs, £90 16*s.* 2*d.*; Parliamentary Costs, £153 10*s.*,	244 6 2	
Widening and Improving Streets, including Instalments to Bank of Ireland,	673 17 1	
Salaries of Officers,	2,266 14 8	
Compensation Annuities (under Dublin Improvement and Collection of Rates Acts, 1849),	959 9 9	
Ditto, under 32 and 33 Vic.,	409 17 5	
City Hall, Proportion of Expenses of Maintenance,	524 4 0	
Repayments of Balances of Deposits for Licenses,	1,144 12 7	
Domestic Scavenging Expenses,	346 13 6	
Wide Street Rents, Rates, &c.,	132 15 2	
Circular-road Turnpike Trust, &c.,	2 6 8	
Local Government Board (Ireland), Proportion of Audit Fee, 1873,	32 11 6	
City Weigh-houses, Recoupment,	4 12 4	
Expenses for Advertising for Loan of £50,000,	3 9 0	
		61,085 13 2½
Carried forward,	—	415,354 2 4½

App. No. 15. Dr. The Improvement Fund of the

Dublin. Eight Years' Accounts of Improvement Fund.

Receipts.	£	s.	d.	£	s.	d.
Brought forward,				—		
						414,870 14 10
Year ended 31st August, 1876.	£	s.	d.			
Rate and Arrears of Rate lodged by the Collector-General of Rates, viz. :—						
Arrears of Assessments, year 1873,	76	0	9			
Ditto, ditto, 1874,	4,337	8	1			
Ditto, ditto, 1875,	24,927	10	1			
On Account of ditto, 1876,	25,678	5	0			
				*55,019	3	11
Deposit Account, Licenses, Domestic Scavenging, &c.,	4,354	14	2			
Less Deficiency of late City Treasurer,	1,063	12	1			
				3,291	2	1
Wide Street Rents, Coal Duty Account,				381	14	6
Additional Receipts, Domestic Scavenging,				4	16	6
Circular-road Turnpike Trust,				12	5	0
Smithfield Market, Weights and Measures Department,	453	7	6			
Less Deficiency of late City Treasurer,	95	7	5			
				358	0	1
General Works Account,				19	0	0
Waterworks, Street Openings Account,				203	1	8
City Weigh-houses,				20	8	2
Paving Setts Sold, and Lent on Security,				571	1	0
Horse Hire,				125	8	0
Gas Meter Department,				47	2	0
Public Health Committee,				13	8	0
Bank of Ireland, undefined Credit,				1	6	0
Surcharges of Auditor,				17	6	1
North and South Sewers, Horse Hire and Carters' Wages,				383	7	4
St. Sepulchre's Weigh-house,				1	6	3
Law Expenses Account, Recoupments,				7	9	2
Widening and Improving Street Account, Presentments, &c.,				1,605	12	0
Dublin Cattle Market, Scavenging Account,				101	13	4
Interest on Deposit Notes,				204	16	10
Deficiency of Nugent Robinson, late City Treasurer,				127	15	5
Loan from Law Life Assurance Society for special Paving Purposes,				20,000	0	0
						82,517 3 4
					£	497,387 18 2

* Including £2,550 14*s.*, being proportion of amount of Treasury Contribution in aid of Local Rates, for the year ended 25th March, 1875.

Report of Francis Morgan, esq.

Report of Francis Morgan, Law and Land Agent.

27th March, 1875.

To the Chairman and Gentlemen of Committee No. 3 (Finance).

Conversion of City Debenture Debt into Transferable Stock—Sale of Corporation Lands in County of Dublin, &c.

Although your Committee had kindly granted to me permission in certain cases to make reports direct to the Council, I consider it more respectful to submit the following for your consideration :

In my Report of 25th May, 1872, presented to your Committee, printed with their sanction, and circulated to members of the Council, I enumerated nine separate objects as then desirable to be attained by a private Corporation Estate Act, viz.—

1. Power to commute leases for lives into leases for adequate fixed terms of years at same rents.
2. Power to accept surrender of leases for years within seven years of expiration, to secure vested interests by grant of rentcharges to all parties entitled to profit rents.
3. Power to realise the full value in rents of surrendered holdings by grant of a lease to the occupant of each separate tenement at the full yearly value without fine, such yearly value to be ascertained by survey and valuation, or by mutual agreement with each occupant, and in case of disagreement the rent to be fixed on survey by the head of the Government Valuation Office in Ireland, such Government survey and valuation to be final and conclusive, and paid for by the Corporation and their lessees in equal moieties. To grant leases of tenements for thirty-five years ; leases for rebuilding for 105 years.
4. Power to sell, at not less than twenty-five years' purchase, the perpetual yearly rents of sixty-eight denominations in City rental, amounting to £1,357, which cannot increase, and invest the proceeds in purchase of City Debentures. To survey and sell, in lots not exceeding twenty or less than ten acres, six townlands in the County of Dublin, containing together about 2,000 acres.
5. Power, in case said perpetual rents and six townlands should not produce sufficient sums to purchase all outstanding City Debentures, to sell the slippage and anchorage harbour dues, averaging £1,250 per year, and apply proceeds in purchase of City Debentures.

CORPORATION of DUBLIN—*continued.* CR. APP. No. 15.

Dublin. Eight Years' Accounts of Improvement Fund.

PAYMENTS.	£	s.	d.	£	s.	d.
Brought forward,	—			415,354	2	4½
YEAR ENDED 31st AUGUST, 1876.						
General Works Account—Paving, Macadamizing, Scavenging, Watering, Flagging, &c., including the sum of £1,103 7*s.* 11*d.*, portion of Expenditure charged against Loan,	52,599	1	1			
Lighting the Public Lamps,	5,854	2	2			
Horse Account and Expenses,	5,345	19	8			
Stationery, Printing, &c.,	438	8	9			
Smithfield Market, Weights and Measures Department, &c.,	804	16	9			
Law Expenses, £553 4*s.* 9*d.*; Parliamentary Costs, £8 11*s.*,	561	15	10			
Widening and Improving Streets, including Instalments to Bank of Ireland,	343	19	11			
Salaries of Officers,	2,754	18	6			
Compensation Annuities (under Dublin Improvement and Collection of Rates Act, 1849),	840	6	2			
Ditto (under 32 and 33 Vic.),	533	9	8			
City Hall, Proportion of Expenses of Maintenance,	466	1	0			
Repayments of Balances of Deposits for Licenses, &c.,	1,355	6	8			
Domestic Scavenging Expenses,	470	9	10			
Wide Street Rents, Rates, &c.,	40	19	8			
City Treasurer, Petty Expenses Account,	1	3	2			
Sick Fund, Deductions from Wages,	64	2	0			
Late City Treasurer, Cheque to pay Wages, not so applied,	22	4	0			
Interest on Loans,	446	5	0			
Expenses of Loans,	285	0	0			
				73,228	9	10
				488,582	12	2½
By Balance to Credit of Improvement Fund on 31st August, 1876,	—			8,805	5	11½
			£	497,387	18	2

THOMAS O'DONNELL, City Accountant,
May 2nd, 1877.

6. Power to enclose and reclaim part of the North Liffey Wet Acre Lots, containing about fifty-five acres, lying between Clontarf-road, at Donnycarney, and the Dublin and Drogheda Railway.
7. Power to sell rents of Wide Street Estates and apply proceeds to widen streets.
8. Power to sell the holdings, late toll houses, on Circular-road Estate for repairs of Circular-road.
9. Power to agree with owners of land comprising Richmond Bridewell for purchase of some for ever.

Since my Report of 25th of May, 1872, your Committee have in part adopted my suggestions and secured two of the foregoing objects, by recommending the Council to present a memorial for assent of the Treasury to—

No. 1. Commutation of Leases for lives now in operation.
No. 9. Purchase from Lord Meath of head rent of Richmond Bridewell now completed.

I therefore recommend resolutions of the Council, expressive of approval, and memorials to the Treasury for assent so far as empowered, to the remaining seven objects above specified, but I am induced to place in the foreground two objects of more immediate importance not mentioned in my former Report, viz.:—

Report of Francis Morgan, esq.

To repeal the 55th Corporation By-law, and discontinue lettings of Corporation property by public auction. Such discontinuance has now become indispensable, in consequence of the expiration in 1880 of the leases of twenty-four very valuable holdings in Suffolk-street, Grafton-street, and Wicklow-street, held by respectable traders who have been long in occupation, and are now willing to accept leases at the full present value, and rebuild such as require rebuilding.

The very valuable lease A R No. 4, held by the Trustees of Viscount Clifden, a minor, of ground on Arran-quay, Ellis's-quay, and Pembroke-quay, comprising about 150 tenements, will expire in 1881. The trustees have proposed to treat for its immediate surrender or sale to the Corporation. The occupants would join and enter into new tenancies if lettings by auction be discontinued.

To obtain the consent of the Bank of Ireland, and the holders of all outstanding City Debentures, now amounting to about £200,000, to their conversion, at £5 each under par, into City of Dublin Estate Stock, secured by deed upon all the Corporation Landed Estates, Stock to bear 4 per cent. interest, payable half-yearly at the Bank of Ireland, or their conversion at par into like stock, bearing interest at 3½ per cent. payable half-yearly at the Bank of Ireland, the City Estate Stock to be transferable in like manner as Government or Bank of Ireland Stock.

Such conversion of City Debentures, amounting to about £200,000, into 4 per cent. City Estate Stock,

App. No 15.

Dublin. Report of Francis Morgan, esq.

at £5 under par, would effect a saving of £10,000 (principal), or the reduction of interest to 3½ per cent. on the Debenture Debt, converted at par, would save annually over £1,000.

The late purchase by the Hibernian Bank from the Corporation of their reversion in fee in six leaseholds in College-green, &c., at £13,436, applied in purchase of City Debentures, has proved that sufficient City Debentures of £92 6*s.* 2*d.* were purchased at about £80 each.

Sale of Lands.

In relation to the sale in small lots, rent free for ever, of six Townlands in the County of Dublin, containing about 2,000 acres, the produce to be invested in City of Dublin Estate Stock.

Since my Report of 25th May, 1872, Earl Charlemont has advertised for sale his interest in the Lands of Donnycarney, held under two leases from the Corporation, viz. :—

One, 50 statute acres, held for ever at the yearly rent of	£113	19	0
One, 223 „ „ „ to expire 1920 „ „ „	743	13	3
	£857	13	3

His Lordship proposes to sell to the Corporation his interest in both leases for £12,000, payable within two years, give immediate possession of his house and about 150 acres of Donnycarney within his demesne, Marino, Clontarf, and assign to the Corporation the rents payable by his six tenants, holding 127 acres on leases for forty-five years, at yearly rents amounting to . . £600 0 0

These demesne lands, so near the city, if sold in five-acre lots, statute, I believe to be worth £6 10*s.* to £7 per acre, and thirty years' purchase.

I submit the following estimate of purchase and proceeds :—

Purchase by the Corporation of Dublin of Earl Charlemont's holdings, Donnycarney.

	£	s.	d.		£	s.	d.
A.H. 114. Donnycarney, 50 statute acres, on lease for ever, yearly rent, ...	113	19	0				
Less proportion of Poor Rate, at 1*s.* in the pound, .	5	14	0				
	108	5	0	at 30 years' purchase,	3,247	10	0
A.H. 1. Donnycarney, 223 statute acres, on lease 45 years, yearly rent, ...	743	13	3				
Less proportion of Poor Rate, at 1*s.* in the pound, .	37	13	0				
	706	0	0	at 22 years' purchase,	15,532	0	0
					£18,779	10	0

Dr.					
Net value of two Leaseholds, as above, ...				18,779	10	0
Purchase-money demanded, . . .	£12,000	0	0			
Less allowance claimed, . . .	825	0	0			
				11,175	0	0
Advertising, &c., ...				125	0	0
				30,079	10	0
Probable gain to the Corporation, . .				14,778	0	0

Cr.	£	s.	d.		£	s.	d.
Rents payable by six tenants on lease, .	600	0	0				
Less proportion of Poor Rate, . .	30	0	0				
	570	0	0	at 30 years' purchase,	17,100	0	0
150 acres to be given up, worth £6 10*s.* per acre,	975	0	0				
Less Poor Rate, .	49	15	0				
	925	5	0	at 30 years' purchase,	27,757	10	0
					£44,857	10	0

If the purchase and sale of Donnycarney shall be effected, and prove remunerative, I recommend the following lands to be also surveyed in lots not less than five acres, and sold, rent free for ever, on expiration of subsisting leases :—

Colganstown,	200 acres, lease expires March, 1877.	
Ringwood,	100 acres, lease expires March, 1877.	
Ballycoolane,	600 acres, lease expires 1880.	
Baldoyle Lands,	600 acres, held on 16 leases, to expire 1886,	may be sold separately next after Ballycoolane.
Do. 16 Town Parks,	100 acres, held yearly,	may be sold with the town at or immediately after erection of 30 new cabins.
Do. 28 Town Lots,	do.	
Clonturk,	350 acres, held on 26 leases of various expiration, to be sold separately.	

Any surplus amount of converted City Debentures realized by sale of the foregoing Lands, or by sale of the Slippage and Anchorage Harbour Dues (which dues are not charged to secure City Debentures) would be properly applicable to the building of at least twenty suitable cottages in the town of Baldoyle, and procuring a supply of Vartry water to that town.

Also to enclose and reclaim about fifty-five acres, part of the North Liffey Wet Acre Lots, between the lands of Donnycarney and the Drogheda Railway Station.

Sale of Wide Street Rents.

To sell the rents of the Wide Street Rents in the City of Dublin net amount £312, now relieved from the annual charge of £154 10*s.* payable to the late solicitor.

The proceeds of the Wide Street Rents are properly applicable to widen streets, construct new streets, or a tunnel from Winetavern-street to Patrick-street, if approved by the Municipal Council.

To sell the holdings, late toll-houses, on the Circular-road, and apply proceeds to repairs of that road.

To extend present leasing power of the Corporation from thirty-one years of tenements, and seventy-five years for building, under Act 3 & 4 Vic., cap. 108, to fifty years for tenements, and to 100 years for building.

If your Committee will, as in the case of my Report of 25th May, 1872, direct this Report to be printed and distributed to Members of the Council, I shall be prepared to add all such further information in detail as will vouch the several statements, and enable the Council to determine if memorials in support should be presented to the Treasury.

Francis Morgan.

Report.—Proposed Disallowance.

Report—*Re* Proposed Disallowance.

Secretary's Office, City Hall,
Committee No. 1.

Dublin, 23rd February, 1877.

Gentlemen,—I beg to report that the auditor has intimated his intention of disallowing the sum of 7*s.* per week, drawn by the committee for each of seven worn-out workmen during the year ended 31st August last. He objects to the payment on the ground that the men are returned on the wages book as "Men employed in Whitehorse-yard by order of Committee No. 1," one of the men being dead (the case inquired into by you in last November), and the others not having worked during the year.

I beg to submit the following *resumé* of the facts :—

On the 7th November, 1868, the City Engineer having brought under notice instances of workmen unfit for further duty, by reason of advanced age, and having recommended some of them as worthy of the utmost consideration of the committee, on account of their long services, a report was forwarded to the Municipal Council recommending that they should be superannuated on 7*s.* per week, to be paid out of the borough fund. The report was confirmed on the 5th February, 1869, the order of Council applying to three of the men now referred to. No. 3 Committee having charge of the Borough Fund, was then requested to provide for the future payment of the allowance, and to lodge to the credit of the improvement fund the amount disbursed while the report was under the consideration of the Council.

On the minutes of 12th June, 1869, a report of Mr. Morgan appears to the effect that he was of opinion the payments were not properly payable out of the borough fund, and that the direction for their payment out of that fund must have been inserted by mistake, and recommending that a further report should be presented to the Council to vary their order in that particular. No steps appear to have been taken with this object, however; the following order in regard to

the men having been made a fortnight before, on receipt of a communication from No. 3 Committee:—

"To be employed in the yard, Winetavern-street, cleaning lamps, &c., and as messengers, as Mr. Caul shall direct, from week to week, at 7*s.* per week each, from the 11th inst."

The Wages Book for 1868–9 shows that while the matter was under the consideration of the Council the men were returned as "Superannuated watchmen," and afterwards as "Labourers in yard, per Committee order of 29th May, 1869."

Subsequently the four other men were ordered by the Committee to be classed with these. I append a summary showing their advanced ages, length of service, and peculiar claims. I have ascertained that for some time these men discharged such slight services as were required of them, but probably through becoming more feeble, they attended less regularly, finally ceasing to go at all to Winetavern-street, and appearing at the City Hall only to receive their money.

I have not been able to find the returns of labour in Whitehorse-yard at this period, but Mr. Caul, the former storekeeper, informs me that when the men did not attend he noted this on the return sent to Mr. Doyle, the former book-keeper, who explains that he did not bring the fact specially under notice, as he considered the payment was understood to be a kind of retiring allowance for past services, and that the fact of the men working or not was not material to the humane intention of the committee. Mr. Boyle, the present storekeeper, was appointed in February, 1875, and continued to send returns as his predecessor did, and the fact of the non-attendance of the men is noted on his returns; Mr. Rosborough likewise continued to make the entries in the Wages Book as made while he was assistant to Mr. Doyle. Both appear to be perfectly satisfied that the position of these men was clearly understood. Mr. Boyle, from time to time, inquired from Mr. Doyle, as to the continuing of this payment, and the explanation of Cody's money being so long drawn by a person representing him to be alive is found in the fact that the payment was not made in presence of the overseer at Whitehorse-yard, as in other cases, but at the City Hall, and that the duty of making the payment successively devolved on several officers, through unavoidable circumstances. Cody died in December, 1874, and the payment was early in 1875 superintended by Mr. Doyle; after his superannuation, conducted by Mr. Connolly until his illness, then by Mr. Burke, who died, then by Mr. Eyre, until the duty was transferred to Mr. Shannon. To each of these officers was made the false representation that Cody was bedridden. Had one continued to discharge the duty of paying the men, Cody's continued absence would have caused inquiry.

During last year the treasurer thought it desirable to pay these men and others (numbering about 800) at Whitehorse-yard, and Cody's non-appearance attracted Mr. Boyle's attention, and before the truth transpired he had instituted inquiries, which would have led to the discovery of the imposition. It is a common practice with those who employ large bodies of men to pay a workman's wages to a person recognised to represent him, and it is inseparable from the payment of the vast number of men in your service, many of whom live at a distance, and have been working under the rain or in the sewers all day.

The general supervision of the accounts of the committee is part of my duty, and I have, from time to time, brought under notice any matters that attracted my attention in the Wages Books, through which these payments were made, as well as in any other matters of account. These Wages Books, as you are aware, are an abstract, extending from fifty to sixty pages weekly, of all the Overseers' Time Books, and it would be impossible, even if desirable, with the present small staff, to check each week all the items of this abstract; but I believe it to be prepared with the most conscientious care by Mr. Rosborough, and that his knowledge of works peculiarly aids in its being properly done. I also believe it to be an accurate summary of the returns, and during the past year I have imposed a check on a considerable portion of it, which, in my opinion, proves this—namely, that I have obtained directly from the overseers of paving, through the inspectors of works and the city engineer, returns of all details of the extensive paving works, and that the amount of the wages paid in the course of each work has been found at its completion to tally within a few shillings with the amount passed through the Wages Book. The comparison was made with critical accuracy, and was difficult, but the results obtained are worth the time and labour. The wages paid during the year under audit amount to £26,572 17*s.* 11*d.*, and the items questioned to £129 17*s.*

Such are the facts relative to the proposed disallowance; and I would beg to observe that if it be sustained, it will bring prominently forward the grave disadvantage at which the Corporation will be placed as compared with other extensive employers, in being totally debarred from showing any consideration for meritorious services rendered by workmen, or making any, or even the slightest provision for cases of extreme old age or of incapacity for further work, arising from serious accidents incident to the employment, as in two of the cases under consideration. The admirable provisions of the laws for the relief of the poor do not adequately meet cases like these, the receipt of poor relief being to decent workmen a great social degradation, as in a painful instance recently before you, in which one of your workmen had contracted an incurable disease from inhaling sewer gases. I would especially direct the attention of the committee to the Rathmines and Pembroke Main Drainage and Improvement Bill, now being promoted. The Township of Rathmines has not hitherto had a public auditor, and seeks the services of one under clause 65 of this Bill; but also at the same time seeks under clause 22 power to grant to "any servant incapable of discharging the duties of his office with efficiency, by reason of permanent infirmity of mind or body, or of old age, an allowance not exceeding two-thirds of his salary, and likewise out of their funds make a reasonable allowance in any case to workmen or others employed in or about the sewers, when the circumstances in their discretion shall justify the same."

If such power and discretion be not already inherent in the Corporation, as incident to its powers and functions as an employer, it would appear desirable to acquire them at the earliest opportunity.

I am, gentlemen, your obedient servant,

J. Beveridge, Secretary.

The Chairman and Gentlemen, No. 1 Committee.

Names, Ages, Service, &c., of the Worn-out Workmen paid 7*s.* per Week in Year ended August 31, 1877.

Worn-out workmen.

Name.	Age.	Years of Service.	—	Observations.
J. Burnett, . . .	71	40	Served under the Paving Board and the Corporation.	Scavenging Ganger when transferred to Corporation, and continued so until scavenging was contracted for; then appointed Watchman.
J. Price, . . .	73	39		Was Overseer of Scavenging under Paving Board, then Inspector of Nuisances and Warrant Officer. In discharge of duty met with accident, rendering his right hand useless, and laming him for life.
W. Smyth, . . .	79	48		Overseer of Scavenging, 1822–1836; Warrant Officer, 1837–1839; Watchman, 1840–1868.
P. Flood, . . .	79	49		Labourer and Watchman.
J. Norris, . . .	73	38		Labourer; lost an eye through an accident while working.
P. Egan, . . .	84	26	Dead, . .	Watchman; died November, 1876.
M. Cody, . . .	60	25	Do., . .	Became hopelessly blind.

App. No. 15.

Dublin. Duties of Officers of Committee No 2.

Return of Duties of Officers in connexion with Committee No. 2.

For the information of the Right Honorable the Lord Mayor.

Inspectors of Weights and Measures (Lord Mayor's men—sworn).

Ephraim G. Webb, appointed 5th May, 1865.
George Edwards, „ 19th October, 1869.

Salary, each, one-half of £160 per annum as inspectors of weights and measures, and one-half of £30 per annum as deputy clerks of the market.

Duties.—To attend each morning on the Right Honorable the Lord Mayor at the Mansion House, to receive his lordship's directions as to the locality he wishes to inspect, or such other instructions as to the duty to be performed that day.

On two days in each week, accompanied by the van, to inspect weights and measures at the stores or shops of traders, to seize all fraudulent beams, scales, weights, or measures, and cause the owner to be summoned before the Right Honorable the Lord Mayor, and attend the hearing of such cases to give evidence.

To take charge of any weights or measures that may be incorrect from wear and tear (when fraud is not intended) for adjustment.

To, on other days, inspect suspected persons, either singly or accompanied by an assistant, with a view of discovering attempted frauds.

All fines imposed by the Right Honorable the Lord Mayor are, when received, lodged to the credit of the borough fund by the registrar of the Court.

As deputy clerk of the markets, to visit and inspect the several meat, fish, fowl, and vegetable markets, with the view of detecting any unwholesome or unfit food exposed for sale, and, if any such, to seize same, and send it to the gardens of the Royal Zoological Society for the use of the animals therein.

In addition to the above duties the inspectors of weights and measures in Dublin adjust any weights or measures that may be slightly incorrect (when fraudulent intent is not apparent) for which they make a charge long adopted and acquiesced in by the general public, and has been found to work well in practice. This charge includes the cost of lead, labour, coal, stamping, and the cost of which is paid by them, not out of the corporate funds.

They retain the proceeds as additional salary. A return of all inspections and adjustments furnished weekly to the Committee No. 2.

Inspector of Petroleum.

Mr. *Ephraim G. Webb*, appointed 1870; salary, £10 per annum.

Duties.—To inspect and report to Committee No. 2 as to the fitness of the premises for storage and sale of petroleum before license is issued to the owner.

To inspect from time to time all premises, the owners of which are licensed, for storage or sale of petroleum, to ascertain that a larger quantity than authorized be not stored, and to obtain samples of mineral oils for testing.

To report the result of such inspection from time to time to Committee No. 2.

To attend and give evidence in any case of infringements of the Acts.

The inspectors of weights and measures make no charge for testing weights or measures if sent in, and found to be correct, and previously stamped with an authorized stamp, either English, Scotch, or Irish.

They also test the several Corporation weigh-bridges, and all weights used in the water-bailiffs' department free of charges to the Corporation.

Duties of Officers attending the Sword.

Corporation of the City of Dublin.—Extracts from Schedule of Duties of Officers attending the Sword, as certified under the hand of Alderman George Roe, Lord Mayor, on date December, 1842.

The Mace Bearer's Duty.

His duty is to attend on all public days, waiting Sundays, and to invite part of his Lordship's company on collar days.

Officer of Commons' Duty.

His duty is to summon all post assemblies himself; to acquaint the master of each Corporation of the general assemblies; and likewise when they, their numbers and wardens, are to attend the sword on all scarlet days, and all other public occasions, and when to attend on waiting Sundays; to summon all committees, and to wait their commands; to summon the key-keepers on the sealing of leases or other deeds; to deliver the warrants for riding the franchises, and returning of numbers; to invite the toast-masters on entertaining of the commons, and summon the juries for trying the worthiness of apprentices.

Water Bailiffs' Duty.

Their duty is to attend the sword on all public days; one on waiting Sundays; to invite part of his Lordship's company for collar days, the Aldermen and Sheriff's Peers for waiting Sundays; to summon all Boards of Aldermen, general and post assemblies; one to attend each market day, and whenever his Lordship thinks proper to walk; to invite the Captain of the Guard, and the minister that preaches on waiting Sundays.

High Constable's Duty.

His duty is to attend his Lordship every morning, and take his directions for that day's business. To invite part of his Lordship's company for public days. To summon the music for collar days; to summon the constables to attend his Lordship; and to provide and deliver billets necessary for the troops to be billeted in this city.

George Roe, Lord Mayor, 1842.

John Martin,
Assistant to the Town Clerk.

27th April, 1877.

APPENDIX No. 16.

App. No. 16.

WEXFORD.

Wexford.

LIST of the CORPORATION of the BOROUGH of WEXFORD, with their Professions or Business, and the Rateable Value of Premises *bonâ fide* in their Occupation.

Corporation.

Name, and Profession or Business.	Rated Value of Property within the Borough.	Rated Value of Property held by Tenants for which Commissioners pay Rates.	Rated Value of Property *bonâ fide* in their Occupation.
Six Aldermen, viz.:—	£ s. d.	£ s. d.	£ s. d.
1. John J. Walsh, Mayor, Auctioneer,	75 5 0	39 5 0	36 0 0
2. John Greene, Landed Proprietor, Newspaper Proprietor, and County Magistrate,	25 0 0	—	25 0 0
3. James M. Vicary, Land Agent,	21 0 0	—	21 0 0
4. John Sinnott, Ironmonger,	200 0 0	133 0 0	67 0 0
5. Robert Stafford, Maltster,	343 10 0	71 0 0	272 10 0
6. Peter Murphy, Millwright,	64 0 0	4 0 0	60 0 0
Eighteen Town Councillors, viz.:—			
1. Gerald O'B. Ryan, Solicitor,	19 0 0	—	19 0 0
2. Robert D. Walker, Hotel Proprietor,	179 10 0	—	179 10 0
3. David Faris, Spirit Grocer,	45 0 0	5 0 0	40 0 0
4. Joseph Lacy, Spirit Grocer,	60 0 0	31 0 0	29 0 0
5. Martin Huggard, Solicitor,	21 0 0	—	21 0 0
6. John Hinton, Auctioneer,	40 0 0	—	40 0 0
7. Edward Walsh, Newspaper Proprietor,	12 0 0	—	12 0 0
8. William Devereux, Spirit Grocer,	29 0 0	—	29 0 0
9. William Armstrong, Grocer and Provision Merchant,	40 10 0	16 10 0	24 0 0
10. Lett Sealy Jeffares, Spirit Grocer,	65 0 0	—	65 0 0
11. John J. Harpur, Nursery and Seeds man,	62 5 0	37 5 0	25 0 0
12. Michael Delaney, Baker,	24 0 0	—	24 0 0
13. James P. Devereux, Corn Merchant, Maltster, and Ship Owner,	279 10 0	—	279 10 0
14. Richard Fortune, Cooper, Butter Merchant, and Publican,	128 0 0	86 10 0	41 10 0
15. Joseph O'Connor, Baker,	65 10 0	16 5 0	49 5 0
16. Peter Synnott, Maltster,	116 5 0	7 10 0	108 15 0
17. Jasper W. Walsh, Timber Merchant, and Secretary of Harbour Commissioners,	77 15 0	—	77 15 0
18. William Timpson, Junior, Watchmaker and Jeweller,	31 0 0	—	31 0 0

Correct.

Wexford, 26th June, 1877.

THOMAS M. O'LEARY, Town Clerk.

Abstract of Accounts.

ABSTRACT of the ACCOUNTS of the RECEIPTS and EXPENDITURE of the CORPORATION of the BOROUGH of WEXFORD for the year ended 30th September, 1876.

BOROUGH FUND.

RECEIPTS.

Nature of Receipt.			Amount. £ s. d.
To Balance in hands of Treasurer on the 30th September, 1875,			63 7 10
„ Borough Rate collected and lodged,			749 13 6
„ Rents of Corporate Property,			332 8 7½
„ Dog License Duty,			22 16 0
„ Miscellaneous Receipts, viz.:—			
Fish Stalls,	£2 15 4		
Government Contribution in lieu of Borough Rate on Government Property,	4 4 0		
Do. Proportion of Salaries of Sanitary Officers,	27 2 11		
Use of Forms and Town Hall,	4 10 0		
Amount of Travelling Expenses to London returned by Alderman Stafford,	10 0 0		
Amount from Board of Public Works, balance of deposit to meet expenses of Loan to 1872,	6 10 5		
			55 2 8
„ Pipe-water Receipts, viz.:—			
Rents,	£207 0 0		
Rent of Pipe Fields,	16 2 3		
			223 12 3
„ Net Balance due to Treasurer at end of year,			23 19 4¾
			£1,471 0 3¼

EXPENDITURE.

Nature of Expenditure.			Amount. £ s. d.
By Corporation buildings, new works and repairs,			0 16 5
„ Lighting—Gas Company, for lighting Public Lamps,			528 8 3
„ „ Gas for Mayor's Office,			10 3 2
„ Scavenging and Sewerage, &c.,			163 12 0
„ Buckets for Fire Engine,			15 0 0
„ Salaries, viz.:—			
Town Clerk,	£92 10 0		
Treasurer,	30 0 0		
Town Sergeant,	21 0 0		
Office Cleaner,	2 0 0		
Executive Sanitary Officer,	20 0 0		
Consulting Sanitary Officer,	15 0 0		
Sub-Sanitary Officer,	20 0 0		
			200 10 0
„ Collection Fees,			44 9 11
„ Rents of Corporate Property and Taxes,			57 12 0¼
„ New Market—Rent,	£50 0 0		
„ Mortgage Account, Instalments of Principal and Interest,	43 16 4		
„ Amount lodged with Board of Public Works to meet expenses of Loan for Building Market,	6 0 0		
			99 16 4
„ Printing, Stationery, and Advertising,			29 13 4½
„ Local Government Board for Audit,			13 2 6
„ Sewer Grates, &c.,			23 0 6
„ Clothes for Mayor's Sergeant,			5 0 0
„ Erection of Barricade at a House destroyed by Fire,			5 10 11
„ Repairs of Fountain, &c.,			10 0 6
„ Pipe-water Expenditure, viz.:—			
Works and Repairs,	£69 18 0		
Collection Fees,	10 8 0		
Salary of Treasurer,	10 0 0		
„ Superintendent of Works,	55 0 0		
			145 6 0
„ New Waterworks,			50 18 3
„ Rents and Taxes,			35 15 10
„ Incidental Expenses,			31 18 9½
„ Disallowed by Auditor,			0 5 6
			£1,471 0 3¼

App. No. 16.

Wexford. Abstract of Accounts.

Local Government (Ireland) Provisional Order (Wexford) Confirmation Act, 1873, and the Towns Improvement (Ireland) Act, 1854.

RECEIPTS.

Nature of Receipt.	Amount. £	s.	d.
To Cash in hands of Town Clerk, 30th September, 1875,	6	2	3
„ Amount of Rates collected and lodged during the year,	1,626	0	10
„ Rent of Premises in Gibson-street, less Poor Rates,	4	6	0
„ Government Contribution in lieu of Rates on Government Property,	7	7	0
„ Fines and Costs under the Towns Improvement Act, £93 18 8			
„ Proportion of Fines under Licensing Act, 38 15 0			
	132	13	8
	£1,776	9	9

EXPENDITURE.

Nature of Expenditure.	Amount. £	s.	d.
By Balance due to Treasurer, 30th September, 1875,	12	19	8
„ Flagging and Repairs of Streets and Footpaths,	251	1	4½
„ Improvement of Streets, including £119 for making New Road from Bride-street to Mill-road, and £17 for making Water Tables in Trinity-street,	164	12	2½
„ Sewerage,	26	1	10½
„ Proportion of Grand Jury Cess payable by the Borough of Wexford,	802	10	8
„ Incidental expenses, including £9 for preparing Rate and Collection Books,	10	5	8
„ Law Costs,	6	8	8
„ Officers' Salaries, viz.:—			
Town Clerk, £40 0 0			
Town Surveyor, 10 0 0			
	50	0	0
„ Collector's Fees,	133	10	9
„ Advertising and Printing,	12	2	6
„ Local Government Board for Audit,	12	5	0
„ Cash in hands of Town Clerk at end of year,	4	1	11
„ Balance due by Treasurer at end of year,	290	9	5½
	£1,776	9	9

I certify that the foregoing is a true abstract of the Accounts of the Corporation of Wexford for the year ended 30th September, 1876.

Dated 20th April, 1877.

GEO. W. FINLAY, Local Government Auditor.

App. No. 17.

Sligo.

APPENDIX No. 17.

SLIGO.

Population in 1871, 10,670.

Corporation.

CORPORATION of the BOROUGH of SLIGO.

Mayor.

James Nelson, esq.

Aldermen.

William Middleton, esq.
James Tighe, esq.
Thomas O'Donovan, esq., J.P.

Councillors.

James Nelson, esq.
Robert Crawford, esq.
Daniel Magill, esq.
James Kidd, esq., J.P.
Charles Sedley, esq.
James W. Sedley, esq.
Michael Golden, esq.
Maurice Conroy, esq., J.P.
Martin W. Philips, esq.
William Connolly, esq.
Bernard Colleary, esq.
Henry Dudgeon, esq.
Patrick Keighron, esq., J.P.
Thomas H. Williams, esq., J.P.
William A. Woods, esq., J.P.
Robert Hunter, esq., J.P.
James Doherty, esq., J.P.
Alexander Gillmor, esq., J.P.
Charles Anderson, esq., J.P.
Stephen M. Cherry, esq.
John G. Davis, esq.

Abstract of Accounts.

ABSTRACT of the ACCOUNTS of the CORPORATION of SLIGO for the Year ended the 29th September, 1875, showing the Receipts and Expenditure under the several heads during that period.

RECEIPTS.

Nature of Receipt.	Amount. £	s.	d.
To Balance in hands of Treasurer—			
Town Hall Account,	6	7	9
Sanitary Account,	42	16	6
Borough Rate collected and lodged in Bank,	3,310	17	2
Sanitary Rate collected and lodged with Treasurer,	25	0	0
Proceeds of Bill discounted by Bank,	283	2	10
Cash received for Debenture Mortgages,	7,150	0	0
To Rents,	72	13	3
„ (Apartments in Town Hall),	155	13	6
Petty Sessions Fines,	36	19	9
Dog Licence Duty,	13	19	8
	£11,097	10	5

EXPENDITURE.

Nature of Expenditure.	Amount. £	s.	d.
By Balance due Provincial Bank,	695	14	11
Salaries—			
Mayors for 1868, 1869, 1870, 1871, 1872, 1873,	720	0	0
Town Clerk, Treasurer and Accountant, Borough Surveyor, Constable, and Watchmen,	397	0	0
Collector's Poundage (including balance due, 1874),	118	13	4
Printing, Stationery, and Advertising,	22	5	9
Rent and Taxes,	1	18	6
Office Expenses (including Fuel, &c.),	12	6	3
Payments to Grand Jury, County Sligo,	881	5	5
Interest on Debt,	392	3	9
„ Bills and Bank Account,	75	8	10
Borough Rate paid in error (refunded),	0	15	9
„ Boundaries (erection of),	14	0	0
„ Coroner's Fees, and Expenses of Inquests,	18	11	0
Repairs of Streets and Footways (including balance due, 1874),	932	3	1
Scavenging,	135	19	10
Lighting (including arrear of 1874),	749	17	3
Pumps,	29	9	6
Law Costs,	24	6	10
Weights and Measures,	19	13	0
Amount paid to meet Bills drawn on Treasurer,	785	0	0
Audit of Accounts (2 years),	33	12	0
Miscellaneous,	12	4	10
By Town Hall—			
Erection of, £ 2,325 0 6			
Rent of Site, 50 0 0			
Interest on Current Bills, and Stamps, 43 0 1			
Repairs and Gas Fittings, 2 19 9			
Wages of Caretaker and Attendant, 41 0 0			
Miscellaneous, 0 5 0			
	2,462	5	4
Sanitary Expenses, viz.—			
Salaries of Officers, 50 0 0			
Collector's Poundage on Rate of 1873-4, 20 0 0			
Sewerage, 36 15 10			
Printing and Stationery, 3 17 4			
	110	13	2
Balance in Provincial Bank,	2,415	2	4
„ in hands of Treasurer—			
Town Hall Account, 24 16 5			
Sanitary Account, 12 3 4			
	36	19	9
	£11,097	10	5

I certify the foregoing to be a true abstract of the Receipts and Expenditure of the Corporation of Sligo for the year ended the 29th September, 1875.

Dated this 28th day of August, 1876.

EDWARD J. BROWNE, Auditor.

Sligo Butter Market.

Master of the Rolls' Opinion.

I think that the report states correctly the several Acts of Parliament bearing on the important subject-matter of this case; but in some of the conclusions which it draws it will require variations, the extent of which will appear in the answers to the other queries which I annex, 1, 2, 3, 4, 5, and 6. The offices of public weighmaster (as stated in substance in the report), are entirely distinct and separate, the former deriving his authority from the statute of Anne, and the latter from the 52nd Geo. III., c. 134. It appears to me that the appointment of butter weighmaster is vested in the Corporation, and if no appointment was made to that office since Mr. Wynne's death, it seems to me that the office is vacant. The Court of Queen's Bench, in a case from the borough of Sligo itself (Kelly *v.* Molony, 4 Irish C. L. Reports, p. 413, which see), decided that the offices of weighmaster of butter and of taster of butter were *not two* separate offices, and that tasting was merely a function of the office of weighmaster of butter, and that therefore there was but *one* office under 52nd Geo. III., c. 134, viz., weighmaster of butter. Having regard to the decision I think the Corporation can only appoint to one office, that of weighmaster of butter, who will or can *thereby* become taster also. This office of weighmaster I think is a freehold office, and whoever is appointed he will, I think, be entitled to hold it for his life, except in case of his misbehaviour for which his removal is provided by the statute. I do not think that the Corporation can make by-laws for the management of the market. It would seem from the case of Kelly *v.* Moloney, above referred to, that the general tolls and customs of Sligo were considered to be vested in Mr. Wynne, and it is to be observed that the charter sent only grants such markets, &c., in the Corporation *theretofore enjoyed*, but, no doubt, a butter weighmaster, if the public resorted to him, would be able by his own arrangements to regulate, to a great extent, the conduct of the market. The 10th Geo. IV., c. 41, has this important effect, that weighing and tasting before exposure to sale, is no longer *obligatory;* and therefore it depends very much on the public themselves *now* whether the appointment of a weighmaster will have sanction. With respect to the vacancy of the office, this is also to be borne in mind, that if anyone has been *for any time acting* in the office of butter weighmaster, it is evidence to go to a jury of *his lawful appointment;* and in reference to this matter the case of Dexter *v.* Hayes, 11 Irish Common Law, 106, is a very strong decision. It would however appear to me very difficult for a pretender to the office in the borough of Sligo to sustain a presumed appointment, but it is a view which cannot be altogether lost sight of. I think that the Corporation could not farm out the office or the fees of the office of weighmaster. The statute gives those fees to the officer and not to the Corporation; and it appears to me that a farming out of the office in appropriating part of its revenue would be contrary to public policy.

7 & 8. In my opinion the Corporation is not entitled to any account in respect of the emoluments mentioned, they are no part of the corporate revenues; and during the time these fees were received, when there was no legal weighmaster of butter, the only persons who could get back the money seems to me to be the persons who paid it, but their right to recover back would depend upon a variety of circumstances, which in any given case might be different from any other; but it seems to me that in no view would the Corporation be entitled to any account which was received by the party usurping the office. The proper course for the Corporation to pursue and strikes me is to make this appointment, and then the butter weighmaster could bring his action against any one disturbing him in his office. See Dexter *v.* Hayes, above mentioned.

Edward Sullivan.

32, Fitzwilliam-place,
23rd October, 1867.

Opinion on Additional Queries.

I have stated in my former opinion that the Corporation of Sligo could not farm out the office of butter weighmaster, so as to get the fees, or a portion of them, for the benefit of the town. It appears to me that any agreements made with a person appointed to the office, whereby any part of the fees payable to him would go to the Corporation, would not be binding on the weighmaster, but I think that it is very plain that if a person be appointed weighmaster he could voluntarily surrender or give up to the Corporation all or part of the fees of his office, and his so doing would not in any way render his appointment less valid. Indeed, I think further, even if the appointment was made on the express condition of his giving up the fees, that the appointment would stand good, *and the condition would be considered void*, and the appointee would take the fees just as if no such condition was imposed. In making an appointment now, it will, however, be safer to make no express condition or stipulation as to the fees. Let the appointment be made unfettered by any such arrangement, and then let the weighmaster deal voluntarily with the fees. There can be no possible objection to a private understanding in the matter, and the same course ought to be observed with respect to a resignation. It will be better not to appoint the mayor, such an appointment may cause embarrassment in more ways than one. There can certainly be no objection to the proposed bill containing clauses modifying or altering, as to the town of Sligo, the provisions of the old statute as to the butter weighmaster in his fees, &c. It unquestionably would be most desirable that the Local Act for the government of Sligo, viz., that of 1803, should be materially and substantially altered, and it would appear to me that the regulation of the butter market would most properly come within the scope of such bill.

Edward Sullivan.

32, Fitzwilliam-place,
7th November, 1867.

Memorial of the Butter Merchants of Sligo.

To the Mayor, Aldermen, and Burgesses of the Corporation of Sligo.

Sligo, *March 26th*, 1877.

The undersigned, who are engaged in the butter trade in Sligo, beg leave to memorialize and solicit the aid of the Corporation of Sligo, for the purpose of remedying the grievances under which the trade consider they have been suffering for some considerable time.

1st—The memorialists consider a principal grievance, the deficient and faulty qualification of the different classes of butter, and also the want of uniformity in such qualification.

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Sligo. Memorial of Butter Merchants.

2nd—That memorialists consider it a grievance, that butter bought in country markets by shippers, is qualified in Sligo market for the buyers of it, differently from what it would be, if brought in by the makers of the butter.

3rd—That the effect of such qualification has been most injurious to the buyers of legitimate Sligo crane brands, bought in the Sligo market, the consequence of which has been, that butter represented to be Sligo Market crane brands, although bought in country markets, and qualified they believe so differently, has been offered for sale, and sold in the Glasgow and other markets, at a lower price than Sligo legitimate crane brands could be purchased for in the Sligo market, an unfair competition being thereby established to the extent of at least 9*s.* to 10*s.* per cwt., and sometimes more.

4th—The memorialists represent that such a state of affairs is most injurious to the character and the brand of the Sligo Butter Market, in which they believe that not only the trade, but the Corporation and the public generally, including sellers as well as buyers, have a direct interest.

It was not until memorialists felt the injury to themselves and to the trade, and found that the character of the Sligo butter market was becoming degraded in the estimation of English and Scotch buyers, and that to such an extent that orders which would have come here, had been directed to other markets, that they endeavoured to get a remedy from the present weighmaster.

As an illustration of the evils the memorialists complain of, butter under the very same brands, representing the same qualities, and implying that it is Sligo butter, although bought in country markets, has been sold in the Scotch and English markets at 10*s.* per cwt. lower than Sligo legitimate crane brands, to the prejudice of the Sligo trade.

With the view of remedying these evils, the memorialists have held several meetings, and passed resolutions which memorialists now submit to the Corporation, having submitted the same to Mr. Tighe, your weighmaster, and he having failed to make such changes as are required, memorialists therefore pray the Corporation to take the whole matter of the butter market into consideration, and take such steps as may seem to them to be appropriate for the purpose, and for the occasion.

The resolutions will be found appended hereto :—

James Sinclair,
John Lawrence,
Robert Pettigrew,
Middleton and Pollexfen,
W. and J. Pettigrew,
John William Davis,
James Galloway,
M. Milmoe and Son,
James Crystal and Co.,
James M'Morrow,
Frederick H. Pollexfen,
Henry Gorman,
John Kearins, Ballymote.

James Kidd, Chairman.
John Pettigrew, Hon. Secretary.

Meeting, *November 28th*, 1876.

1. That this meeting has no confidence in the present inspector of the Sligo butter market.

2. That any inspector existing, or to be appointed, should be paid by salary.

3. That butter, previous to weighing, is not properly or sufficiently cleaned, thereby entailing a loss to the trade in the net weighing of the article.

4. That the system of weighing in Sligo market should be one pound from standing beam, and uniformity secured.

5. That the construction of the present butter market is almost prohibitory of proper inspection of butter, but until a proper construction can be provided, this meeting recommends that more assistance be provided to arrange the casks for inspecting, and preventing crowding of persons round the inspector.

6. That a copy of the resolutions passed at this meeting be sent to Mr. Tighe, the weighmaster and butter taster, with a request that he take them into consideration, and that he will kindly communicate his intentions to a meeting to be held on Tuesday next, December 5th, at 7, P.M., or such meeting as he may appoint, to which time this meeting is adjourned."

Meeting, *December 5th*, 1876.

The following reply was received from Mr. Tighe :—

Sligo, December 5th, 1876.

My dear Sir,

I have your esteemed favour of 29th ultimo, and copy of six resolutions passed at a meeting of the trade held on the evening of the 28th, in the Town Hall.

1st—It is to be regretted that after so many years' service the butter inspector should have lost the confidence of the trade, and would be glad to have any suggestions from the trade that would remedy the evil they complain of, without resorting to dismissal of Deputy Inspector M'Clean.

2nd—Paying inspector by salary would be contrary to the statute, which settles his fee at one penny per firkin.

3rd—I have always instructed the master cooper, Mr. Haire, to be particular, and am rather surprised to hear this complaint, and would be glad to have any suggestion from the trade that they think would remedy the cause of complaint, or make the cleansing of butter more effectual; same time I am not aware of any legal authority invested in me for doing so.

4th—I refer the trade to the Fairs and Markets Bill, which regulates the weighing of all produce.

5th—I believe the same protection is given the inspector now that has been given heretofore. Would the trade kindly say what more assistance is required for the arranging of casks, and who is to pay for it?

Your sixth resolution requires no remark from me; but I cannot conclude without suggesting to the trade to consider and think over some reforms required (in my mind) in their system of doing business in the butter market.

If the trade could, without injury to their own private interests, manage the purchase of butter, so as to give more confidence to the seller, so that, no matter how innocent or ignorant he may be, he will be certain to receive the full and fair market value of his butter, and I firmly believe this confidence is the first necessity to the making of the Sligo butter market at least double its present supplies.

Very truly yours,

James Tighe.

John Pettigrew, esq., Secretary.

After considering Mr. Tighe's letter, it was resolved—

1st—That this meeting repeats and confirms the expression of dissatisfaction and want of confidence in the present deputy inspector, and unhesitatingly requests that the weighmaster shall appoint a new deputy inspector, who shall be in a position to act independently of both buyers and sellers, and there being nothing in the statute to prohibit him (the weighmaster) from appointing his own deputies, he can therefore pay them by salaries, whilst his own perquisites may be limited to a fee of one penny per cask.

2nd—That as regards the third resolution, this meeting is of opinion that the master cooper should also be paid by salary, the weighmaster taking his fee in the same manner as for inspecting and weighing, and that stated persons should wait on and attend the master cooper for the purpose of properly cleansing the butter. This meeting expresses no want of confidence in the

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Sligo. Memorial of Butter Merchants.

master cooper, but strongly recommends a change of system of coopering and cleansing.

3rd—That as regards the third and fourth resolutions, additional assistance should be supplied to the master cooper, in order that the operation may be more effectual, as applicable to both cleansing and the nett weighing of the butter.

MEETING, *December 12th*, 1876.

1st—That the meeting being now assembled as an adjourned meeting from that of 5th instant, for the purpose of hearing from Mr. Tighe, the weighmaster, his decision as to the request of the trade, to appoint a new deputy inspector, and having waited till after eight o'clock without having received any intimation from Mr. Tighe, this meeting feels much disappointed and dissatisfied with Mr. Tighe's inattention to the interests of the butter trade, as expressed to him, and to his breach of promise in not informing this meeting of his decision as regards the appointment of a deputy inspector.

2nd—That this meeting believes Mr. Tighe's inattention to the representations of the butter trade indicates his indisposition to remedy the grievances complained of; and inasmuch as the appointment of butter weighmaster and butter taster was made by the Corporation, and although the appointment having been made for life, which implies irresponsibility to their authority, yet this meeting cannot believe that such large interests as are involved can exist without some control; that a memorial, embodying the resolutions passed at previous meetings of the trade, and already communicated to Mr. Tighe, be presented to the mayor, with a request that he do call a special meeting of the Town Council for the purpose of considering the whole question of the butter market as affecting the trade, the Corporation, and the interests of the public generally, and that a deputation be permitted to attend such meeting for the purpose of expressing their views.

3rd—That a committee consisting of the following gentlemen draw up a memorial to the Town Council, and that they also form a deputation to wait on the Town Council in case the mayor calls a meeting:—

J. SINCLAIR, sen.	M. BRAY.
J. LAWRENCE.	R. PETTIGREW.
J. M'MORROW.	J. PETTIGREW.
F. H. POLLEXFEN.	J. KIDD.

After the foregoing business had been transacted, a letter from Mr. Tighe was handed in at 9.20, which it was decided could not then be received, and the Secretary was requested to return the same to Mr. Tighe, with an intimation that if he wished to make any communication to the trade, a meeting would be held for the purpose of receiving it, or that it could be received and entertained at the meeting on next Tuesday evening, at 7.30, P.M., to which time this meeting stands adjourned.

APPENDIX No. 18.

App. No. 18.

Galway.

GALWAY.

6th and 7th Wm. IV.; 8th Vic., 10th and 11th Vic.; and Galway Improvement Act, 1853. Number of Commissioners, 24. Number of Burgesses, 626. Population in 1871, 13,435. Acreage within Municipal Boundary, 5,243A. 0R. 8P. Rateable value, £26,160. Poor Rate, 2*s.* 5*d.* in the £1; Maintenance Rate, 1*s.* 8*d.* in the £1; Water Rate, 1*s.* in the £1. Outstanding debt—(1) £1,600 due to gas company—incurred principally by the allocation of the funds of the Commissioners towards obtaining the special Act of 1853, instead of paying for the lighting of the town; (2) £15,000, loan from Board of Works for Waterworks; (3) £3,000 from same body, instalment of loan of £8,000 for sewerage purposes. Number of persons rated at £4 and up to £12, 245.

TOWN COMMISSIONERS.

Town Commissioners.

Name and Profession.	Valuation. £	s.	d.	Name and Profession.	Valuation. £	s.	d.
Captain James O'Hara, *Chairman*, J.P., D.L., Landed Proprietor,	246	5	0	Michael Grealy, House Proprietor,	253	0	0
Sir Valentine Blake, Baronet, J.P.,	126	0	0	Joseph Semple, Merchant,	145	15	0
George Morris, M.P., Land Agent,	50	0	0	James Martyn, Miller and Corn Merchant,	138	0	0
Major J. W. Lynch, J.P., D.L., Landed Proprietor,	880	0	0	E. D. Burke, Spirit Grocer,	84	10	0
Captain F. Blake-Forster, J.P., Landed Proprietor,	84	15	0	James Davis, House Proprietor,	150	0	0
Henry S. Persse, J.P., Distiller,	485	15	0	John Gill, Hotel Keeper,	114	5	0
R. N. Somerville, J.P., Merchant,	450	0	0	Michael Sullivan, Farmer,	241	0	0
James Campbell, J.P., Corn Merchant,	305	0	0	Thomas Palmer, Brewer,	361	0	0
L. L. Ferdinand, Newspaper Proprietor,	20	0	0	P. T. Grealy, House Proprietor,	186	10	0
John M'Dougall, Newspaper Proprietor,	51	0	0	Timothy Heveron, Draper,	38	15	0
Denis Kelly, Farmer,	31	0	0	Robert Stephens, Solicitor,	30	0	0
Michael Dooley, Bootmaker,	35	0	0	Edward Guilfoyle, Wine Merchant,	114	0	0

ABSTRACT of the ACCOUNTS of the TOWN COMMISSIONERS of GALWAY for the Year ended the 29th September, 1876, showing the Receipts and Expenditure under the several heads during that period.

Abstract of Accounts.

WATERWORKS ACCOUNT.

RECEIPTS.

Nature of Receipt.	Amount. £	s.	d.
Balance in hands of Treasurer,	1,611	10	0
Rates lodged,	574	4	7
Interest allowed by Treasurer,	5	3	2
	£2,190	17	9

EXPENDITURE.

Nature of Expenditure.	Amount. £	s.	d.
Salaries and Wages,	186	8	2
Materials,	981	3	0
Telegram,	0	2	0
Rent,	32	4	6
Taxes,	85	19	2
Instalment of Loan,	328	4	7
Renewal Fines on Lease,	21	10	3
Compensation for Damages to Lands,	58	4	6
Law Costs,	35	13	0
Balance due by Treasurer,	461	8	7
	£2,190	17	9

App. No. 18.

Galway. Abstract of Accounts.

ABSTRACT of the ACCOUNTS of the TOWN COMMISSIONERS of GALWAY for the year ended the 29th September, 1876, showing the RECEIPTS and EXPENDITURE under the several heads during that period—*continued.*

SEWERAGE ACCOUNT.

RECEIPTS.

Nature of Receipt.	Amount. £	s.	d.
On account of Loan of £8,000,	500	0	0
From Local Government Board, on account of Salaries of Sanitary Officers,	30	0	0
Board of Erasmus Smith's Schools, on account of opening Sewer,	3	0	0
Interest allowed by Treasurer,	1	8	6
	£534	8	6

EXPENDITURE.

Nature of Expenditure.	Amount. £	s.	d.
Sanitary Officers' Salaries,	120	0	3
Law Costs,	16	15	5
Proportion of Secretary's Salary,	15	0.	0
Plans for Sewerage,	196	13	4
Construction of Small Sewers, &c.	44	8	5
Instalment on account of Loan,	14	9	6
On account of Repairs to Slaughter House,	90	0	0
Cheque Book,	0	2	1
Balance due by Treasurer,	36	19	6
	£534	8	6

STREETS AND ROADS ACCOUNT.

	£	s.	d.
For Manure,	96	11	0
On account Rates on Government Property,	69	3	8
Rates lodged,	1,178	19	9
Balance due Treasurer,	653	6	8
	£1,998	1	1

	£	s.	d.
Balance due Treasurer,	454	7	7
Repairing and Cleansing,	1,543	13	6
	£1,998	1	1

ABSTRACT OF ACCOUNTS.

	£	s.	d.
Balance in Bank,	21	13	0
Tolls,	988	16	10
At North Crane,	12	17	11
„ East „	12	16	4
„ West „	22	16	0
„ Weigh Bridge,	107	1	6
„ Bohermore,	85	6	1
„ Forster-street,	133	12	3
„ Newcastle,	16	0	11
„ Rahoon, £1 0*s.* 10*d.*; Victoria-place, 15*s.*; Merchants'-quay, 12*s.*	2	7	10
„ North-road,	48	1	4
„ Railway Gap,	35	2	9
„ Williamsgate-street,	8	19	5
„ Eyre-street,	11	13	2
„ Pig Market,	5	0	0
From Standings,	15	11	6
On Slaughter-house Account,	50	1	10
„ Do. Private,	18	0	0
For Keys of Square,	9	0	0
„ Hay of do.	1	0	0
„ Fines on Watchmen, 12*s.*; Stallions, 30*s.*; Rent of Land, 22*s.* 6*d.*,	3	4	6
„ Stones sold, and Cleaning of Sewers,	1	0	0
„ Theatre in Square,	1	0	0
From Small Fairs,	16	7	3
„ Sewerage Account, Amount paid by Tolls Account in error,	10	6	1
Fines from Petty Sessions,	51	14	8
Interest allowed by Treasurer,	0	16	3
	£1,690	7	6

	£	s.	d.
Receiver and Collector of Tolls, and Watchmen,	240	14	4
Tolls handed to Gas Company,	623	9	7½
Additional Wages allowed to Tolls Collectors,	152	16	6
Do. do. Watchmen,	36	8	0
Gardener,	26	14	0
Slaughter House Keeper,	35	2	0
Salary to Secretary,	63	11	2
Balance on Account, Repairs to Slaughter House,	73	19	10
Rent and Taxes—including £84, three years' Rent of Slaughter House,	109	12	7
Repairs of Lamps,	20	5	1
New Weights for Cranes, &c.	5	9	1
Election Expenses,	8	0	0
Cheque Books,	0	10	5
Clothing for Watchmen,	11	15	6
Repairs of Town Clock,	14	0	0
Fuel and Gas for Slaughter House and Toll House,	46	15	2
Printing and Posting Bills,	17	2	2
Law Costs,	12	2	0
Salary of Town Steward,	25	0	0
Sundries, including drawbacks at Cranes,	42	13	11½
Balance,	124	6	1
	£1,690	7	6

I certify the foregoing to be a true abstract of the Receipts and Expenditure of the Town Commissioners of Galway for the year ended the 29th September, 1876.

ARTHUR M'HUGH, Auditor.

Dated this 23rd day of December, 1876.

App. No. 19.

Cashel.

APPENDIX No. 19.

CASHEL.

Towns Improvement Act of 1854. Population, 4,562. Number of Burgesses, 141. Rateable Value of Property, £5,687. Number of Persons Rated at £4 and up to £12, 125. Acreage within Municipal Area, 4,018. No Rates levied.

Town Commissioners.

TOWN COMMISSIONERS.

Name and Occupation.	Rating. £	s.	d.
Cahill, James C., Merchant (Cloth),	20	0	0
Coyle, Michael M., Apothecary,	13	10	0
Dolan, Michael, Veterinary Surgeon,	22	0	0
Dwyer, Michael, Merchant (Spirits and Leather),	17	0	0
Dwyer, Matthew, do., (Cloth),	12	0	0
Ferris, Daniel, do., (Toys),	16	10	0
Hackett, Patrick, do., (Grocery, Spirits, and Hardware),	16	0	0
Laffan, Thomas, Surgeon,	25	0	0

Name and Occupation.	Rating. £	s.	d.
Meara, Andrew, Merchant (Cloth),	27	0	0
Moloney, Daniel, Surgeon,	14	15	0
Mullins, John, Merchant (Grocery, Spirits, and Hardware),	45	0	0
O'Sullivan, Michael, Merchant (Grocery and Spirits),	12	5	0
Sayers, Hugh T., Solicitor,	25	0	0
Scully, Denis J., Petty Sessions Clerk,	14	5	0
Wood, John, Apothecary,	17	0	0

General Abstract of the Accounts of the Town Commissioners of the City of Cashel for one Year ended May 1st, 1876.

App. No. 19. Cashel. Abstract of Accounts.

1876, 1st May. To Amount received:—	£	s.	d.
Per Rental,	1,224	14	8
Butter Market Tolls (Wednesdays),	19	10	4
Do. do. (Saturdays),	16	8	6
Rent of Town Hall,	1	15	0
For Stones,	1	0	0
Do.	0	8	6
Manure,	31	0	6
Gas, £415 18 8			
Coke, 87 3 6			
	503	2	2
Dog Tax,	12	4	6
Grand Jury Presentments,	223	5	6
	£2,033	9	8

1876, 1st May. By Balance due to Treasurer on closing last year's Account,	£	s.	d.
	156	0	7
By Amount paid:—			
Salaries and Wages,	190	18	2
Gas Expenditure	627	8	4
Rent, Rentcharge, and Taxes,	105	15	6
Scavenging,	37	12	10
Grants for Educational purposes,	250	0	0
Flagging and Street Repairs,	172	12	4
Building,	6	10	0
Incidentals,	17	16	0
Grants for Clothing	40	0	0
Water Works, Repairs,	32	5	7
Advertising, Printing, and Stationery,	12	1	4
Interest,	50	2	4
Agency Fees,	109	12	0
Butter Market Expenses,	56	0	0
Balance due by Treasurer,	168	14	8
	£2,033	9	8

Cashel, June 23, 1877.

John Corby, Town Clerk.

List of Lands or Tenements the Property of the Corporation of which Leases have fallen in since 1840. Names of Parties to whom re-let; the rents, and terms for which Leases were made; the rateable value on Griffith's valuation; stating if any of the Parties to whom Leases were made were at the time, or shortly before or since, Members or Officers of the Corporation, or nearly related to such.

Lands or Tenements of which Leases have fallen in.

Denomination of Lands or Tenements of which Leases have fallen in since 1840.	Names of Persons to whom re-let by Lease.*	Rents. £ s. d.	Term of Lease.	Griffith's Valuation. £ s. d.	Whether Members of Corporation or nearly related.
Owen and Biggs' Lot,	Representatives of Denis Heney,†	6 19 3	Nil.	10 10 0	Neither.
Lalor's Lot,	John Ryan,†	16 18 9	Nil.	30 0 0	Do.
Houses in Friar-street,	T. Henebry,	5 14 0			
	P. Thornton,	3 18 0			
	J. Hogan,	3 19 6			
	J. Quigley,	4 18 0			
	T. Walsh,	5 4 0			
	T. Blake,	5 4 0	Nil.	28 10 0	Neither.
	J. Danahar,	4 8 4			
	T. Connors,	4 2 6			
	Widow Ryan,	3 18 0			
	J. Connors,	3 18 0			
	G. Squires,	8 0 0			

* None of these Premises re-let by Lease; the present occupiers all hold as yearly tenants.
† These parties, on the expiration of their Leases, were allowed to continue in occupation (at same rents) as yearly tenants.

January 30th, 1877.

John Corby, Town Clerk.

Extracts from the Minute Books of the Town Commissioners of the city of Cashel.

Extracts from Minute Books.

1843, *October* 20.—The object of the meeting having been to appoint valuators for the Corporation lands:

Moved by Mr. Dolan, seconded by Mr. Coman—

"That Thomas Heffernan of Ballynatun, and John Loughnane of Boytenrath, be appointed to value said lands, and that they be paid a sum of £10 each for such valuation they first subscribing a declaration to the following effect:—

"We, Thomas Heffernan and John Loughnane, do solemnly declare according to the provisions of the statute in that case made and provided, that we will truly, faithfully, and diligently examine into the value of the different lands, farms, and tenements (the corporate property of the city of Cashel), which we may be appointed to value by the Commissioners of the said city, and that we will estimate the value of said lands, farms, and tenements to the best of our judgment, knowledge, and skill, at such value as would be according to our judgment, knowledge, and skill a fair and reasonable rent between landlord and tenant in this county, according to the circumstances of each case."

1844, *February* 26.—Moved by Mr. Coman, seconded by Mr. Power—

"That leases be made to such of the tenants as apply at the rent exclusive of the rentcharge ascertained by the valuation, and that our agent be directed to take proceedings against those tenants that do not settle."

An amendment was moved by Mr. Corby, seconded by Mr. Desmond—

"That leases be only made on the old rents."

The motion was carried by a majority of 10 to 3.

Moved by Mr. Dolan, seconded by Mr. Coman—

"That the tenancy commence at 29th September, 1843."

"4*th June*, 1860.—Ordered—That the agent, Mr. Coman, be directed to have a notice to quit served upon Richard Stapleton for having entered into the possession of Judith Ryan's farm, without liberty from the Commissioners, and for not satisfying the tenant in a just and reasonable claim which she had on the land."

Correct.

John Corby.

Cashel, May 29, 1877.

App. No. 19.

Cashel. Extracts from Minute Books.

The following resolution was passed by the Town Commissioners of Cashel, on the 7th May, 1860:—

Moved by Dr. Russell, seconded by Mr. James Dunn—

Resolved:—"That the resolution entered on the minutes of the 6th March, last, ordering James Keating to be ejected in consequence of having subdivided his farm shall be rescinded, but that in future any tenant parting with a portion of his land without the sanction of the Commissioners shall be dispossessed."

John Corby, Town Clerk.

Appropriation of Corporate Funds.

Scheme for the Appropriation of the Corporate Funds, Cashel.

The Right Honorable the Attorney-General at the relation of Robert Stritch, ... *Plaintiff;*

William Pennefather, Charity M. Pennefather, his Wife; Richard Long; and the Commissioners of the City of Cashel, ... *Defendants.*

To the Right Honorable Sir Edward Burtenshaw Sugden, Lord High Chancellor of Ireland.

May it please your Lordship,

Pursuant to a decree made in this cause, bearing date the 19th day of January, 1843, whereby it was referred to me to take an account of the rents and profits received by the defendant, William Pennefather, out of the lands and premises comprised in the lease bearing date the 13th day of September, 1830, from the commencement of the said lease to the present time; and also to approve of a proper scheme for the appropriation of the income hereafter to arise from the estate in the pleadings in this cause mentioned, and of the funds which shall be paid into Court in this cause; I have inquired into the several matters so to me referred in the presence of the respective counsel and solicitors for the plaintiff and defendants, and also (with the concurrence of the Attorney-General) counsel and solicitors for certain of the inhabitants of the city of Cashel; and I find that the rents and profits of the lands and premises comprised in the said lease amount to the annual sum of £600, and the several parties, plaintiff and defendants in said suit, having ascertained among themselves, and reciprocally agreed that the rents and profits received by the defendant, William Pennefather, out of said lands and premises from the commencement of said lease to the present time, after making him all just allowances, amount to the sum of £6,000 sterling, I find same accordingly, and the following scheme for the appropriation of the income arising from the estate above mentioned, and which amounts to the before-mentioned annual sum of £600, and of the funds to be paid into Court, consisting of the above-mentioned sum of £6,000, having been submitted to me, and canvassed and discussed by the counsel of the several parties hereinbefore mentioned, I have, with their assent, approved thereof, to wit:—

"Proposed scheme for the appropriation of the sum due for mesne rates and the annual rents and profits of the lands and premises in the pleading mentioned, in pursuance of the decree in this cause, which said mesne rates amount to £6,000, and which said annual rents and profits amount to £600 per annum.

First—That a sum of £700, portion of said mesne rates, shall be laid out by the Commissioners of the city of Cashel, elected pursuant to the provisions of the Act passed in the ninth year of the reign of his late Majesty King George IV., intituled 'An Act to make provision for the Lighting, Cleansing, and Watering Cities, Towns Corporate, and Market Towns in Ireland in certain cases'—in paving, flagging, and improving the streets of the city of Cashel.

Second—That the sum of £300, portion of said mesne rates, or such part thereof as may be necessary, be applied by the said Commissioners in liquidation of the costs incurred by them in this cause and in the trial of the issues therein directed, when same shall be duly taxed and certified, and if there be any residue of said £300 after payment of said costs, that same shall be laid out in the purchase of clothing, to be distributed to the poor of Cashel by a committee of the clergy of Cashel of all denominations.

Third—That a sum of £2,000, portion of said mesne rates, be expended by the said Commissioners in erecting a suitable gas house, and procuring and laying down the necessary pipes and other matters necessary for lighting the city of Cashel with gas.

Fourth—That the sum of £1,000, portion of said mesne rates, be expended by the said Commissioners in procuring the necessary supply of water for the inhabitants of said city of Cashel, by digging wells, laying water pipes, forming water cuts, erecting fountains, and erecting such other works as may be necessary for securing to the inhabitants a constant supply of pure water.

Fifth—That a sum of £100, portion of said mesne rates, be applied towards the formation of a lying-in hospital for the poor of the city.

Sixth—That a sum of £460, portion of said mesne rates, be applied by the said Commissioners in payment of the purchase money of the Rev. Mr. Whitty's interest in the lands and premises called Cottrell's lot, part of the Corporation lands in the city of Cashel.

Seventh—That a sum of £200, portion of said mesne rates, be applied in making a short road from said city of Cashel to the Commons of Cashel, or in repairing the present road from same to same.

Eighth—That the sum of £240, portion of said mesne rates, be applied in erecting a mechanics' institute and temperance hall in said city of Cashel, said several sums of £2,000, £700, £300, £1,000, £100, £460, £240, and £200, be duly accounted for by said Commissioners before the Master in this cause.

Ninth—That a sum of £1,000, portion of said mesne rates, be advanced to the Cashel Loan Board, established in said city of Cashel, in connexion with and under the control of the Dublin Board.

Tenth—That a sum of £160 a year, portion of the rents of said premises, be applied by the said Commissioners towards the lighting, cleansing, and supplying with water the city of Cashel.

Eleventh—That a sum of £200 a year, portion of the rents and profits of said lands and premises, be applied to the support and maintenance of schools in said city of Cashel, that is to say:—£180 a year for two day schools, one for the education of boys and the other of girls, under the control of the National Board; and £20 a year for the support of similar schools under the control of the Protestant minister.

Twelfth—That a sum of £120 a year, portion of said rents and profits, be applied towards the maintenance and support of the said lying-in hospital heretofore mentioned.

Thirteenth—That the sum of £40 a year, portion of said rents and profits, be applied to the purchase of blankets to be distributed to the poor housekeepers of Cashel—to be distributed at Christmas by a committee of the clergy of Cashel of all denominations.

It is further proposed, as soon as there shall be any accumulation of the surplus rents and profits, to apply to the Court to have same expended for any charitable purposes which circumstances may render advisable. All which I certify and submit to your lordship as my report, this 2nd day of January, 1844.

(Signed), E. Litton.

William Kemmis, Solicitor.

Received 2nd January, 1844.

Frans. Prendergast, Regr.

Dublin: Printed by Alexander Thom, 87 & 88, Abbey-street,
Printer to the Queen's Most Excellent Majesty.
For Her Majesty's Stationery Office.

625

LOCAL GOVERNMENT

AND

TAXATION OF TOWNS INQUIRY COMMISSION (IRELAND).

SUPPLEMENT TO PART III.

REPORT AND EVIDENCE,

WITH

APPENDICES.

KINGSTOWN AND DALKEY.

Presented to both Houses of Parliament by Command of Her Majesty.

DUBLIN:
PRINTED BY ALEXANDER THOM, 87 & 88, ABBEY-STREET,
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1877.

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LOCAL GOVERNMENT AND TAXATION OF TOWNS INQUIRY COMMISSION (IRELAND).

SUPPLEMENT TO PART III.

SPECIAL GENERAL REPORTS

ON

KINGSTOWN AND DALKEY.

KINGSTOWN.

A local governing body of Commissioners was first constituted for Kingstown by the 4 & 5 Wm. IV., cap. 90 (Local), under which the town was governed until the adoption in March, 1855, of the provisions of the 17 & 18 Vict., cap. 103, the "Towns Improvement (Ireland) Act, 1854." Upon the adoption of this Act, and the election of Commissioners under it, the 4 & 5 Wm. IV., cap. 90, ceased to be operative, except as to things already done. In 1859 the Local Act, the 22 Vict., cap. 18, for providing a public water supply for Kingstown was passed, but there does not appear to have been anything ever done under this Act. By the 24 & 25 Vict., cap. 118 (Local), the "Kingstown Improvement Act, 1861," the duty and care of maintaining the roads and bridges within the town were transferred from the Grand Jury of the county of Dublin to the Town Commissioners of Kingstown. The Municipal Commissioners were empowered to levy rates for the purpose of paying the costs of obtaining the Act and the Kingstown proportion of the county at large charges, the expenses of maintaining roads and bridges within the township, and providing compensation for the barony collector of county cess and the Secretary of the Commissioners, whose duties were to cease on the Act coming into operation. Sec. 9.

Under this Act the finance committee of the county of Dublin Grand Jury make their warrant each half year defining the amount of the county at large charges to be contributed by Kingstown. Secs. 10, 11, 12.

The Commissioners are empowered to levy "a Kingstown road rate" not to exceed 1*s.* 6*d.* in the pound in the year, unless with the assent of a majority of not less than two-thirds of the ratepayers at a meeting specially convened by the Commissioners for the express purpose of considering the propriety of making an increased rate; but the entire rate is never to exceed 2*s.* 6*d.* in the pound in the year. The rate is to be assessed upon the same occupiers of premises, and in and at the same manner and times, and subject to the like exemptions, and with the like remedies by way of appeal or otherwise, as the other rates under the "Towns Improvement (Ireland) Act, 1854," and the Acts incorporated with it. Sec. 13. Sec. 14.

Compensation, the amount of which was to be fixed by the Lords Commissioners of the Treasury, was provided for Mr. Alma, the collector of county cess, for the loss of emolument consequent upon the separation of Kingstown from the county. Provision was made for the case of future extension of the town limits. Sec. 17. Sec. 19.

A superannuation or retiring allowance, at the discretion of the Commissioners, but not to exceed two-thirds of his salary, was provided for Mr. Murray, the clerk to the Commissioners for upwards of twenty years then past, and who had on account of ill health placed his resignation in their hands; and the Act contained a saving of the rights of the Kingstown Harbour Commissioners. Sec. 20.

In 1869, the 32 & 33 Vic., cap. 133 (the "Township of Kingstown Improvement Act, 1869"), was passed. By this Act the Town Commissioners are incorporated, a new division of Kingstown into four wards, hereinafter named, was made, and the number of Commissioners to be returned for each ward was fixed. Sec. 3.

KINGSTOWN.

Sec. 9. The qualification of a voter is the being the immediate lessor, resident in the town or within seven miles of the boundary of it, of premises within the boundary rated at £50 a year; or being the occupier as tenant or owner, or being the immediate lessor (rated for such premises to the relief of the poor to the net annual value of £4 and upwards) of any lands, tenements, or hereditaments in the township.

Sec. 10. The qualification of a Commissioner is the being a lessor, resident in the township or within seven miles of the boundary of it, of premises rated at £50 a year; or being the occupier as owner or tenant of premises within the township rated at £25 a year. Ecclesiastics, bankrupts, insolvents, and arranging debtors are disqualified. The lists of voters are revised annually by a barrister appointed for the purpose by the Lord Lieutenant.

Sec. 41. The Corporation of Dublin are bound to supply water at the rate of twenty gallons for each inhabitant per day, for which the Kingstown Commissioners pay to the Corporation, by way of rent, an annual sum, equal to 5*d.* in the pound on the Government valuation of the property in the township.

Secs. 47–52. Provision was made for the appointment by the Lord Lieutenant of an auditor of the accounts. (This audit is now superseded by that under the Local Government Acts.)

Sec. 56. The Commissioners are empowered to borrow and re-borrow, upon the security of the general yearly assessment provided for by section 60 of the "Towns Improvement (Ireland) Act, 1854," sums not exceeding £16,000, at a rate of interest not exceeding

Sees. 57, 59. £5 per cent., to be repaid by a sinking fund of one-fortieth of the money borrowed.

Sec. 60. The Commissioners are required to make, once in each year, a "sinking fund special rate" on all persons rateable under section 60 of the Act of 1854, provided that the total amount to be raised in any one year shall not exceed the amount required for that year for payment of interest and sinking fund, and shall be deemed to be part of, and not an addition to, the general yearly assessment under section 60 of the Act of 1854.

Sec. 61. There is a power of appeal to the assistant barrister of the county of Dublin against any rate.

Sec. 67. The expenses of obtaining the Act were to be paid out of moneys raised by or on the credit of the rate under section 60 of the Act of 1854, provided that the rate to be made for defraying such expenses shall be distinctly set forth, and shall be paid, deducted, and retained by the same persons, and in the same proportions, as if the same were a rate levied for relief of the poor. This direction does not appear to have been ever acted upon or followed.

Ev. 352. The 34 & 35 Vict., cap. 109, the "Local Government (Ireland) Act, 1871," was adopted in Kingstown in January, 1873.

In 1874 the 37 & 38 Vict., cap. 167, the "Kingstown Township Extension Act, 1874," was passed. By this Act the limits of the Township were extended and the newly added places were removed from the control and government of the county Grand Jury to that of the Kingstown Commissioners; further compensation was provided for Mr. Alma; there was a re-arrangement of the wards into which the town was divided; the Com-

Sec. 25. missioners acquired a further borrowing power to the extent of £3,000; and they were authorized to pay out of the rates £200 towards the costs and expenses of applying for the Act, and also their own costs and expenses of opposition to it. This Act had been promoted not by the Commissioners but by persons resident outside of the township

Mr. Ennis, Ev. 28. boundary, in order to have their district made part of the township. The Commissioners petitioned against the Bill.

By the 38 Vict., cap. 2, passed in 1875, confirming a provisional order of the Local Government Board in Ireland, the Kingstown Town Commissioners were empowered to borrow £10,000 to be applied in the making of internal drainage works. Of this £10,000, £2,000 was to be expended for works in that part of the Kingstown Township called Glasthule, and £8,000 on works in Kingstown not comprising Glasthule.

Ev. 36. The municipal limits of Kingstown contain 1,450 acres, and the gross valuation is

Ev. 235. £77,000, the valuation for taxation being about £65,000.

Ev. 35. The population was about 17,500 in 1871, but is constantly increasing.

Under the several statutes above referred to the Township is divided into four wards, the names, area, rateable value of property, number of voters in, and representation of, which respectively are as follows:—

Wards.	Area.			Valuation.			Voters.	Commissioners Returned by.
	A.	R.	P.	£	*s.*	*d.*		
Glasthule,	603	0	21	15,183	0	0	284	6
Kingstown, East,	290	0	18	21,668	10	0	277	6
Kingstown, West,	355	1	0	20,376	5	0	390	6
Monkstown,	215	3	31	12,493	0	0	181	3

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CAPITAL DEBT.

The Commissioners have borrowed the following sums, viz., £16,000 on the 1st December, 1870, from the Patriotic Assurance Company, under the powers of the Act of 1869, at £5 per cent. interest, and repayable by instalments of £400 a year. Of this £16,000, £2,400 has been paid off, and £13,600 remains due; the interest has been paid up. Ev. 178–183. Ev. 220.

Under their power of borrowing £3,000 under the Act of 1874, the Commissioners in December, 1875, borrowed from the Treasury £1,300 at 3½ per cent. repayable, by means of a sinking fund, in thirty years, upon the security of the rate under the "Towns Improvement Act, 1854," for the purpose of laying pipes for the distribution of water to the extended districts under the Act of 1874, for which purpose it was applied. The Commissioners borrowed from the Treasury, under the "Provisional Order Confirmation Act" of 1875, on the 20th May, 1876, £2,000, for the purpose of the Glasthule internal drainage, and on the 27th May, 1876, £8,000, for the purpose of the Kingstown internal drainage. These sums, amounting to £10,000, were borrowed upon the security of the sewer rate levied under the "Public Health Act, 1874." They also borrowed, on the 14th November, 1876, under the authority of the Local Government Board, £8,000 to build a town hall, and also on the 14th November, 1876, £1,700, the balance of the £3,000 they were authorized to borrow under the extension Act of 1874, and £2,000 for the purpose of asphalting the footways of the town. These sums of £8,000, £1,700, and £2,000 were borrowed from the Royal Exchange Assurance Company, at 4½ per cent., repayable in forty years by annual instalments. The £1,700 was borrowed for and applied in the payment of the costs hereinafter mentioned. At the time of our Inquiry the principal sum remaining due on these loans was £36,600, less by at least one instalment of the £1,300 amounting to £49 4*s.* 8*d.* The interest on all was paid. Ev. 221, 222. Ev. 224. Ev. 225. Ev. 226. Ev. 228. Ev. 228. Ev. 231. Ev. 344, 350. Ev. 414–424. Ev. 347. Ev. 398, 399, 400, 472–481.

We consider it necessary to call attention to the account given to us of the application of these sums, amounting to £39,000. Of the £16,000 borrowed on the 1st December, 1870, £2,797 8*s.* 10*d.* was paid for the costs of Messrs. Anderson and Lee, the Dublin solicitors for the promoters of the Act of 1869; £1,856 8*s* 3*d.* was paid for the costs of Mr. Sharkey, their Parliamentary agent; and £1,421 3*s.* 10*d.* was paid for costs to Messrs. Casey and Clay, the solicitors who opposed the Bill on behalf of the Kingstown Commissioners. All these costs amount to £6,075 0*s.* 11*d.* The costs of obtaining the Act of 1869 were payable under its 67th section, but the Act does not sanction the payment of any costs of opposing the Bill. Ev. 184.

Before entering an opposition to the Bill the Commissioners had been advised by counsel that the costs of opposition could not be legally paid out of the rates, and their solicitor, Mr. Lalor, declined to act for them in opposing it. Messrs. Casey and Clay, solicitors, of Dublin, were employed to oppose it on the terms of a special agreement, which is as follows:— Ev. 204–208.

"We hereby agree and undertake to look only to the Township rates for payment of such costs and expenses as we may incur in opposing the passing of the Kingstown Township Bill, now before Parliament, in pursuance of the resolution of the Commissioners of this date.

"And that it is expressly and distinctly understood, and we hereby undertake and agree not to hold the Commissioners, either individually or collectively, personally liable to us for said costs or expenses on condition that the Commissioners will not give any opposition to our being paid out of the rates, if we shall be legally entitled to be, as your solicitors, in preserving and protecting the rates and property of the Township.

"Dated this 9th day of March, 1869.

(Signed), "CASEY & CLAY."

After the Act passed, Messrs. Casey and Clay brought an action in the Court of Common Pleas in Ireland against the Commissioners for their costs of opposing the Bill. They appeared and took defence by their attorney, and by consent of the plaintiffs, Messrs. Casey and Clay, and the defendants, the Commissioners, a case was stated for the opinion of the Court of Common Pleas, the question to be decided being whether the rates and the moneys raisable upon the security thereof, could be properly applied for the payment of Messrs. Casey and Clay's costs. The Court declared that the rates were properly applicable for the payment of these costs, and accordingly the above-mentioned amount, £1,421 3*s.* 10*d.*, was paid out of the £16,000 to Messrs. Casey and Clay. The ratepayers of Kingstown were not parties to or represented in this action, save so far as they could be said to be represented by the Commissioners, whose interest in the action was, as appears to us, opposed to their duty on behalf of the ratepayers, of defending the rates from liability. The costs of the action in the Court of Common Pleas were also paid out of the £16,000, and the balance of it, about £9,500, was applied in the pipe-laying works for the public water supply. Ev. 195. Ev. 196. Ev. 200, 201.

Of the £3,000 borrowed under the Act of 1874, £1,300 was expended in pipe-laying Ev. 226, 227.

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works for the public water supply in the then recently extended districts of Kingstown. The remaining £1,700 which was afterwards obtained was applied in payment of £200, portion of the costs of obtaining that Act mentioned in section 25, and about £1,400 was applied as follows:—In the session of 1873 the Commissioners opposed a gas Bill promoted by the Dublin Corporation, and for that purpose employed Mr. Sharkey as their Parliamentary agent. Their costs of opposition were not in any way provided for by Parliament, and Mr. Sharkey sued them in the Court of Common Pleas in Ireland for £1,237 7*s.* 4*d.*, the amount of his costs.

Ev. 308–477.
Ev. 399, 400.
Ev. 481, 482.
Ev. 399.
Ev. 471–481.

A special case was, as in the former instance, stated for the opinion of the Court, whether the rates or the moneys borrowed upon the security of them, were applicable to the payment of these costs, and the Court declared that they were. Accordingly the £1,237 7*s.* 4*d.*, and £54 17*s.* 9*d.* for interest at £4 per cent., and the costs of the suit were paid out of the £1,700 borrowed under the Act of 1874. The ratepayers were not represented in this case any more than they were in the former action. The Commissioners contend they were justified, under the Act of 1874, in making this application of the £1,700; and it was stated before us that they had the opinion of counsel to that effect.

Ev. 398, 399.
Ev. 471–481.
Ev. 2668–2699.
Ev. 2662.
Ev. 472–481.

The sum of £10,000 obtained from the Treasury for the purpose of internal drainage has been partly expended in these works.

Ev. 230–242.

The £2,000 for Glasthule works has been expended in drainage works in Glasthule, but will not suffice to complete those contemplated as necessary for that district.

Ev. 242–256–7.
Ev. 254.

Of the £8,000 to be applied for drainage works in Kingstown, there had been, up to the time of our Inquiry, £1,764 15*s.* 3*d.* expended upon those works, and the balance of £6,235 4*s.* 9*d.* was to the credit of the Commissioners at their bankers; and there was, at the time of our Inquiry, a proposition pending, and to come on before the Commissioners, for the investment of at least a portion of that sum in Government stock, until it should become necessary to use it in payment for works.

Ev. 330, 331.
Ev. 324.
Ev. 331.

There was a matter connected with the drainage works in Kingstown made under the Provisional Confirmation Act, 1875, which we feel bound to notice. Before a Provisional Order is made by the Local Government Board, they send one of their officers to hold a local inquiry and ascertain whether the proposed works are proper for the designated purpose, and whether the amount in respect of which borrowing powers are sought is fairly sufficient, and not excessive. Plans of the proposed works are submitted to him. That was done for the purpose of obtaining the power to borrow the £8,000, but a change in the plan of drainage works was made by the Commissioners, and a sum of £390 of the £8,000 was ordered to be expended in the drainage of Crosthwaite-park, which was chiefly the property of Mr. Crosthwaite, the then chairman of the Commissioners, while a place designated on the plan referred to by the Provisional Order for drainage was omitted. It was represented to us that on the 4th September, 1876, the Commissioners passed a resolution for applying to the Local Government Board as to the means of carrying out this proposition, and on the 20th September, 1876, the secretary of the Local Government Board wrote to the Commissioners that the officer of the Local Government Board reported to them that—

Ev. 278, 284.
Ev. 284.
Ev. 284.

> "It does not appear there is any particular objection to the proposed variation, but they, the Local Government Board, are not aware their sanction is necessary, or that they have any authority to give their sanction. The question for the Town Commissioners is, whether the proposed variation in a matter of details of this kind involves a material departure from the general plans referred to in the Provisional Order, and to the carrying out of which the money borrowed under the Act is directed to be applied."

Ev. 284.

After the receipt of that letter the Commissioners directed the drainage to be made at Crosthwaite-park instead of the place designated on the plan referred to by the Provisional Order. It was represented on the part of the Commissioners, to the Local Government Board, that the town surveyor of Kingstown forgot to include Crosthwaite-park in the plans he prepared for the Board. The place designated in the plans referred to in the Provisional Order has been altogether omitted from the works, and Crosthwaite-park has been substituted for it. It appears, too, that the resolution of the 4th September, 1876, was not passed at a meeting of the Commissioners called in reference to that particular business, but at an ordinary meeting of the Commissioners in committee as the urban sanitary authority. It appeared to us that an impression existed that the place originally designated to be drained and sewered was omitted, and Crosthwaite-park substituted, in order to benefit the property of the Chairman of the Commissioners.

Ev. 303.
Ev. 283–320, 321.
Ev. 284–315, 329.

A great deal of dissatisfaction was, as will be hereafter seen, expressed as to the quality of the sewerage work done under the Provisional Order.

The £8,000 borrowed for building a town hall in November, 1876, at four and a half per cent., and repayable by forty annual instalments, has not yet been applied for its purpose.

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The Commissioners propose to take a site from the Kingstown Harbour Commissioners for 999 years, at a rent of £65 a year, but any estimate the Commissioners have as yet got for building a town hall very far exceeds £8,000, and there does not appear to be any prospect of their being able to get a town hall built for £8,000. In the meantime interest at four and a half per cent., equal to £360 a year, is payable on the £8,000, and the principal is repayable by annual instalments of £200. As against these outgoings the Commissioners receive only the dividends on the Government new three per cent. stock, in the purchase of which the £8,000 was invested on the 9th February, 1877. This is not profitable for the ratepayers, and it appears to us that the borrowing of the £8,000 at the time was premature and unnecessary. Ev. 347–378. Ev. 360. Ev. 377. Ev. 353–347, 1035. Ev. 471, 353.

Of the £2,000 borrowed for the purpose of making asphalte footways and crossings, the sum of £624 12*s.* 9*d.* had been expended in such works up to the time of our Inquiry, and the balance remained in bank to the credit of the Commissioners available and in course of being applied for the purposes for which it was borrowed. Ev. 414–424.

Complaints were made that the sewerage of the town was in many instances imperfect. No map of the existing sewers was ever made as required by the provisions of the 13th section of the Towns Improvement Clauses Act of 1847. Some years since the then Board of Commissioners employed Mr. Palles, C.E., to make a map of the then existing sewers, and he did so, but not on the scale required by the Act of Parliament. We could not ascertain for certainty whether or not that map has been continued by having marked thereon the new sewers made from time to time. Some time since the Commissioners ordered Mr. Doyle, their present surveyor, to make a complete map of the then existing sewerage, but he has not prepared it, and does not consider it any part of his duty to do so. In 1873 the Commissioners constructed a new sewer from George's-street to connect with one leading from Mulgrave-street to the Fortyfoot-road. This sewer was made under the following circumstances:—Mr. Doyle made the sewer by men employed by him under the superintendence of a man named Duff, the head ganger of the Commissioners. While the work was going on, Mr. Brady, a ratepayer, who had been employed by the Commissioners for five months under Mr. Palles in examining and preparing the map of the sewers, saw the sewer and alleged that it was being constructed on a wrong level, and the flow in it was going the wrong way. He reported the fact to Mr. M'Evoy, the then chairman of the Board, and Mr. M'Evoy and Mr. Kelly (Town Commissioner) agreed to visit the place. When they met the sewer was quite dry, and Brady requested Mr. Kelly to go down into the sewer by a ladder placed there. He did so, and Brady suggested to Mr. Kelly to order that a dam which had been placed across the sewer between the point where the ladder was placed and the Mulgrave-street end of the sewer should be knocked away. That was done, and the sewage stuff from the Mulgrave-street sewer immediately flowed so fast along the newly constructed sewer to the ladder that Mr. Kelly had to leave the sewer at once. This indicated that the level of the sewer was the wrong way. Duff the ganger stated that he made it on the wrong level; but according to that given him by Mr. Doyle, and that he told Mr. Doyle so, but was told to mind his own business as he was only a servant. Ev. 1214–1217. Ev. 1485–1490. Ev. 596. Ev. 1212. Ev. 3207, 2912. Ev. 3181–2. Ev. 3133–4, 2913–4. Ev. 3146. Ev. 3152. Ev. 3220. Ev. 3225.

After Mr. M'Evoy and Mr. Kelly had so inspected this sewer its condition was brought before the Committee of the Board, and, according to Mr. M'Evoy's recollection, he proposed to them that some other engineer should be appointed to examine the condition of this and the other sewers, but that his proposition was rejected; while Mr. Kelly states that such a thing did not take place. The Committee, however, appointed three of their body to examine this sewer, which they did. On the day of their going there Mr. Doyle called the police, and required them to remove Brady, who was also there, from the works, which they refused to do, as Brady stated he was there as a ratepayer, and was not interfering with Mr. Doyle or the works. The sewer was finished, notwithstanding Mr. Brady's representations; and it is stated that it is still out of level, and that at Mr. Buckley's end of it there is twelve inches of deposit as against only four at the other end. This was denied by Mr. Doyle and also by Mr. Barnes, an engineer examined by him, who stated that the sewer was on a proper level; while Dr. Roche, who was with Mr. Barnes on his recent examination of it, admitted that there was the difference of deposit at the two ends of the sewer; but he stated that that did not necessarily prove that the level of the sewer was not correct. The necessity for making such a sewer appears to be very questionable, as, if Duff's account of it be correct, it cannot drain the houses at one side of the street through which it is made, while those of the other side of the street can be and are, in fact, drained by another sewer; and Mr. Barnes himself stated that the sewer was too small, and that it, as also other sewers, were improperly trapped. It was evident that there was a strong feeling on the part of some ratepayers as to the action of the Com- Ev. 3198. Ev. 3200. Ev. 3162–3168 –3201. Ev. 3226, 3174. Ev. 3242. Ev. 3262. Ev. 3247–8–9. Ev. 3243–4. Ev. 3255.

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missioners about this sewer, and, as we understood it, the feeling was that the Town Commissioners should not have employed Mr. Doyle to plan and design other and more extensive and expensive sewerage works until they had ascertained by the employment of an independent engineer that he had not made the mistakes imputed to him with respect to the sewer in question. Mr. Doyle is also of opinion that no one should supervise or inspect any work which he is doing for the Commissioners.

Ev. 1335-1341.

Ev. 238.

After this sewer was made, or during its construction, Mr. Doyle prepared plans for the drainage of the Kingstown and Glasthule districts with a view of enabling the Commissioners to obtain a provisional order from the Local Government Board for making sewers at a cost of £8,000 for the Kingstown and £2,000 for the Glasthule district, as already stated. These plans showed the line of the proposed sewers, and by the colours whether they were to be made with bricks or pipes. No levels or sections were shown on the plans, but the sizes of some of the sewers and pipes were given. These plans were laid on the table of the board-room for two months, and Mr. Robinson then held the necessary inquiry for the Local Government Board, which resulted in the plans being passed, and the provisional order was made which was confirmed by the Act of the 38 Vict., cap. 2. The provisional order recites the preparation of plans by the surveyor showing the works necessary for the drainage of the two districts, and that the sums of £8,000 and £2,000 were sufficient to carry out the said works within the respective districts, and then sanctions the borrowing of £10,000 for the execution of the works.

Ev. 241.

Ev.2057-2062.

After the passing of the Act Mr. Doyle thought fit to alter his designs as shown on the plans in several instances. At the end of the Glasthule district he had shown on the plan a brick sewer three feet by two feet, which he must then have considered necessary to carry off the sewage of that large district at its termination near the sea; but he afterwards without the authority of anyone substituted a fifteen-inch pipe in place of that sewer which is considered wholly insufficient. He stated at first he thought it would be sufficient by his increasing the fall, but this statement was evidently incorrect from the fact that he admitted that he intended the level of the new sewer to meet the level of the old one which he was to use as the outlet at Bullock harbour. Having admitted that it would be impossible for him to carry out the contemplated sewerage works in Kingstown district for which the loan of £8,000 was granted, according to his plans and specifications, in consequence of the contractor's tenders for the works being so much higher than his estimate, he stated that he would get over the difficulty by altering his plans and making the sewers at higher levels than he had originally contemplated. He considers that he has ample powers to do so without the authority of anyone, and he has not even applied for or obtained the sanction of his own board to his doing so. When pressed by us as to what he would do with houses the owners of which had constructed their basements on the faith of his original levels, as shown in his plans, though not on the one placed before Mr. Robinson, if he now raised the levels of the sewers adjoining those houses, he was unable to give any reasonable suggestion as to what he would do for them, nor could he now give to any builder the levels he designs for the new sewers to enable such builder to place the drains from his houses to such new sewer.

Ev. 2392-3-4.
Ev. 1033.
Ev.2091-2097.
Ev. 2101-2.
Ev.2099-2108.
Ev. 328-337.
Ev. 936-948.
Ev. 954.
Ev.2086-2089.
Ev.2126, 2132.
Ev.2292-2300, 2302.
Ev.1014-1030.

Ev.2086-2088.
Ev. 672, 948.

Mr. Doyle distinctly stated that he thinks he may alter the sewers and plans as he likes from time to time. We pointed out to him that such a power if it were exercised might in fact annul the Provisional Order and Act of Parliament entirely, and allow a surveyor who had obtained large sums of money for one set of works which were approved of by the Local Government Inspector to apply them to other works which never would have been approved of by that Inspector. Beyond a doubt a strong feeling prevails in the minds of many of the ratepayers of a highly respectable and influential class that the sewerage works as designed by and partially constructed under the superintendence of Mr. Doyle are wholly defective and insufficient, and that the money expended on them has been partially if not entirely thrown away. It is right, however, to add that the Commissioners were wholly ignorant of the several changes in Mr. Doyle's plans as to the construction of the sewers and their levels, and that Mr. Doyle never gave them any information on the subject.

Ev. 2133.
Ev. 2879.

Ev.2985-2987.
Ev.1931-1955, 1957-1970, 1971-2000.

Several cases of defective and insufficient sewerage were brought under our notice by different individuals, some of which were admitted by Mr. Doyle to be well founded. One related to Sandycove Harbour, into which a large sewer leads. It is made of masonry about one foot square from the sewer, running along the public road called Sandycove-avenue. The sewage through that sewer has largely increased of late from the building of new houses, and it originally discharged at the high watermark. This was afterwards carried out to low watermark by a six-inch metal pipe leading from the one-foot square sewer. This pipe appears to be quite insufficient in size, besides

being completely broken up and lying about the harbour, the bottom of which dries at low water, and is now in a horrible condition. The smell in summer is intolerable. A ladies' and a gentlemen's bathing place are situated close to the entrance of this harbour, and at certain times of the tide it is impossible for anyone to bathe there from the foul condition of the water and the fearful smell. The place has been allowed to remain in that condition for a number of years to the great discomfort of, if not danger to, the inhabitants of this populous district. With regard to one of the pipe sewers more recently constructed, it was lately found to be completely choked and had to be broken open and cleansed by Duff the ganger, as described in his evidence. Numerous other complaints were made as to the condition and insufficiency of the sewerage, which it would take up too much time further to allude to in this Report, but which satisfied us that the existing sewerage of this populous and important township is in a defective condition and requires immediate and careful supervision and attention. The main streets of the township are twenty-two miles long, fourteen of which only have sewers, viz., eight miles of old sewers and six of new, which have been made by the Commissioners since the year 1868. Those which have been recently constructed under the provisional order of 1874 were done by contractors under specifications which provided *inter alia*, that the bricks should be the best county Dublin grey stock bricks; in some cases these bricks were not used to the knowledge of the surveyor and the Clerk of Works employed by the Commissioners, and the defective quality of the bricks used in the sewers is complained of. One gentleman stated that "sewers constructed with such bricks could not be of a lasting character." Mr. Doyle admitted that some of the bricks used were not according to the specification, but he passed them and certified for the work as done, because, as he said, he had power to vary the contract and specification as he thought proper. There is not, however, any clause in the contract or specification giving him any such power, as we pointed out to him.

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Ev. 2854–2864.

Ev. 1402.

Ev. 796.

Ev. 1434–1437.

Ev. 2340–2351.

Ev. 1484.

Ev. 1423–31, 2339–51, 707.

The cement used in the construction of the sewers was not of the description or quality stipulated for in the specification, which provided that the cement to be used should be the "best London Portland cement." This is the best cement known in the trade, but what was used was different both in quality and value, and yet it was accepted and certified for by Mr. Doyle. The specification further provided for the use of "Jenning's patent pipe with a junction on the saddle" for the purpose of making proper connecting drains with the houses, but not one was used to the knowledge of Mr. Doyle, and the clerk of works stated that although he read the specification he did not carry it out, because he could not get the materials as they were not in the country. Objections were also made as to the mode in which the pipes were jointed, the surveyor stating that he would not allow cement to be used while the clerk of the works stated that he allowed it.

Ev. 2471.

Ev. 2352–67.

Ev. 1456–7.

Ev. 1447.

Ev. 686–1443.

Ev. 1438.

Evidence was also given as to the mode in which the pipes were laid and covered with large stones, which must have been most injurious to vitrified pipes. It also appears that a number of the connecting drains from the houses with the sewers are put in and made by the scavengers of the Commissioners under the superintendence of Duff, the head ganger, who said that they were laid by him, and also that some sewers were constructed by him without any levels being given or pointed out to him by the surveyor. He also spoke as to the bad level and size of some of the sewers, in answer to which the surveyor stated that Duff knew nothing about it, and further, "that he was not competent to give an opinion on sewerage works or drains either."

Ev. 2268–70.

Ev. 2817.

Ev. 2847, 2872–3.

Ev. 2876.

Ev. 2878.

It occurred to us, and we so stated, that if the surveyor entertained such an opinion about the man, he ought not to have employed him to undertake such important works. Mr. Kelly, on the part of the Commissioners, assured us "that they were ignorant of what was going on about the sewers and connecting drains, as they had never received any report from their surveyor or ganger on the subject." It would be impossible to go through, in detail, the several matters connected with the sewerage which was brought under our notice by several persons from different localities, many of whom were persons of intelligence and position, and fully competent to express the opinions which they did. The evidence of the witness Duff alone will show the defective nature of the sewerage executed by himself, and that with the other evidence satisfied us in the conclusion we came to at the Inquiry, and have above expressed, as to the insufficiency and defective nature of the existing sewerage.

Ev. 2879.

Ev. 1381.

Ev. 2773–2899.

It has been already stated that the sewers are not sufficiently trapped according to the opinion of Mr. Barnes, while Mr. Palles and Dr. Roche are of opinion that they are not sufficiently provided with ventilators. There does not appear to exist between the Commissioners and Mr. Doyle that harmonious action which is desirable, and complaints appear to have been made against him from time to time, which have been investigated

Ev. 2738.

Ev. 2368–2371.

Ev. 2298.

Ev. 3287, 636.

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before the Commissioners, and on one occasion they sent a memorial to the Lord Lieutenant for his removal, but this idea was afterwards abandoned.

Ev. 812-815.

There are two matters connected with Mr. Doyle's conduct which we feel bound to allude to. Messrs. Edmundson were the contractors for laying, for the Commissioners, the water mains in the town. They had agreed as part of their contract to provide hydrant stones, three feet six inches square, of Dalkey granite. At the time the contract was signed Mr. Doyle assured Mr. Wigham, one of the firm, that there would be no difficulty in getting the necessary size of granite at Dalkey for those stones, and he actually offered to get a person there to provide them. Mr. Wigham agreed and gave the order for the stones, and Mr. Doyle afterwards certified for them when furnished as if they were the proper size, and Messrs. Edmundson paid the man who supplied them under Mr. Doyle's order as if for the full-sized stones. It turned out, however, that the stones supplied were only three feet square, instead of three feet six inches, and were not Dalkey granite at all, and the Commissioners afterwards deducted the sum of £50 from the Messrs. Edmundson's account for the difference in the value of the stones.

Ev.1252-1264. Ev.1265-1275.

Ev. 822.

Mr. Doyle's conduct in relation to this matter, and also as to certifying for stones and crossing blocks not delivered, was investigated at the time by a Committee of Inquiry appointed by the Commissioners, and their report laid before the Commissioners on the 18th August, 1871, will be found set out in full at question 817.

Ev. 1817-8.

During the progress of Messrs. Edmundson's contract, Mr. Doyle on one occasion applied to Mr. Wigham for a loan of money, which he gave him on his I O U, and afterwards paid; and on another occasion Mr. Doyle went security for Mr. Brady, a contractor employed by the Commissioners for the laying of asphalte, to enable him to obtain certain materials on credit from a Commissioner. We cannot but think it wrong for a person in Mr. Doyle's position to borrow money from or go security for a contractor, when he is the person to stand between the Commissioners and the contractors, in order to see that they perform their contracts. It was not, however, even suggested that any loss occurred to the Commissioners from Mr. Doyle's having acted in this way.

Ev.1232-1240. Ev.1249-1251.

Ev. 884-892.

The sanitary condition of the township is in many places far from satisfactory. The Commissioners have two sub-sanitary officers who appear most attentive and efficient, one of them being a sergeant in the Metropolitan Police, who is permitted to act for the Commissioners. They have also efficient sanitary and consulting sanitary officers. The sub-sanitary officers appear to report nuisances regularly to the sanitary officers, who report them to the Sanitary Committee of the Commissioners, and they make all necessary orders thereon. In the year 1866 the sanitary condition of Kingstown was very bad, as will appear from a report of the late Mr. Charles Halliday made to the Statistical Society of Dublin, and which was, after the death of that gentleman, edited with notes in the year 1867 by Dr. Thomas More Madden. Extracts from that report as to the condition of parts of Kingstown will be found at questions, 2176, 2203, 2206, 2214, 2222 and 2227.

Ev. 49. Ev. 1499. Ev. 1506. Ev. 51-2.

It will be seen from the evidence of Dr. O'Flaherty, the sanitary officer, that much has been done to improve the condition of the places referred to by Mr. Halliday, but that there is still a great deal that has not been done, and he also stated that he could show us courts "that ought to be swept off the face of the earth," and further that if an epidemic were now to break out in Kingstown it would most probably be attended with serious consequences. Mr. Doyle likewise stated that there were some exceedingly poor houses in the centre of Kingstown which were very badly provided with any accommodation, and he added that the whole of those places should be levelled to the ground to make other arrangements. We invite your Grace's attention to the entire evidence of Dr. O'Flaherty, in which he describes the sanitary condition of the township. (See evidence, questions 2151 to 2251.) The difficulties in carrying out the Sanitary Act were pointed out by Mr. Ennis at questions 580 and 2721.

Ev. 2232. Ev. 2234. Ev. 2235. Ev. 791-2.

Ev. 1600. Ev. 580.

It will be perceived in that evidence that Dr. O'Flaherty is of opinion that the greatest sanitary want in Kingstown is the want of a proper connexion from the dwelling-houses to the main sewers, and that this should be at once supplied. We allude to this opinion, expressed by a man in the position of the sanitary officer, who ought to know the matter well, in contradistinction to the evidence of Mr. Doyle, who told us that almost all the houses had connecting drains.

Ev. 2198-9, 2200.

Ev. 789.

Many cases of individual nuisances were pointed out, and with respect to some it was alleged that the sanitary officers and Commissioners were not sufficiently active in enforcing the abatement of them; but although in some few cases there may have been partial delay, on the whole it appears to us that in all cases where reports were made as to the existence of nuisances by the sanitary officer the Sanitary Committee did all

Ev. 1381. Ev. 1160. Ev.1595-1601.

Ev. 1545.

in their power to have his recommendations carried out. The consulting sanitary officer also, while stating that great improvements had been made in sanitary matters, fairly admitted that much more was necessary to be done. KINGSTOWN. Ev. 2520–1.

We were also referred by Mr. M'Evoy to the evidence given by him before the Select Committee of the House of Commons which passed the Kingstown Act of 1869, with reference to the sanitary state of Kingstown, and to that given before the same Committee on the 22nd April, 1869, by Mr. James M'Henry, an Inspector of the Dublin Sanitary Board, some extracts from which will be found at questions 2524–2526. Ev. 2522.

A great deal of the improvement in sanitary matters, particularly in the poorer parts of the town, is to be attributed to the introduction of the Vartry water, which is now supplied in almost every, if not in every, lane in the township, whereby the poor have an ample supply of pure water, and by it the scavengers are enabled to scour and wash out the lanes, many of which are not provided with sewers, and could not be at all cleansed before from the want of any water supply. Ev. 2197–8.

Complaints were made that in some localities night soil and refuse was thrown into some of the lanes and public streets. Having regard to the condition of some of the localities as above described, and the total want or insufficient means of accommodation provided, it is easy to believe that those complaints are well founded. Ev. 800, 1922. Ev. 1581. Ev. 1590. Ev. 1921–1927.

The slaughter-houses of the town, with only two or three exceptions, caused from some legal difficulties, are registered, and appear to be frequently visited and properly attended to. Ev. 1577–1579. Ev. 1612, 1629.

The lodging-houses are all duly registered and inspected. The owners have been furnished with the proper rules and regulations for their guidance, and overcrowding is not permitted in them. Ev. 1570–1574.

The Commissioners have not established any morgue or disinfecting apparatus within the township. They provide a proper means of conveyance for persons who are suffering from infectious disease being removed to hospital, in which ample accommodation is provided for such cases within the township. Ev. 1554–1557. Ev. 1558.

The Commissioners have a store-yard in the market house and another behind the Town Hall, in which their property, consisting of asphalte and other materials, including a large quantity of broken stones for the repairs of the roads, is stored from time to time. The tools of the workmen and carts owned by the Commissioners are also kept there. They have a storekeeper, Mr. Tomlinson, at a salary of 25*s.* a week, who is supposed to take charge and keep an account of all the goods and materials from time to time stored there, and also what is received in and delivered out of each yard. We say he is supposed to do this duty, but it is impossible for him to do so, as he is employed each day in the market as weighmaster for the Commissioners, from six in the morning till six in the evening, and during his absence, as far as we could see, there is not any responsible person in charge of the Commissioners' property in either yard. The men employed by the Commissioners go and take what materials they want, and it is impossible that any sufficient account or check could be kept of the materials taken away, as it sometimes is taken without any order. In April, 1875, the storekeeper was called before the Board, and it was resolved— Ev. 2531. Ev. 2643, 519. Ev. 2538. Ev. 2640. Ev. 1074–1130. Ev. 2590–2595, 2611–12.

"That the storekeeper for the time being should consider himself in charge of all goods, both in the Town Hall yard and market, and that no goods are to be removed from the Town Hall yard or market without notice to the storekeeper, and on an order from the Town Surveyor, and signed by him." Ev. 2623.

And on the same day a resolution was passed, as follows—

"That the storekeeper is to be in the market from seven in the morning to six in the evening." Ev. 2625.

There can be no doubt that this resolution has not been carried out, as goods and materials have been frequently delivered and taken from the yards without any order signed by the town surveyor. A complaint was made before us with reference to some asphalte which had been taken from the yard by one of the carters and brought to Mr. Crosthwaite's premises for his private use. The storekeeper having heard of its removal, reported the matter on the following day to the Board. The matter was investigated by them, and afterwards Mr. Crosthwaite returned some of the same kind of asphalte, or some of a better quality, and also paid something towards making up the value of what was taken. Mr. Brady was laying some asphalte for Mr. Crosthwaite, and Duff alleged that Mr. Doyle told him to give Brady whatever he required for Mr. Crosthwaite without any order, and that in consequence of this he gave it. This was denied by Mr. Doyle, but no order was produced by him as having been given to authorize the removal of these goods. A question was raised as to whether the actual quantity taken had been returned or paid for by Mr. Crosthwaite. Brady said he got 25 or 26 cwt. altogether, and by the surveyor's book he got only 13 cwt., and only 10 cwt. was returned. The fact that any of the goods of the Commissioners could be removed Ev. 2632–2640 2610. Ev. 2565–2596. Ev. 2574–2578 Ev. 2651–2654. Ev. 508–9. Ev. 2923–2934. Ev. 2928. Ev. 2949, 2947. Ev. 2954, 2603.

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in such a way, and that the quantity taken could not be clearly ascertained, shows the necessity for an alteration in the management of the Commissioners' property.

The Town Commissioners have not any property, and do not receive any income save from rates, fines, and interest of moneys to their credit, and tolls from a public market.

Ev. 68. They levy an Improvement Rate under the Act of 1854, which for this year is 1*s.* 5*d.* in the pound, a Road Rate under the Act of 1861 of 1*s.* 6*d.* in the pound, and a Sewer Rate of 2*d.* in the pound, for the purpose of paying off the money borrowed for the in-

Ev. 68. ternal Drainage works. The Municipal Rates for the year are 3*s.* 1*d.* in the pound,

Ev. 69. being the highest ever levied. The Improvement Rate was estimated to produce

Ev. 70–71. £4,590, the Road Rate, £4,860, and the Sewer Rate something over £540, making a total income from rates for the year of at least £9,990. The entire receipts for the year, including £11,700 borrowed as above mentioned, exclusive of Sewer Rates and moneys borrowed for drainage purposes, amount to £21,278 17*s.* 11*d.* (For particulars see Accounts, Appendix No. 1, page 114.)

The expenditure in making main sewers for internal drainage has been made out of the moneys borrowed for the purpose. There was paid to the Dublin Corporation for the public water supply £1,325 14*s.* 3*d.*, and the other expenses in respect of the water supply bring up the total expenditure for the year under this head to £1,699 6*s.* 2*d.* The township's contribution to the county at large purposes of the county of Dublin amounted for the year to £1,723 19*s.* 1*d.* The expenditure also includes £250 paid to

Ev. 409. Sir John Hawkshaw, the eminent engineer, for plans of main drainage.

Under the head of law and parliamentary costs credit is taken by the Commissioners

Ev. 472. for £1,919 12*s.* 6*d.*, including £1,237 7*s.* 4*d.* above mentioned as paid to Mr. Sharkey, and £54 17*s.* 7*d.*, interest thereon, and the costs of the action brought by him. The entire expenditure, exclusive of that under the head of sewer rates, amounted to £10,649 11*s.* 1*d.*, leaving an apparent balance in favour of the Commissioners of

Ev. 467. £10,629 4*s.* 10*d.*, which, however, is made up entirely of so much of the £11,700 loan as has not yet been expended by them. The particulars of these expenditures will be seen on the credit side of the abstract of accounts already referred to (Appendix No. 1, p. 114).

Estimates are prepared by the Town Clerk each year of the estimated amount of expenditure for the township for the then ensuing year, with a view of ascertaining and striking the necessary rates to meet such expenditure, and last year's estimate showed

Ev. 2036. an apparent surplus of £36 14*s.* 4*d.* only on foot of the improvement rate, calculated at 1*s.* 5*d.* in the pound. In preparing these estimates, Mr. Ennis charged as against the road rate, sums of money which it occurred to us were not, at all events to the

Ev. 380–387. amount charged, properly payable out of that rate; for instance, the town surveyor's salary of £250 was entirely charged on the road rate, while a large portion of his time

See as to Surveyor's duties. must necessarily be spent in looking after the new sewerage works which are being so largely executed in the town, and in other matters connected with the township unconnected with the roads. In like manner in the estimates £120 only is charged

Ev. 596. against the improvement rate for the scavengers' wages, and £800 is charged to the

Ev. 383. road rate, while it was proved that a large portion of the scavengers' time is occupied in making connecting drains, and in other matters in relation to the sanitary condition of the town. A separate account is not kept of the different rates, which are paid into

Ev. 97–8. a general fund in the Bank, out of which all the payments are made indiscriminately, and thus it is impossible to see whether the proper payments and no others are made out of each rate.

The Town Commissioners do not derive any profit or income from, or exercise any

Ev. 492–496. control over, the harbour of Kingstown, which is under the control and management of the Kingstown Harbour Commissioners, constituted under certain statutes. The road or

Ev. 65. street along the harbour is kept in repair by the Harbour Commissioners. All the other roads, streets, lanes, footways, &c., in the township are kept in repair and scavenged by

Ev. 65–6–7. the Town Commissioners, by whom also the township is lighted, the gas being supplied

Ev. 57. under contract by the Alliance and Dublin Consumers Gas Company.

We have referred to the 20th section of the "Kingstown Improvement Act, 1861," by which a superannuation allowance was provided for James Murray, the former Town

Ev. 1038–1048. Clerk or Secretary to the Commissioners, who had resigned on account of ill health. His superannuation allowance was fixed at £66 13*s.* 4*d.* a year, being two-thirds of his salary. For some years the Town Commissioners paid out of the public funds this superannuation allowance to James Murray, and at the same time continued to employ him as their Town Clerk and Secretary at a salary of £100 a year, which also was paid to him out of the public funds. In 1868 an information by Her Majesty's Attorney-General in Ireland, at the relation of Michael M'Garry, a ratepayer, was filed in the Court of Chancery in Ireland, against James Murray and sixteen of the Kingstown Commissioners, and Mr. Ennis, the Town Clerk, complaining of this transaction, and praying that James

Murray and the several Commissioners named in the information, should pay to the credit of the Town Commissioners of Kingstown the several sums improperly paid to Murray.

This suit resulted in a decree, made on the 15th April, 1869, by which it was ordered that James Murray do within a month lodge to the credit of the Kingstown Commissioners £166 13*s.* 4*d.*, and in default of such lodgment by James Murray it was declared that fourteen of the sixteen Commissioners named were liable jointly and severally to contribute the sum of £166 13*s.* 4*d.*, or so much thereof as James Murray should fail to pay, in proportions to be measured by the length of time that each of them held the office of Town Commissioner during the period of the payments, and the decree contained elaborate directions for contribution between themselves by the several Commissioners declared to be liable. James Murray never paid in any portion of the £166 13*s.* 4*d.* The Commissioners named in the decree became liable upon the expiration of one month from the date of it to pay in the £166 13*s.* 4*d.*, but they have not done so. Several of the Commissioners named in the decree are at present Town Commissioners. On our inquiring why this money had not been paid in it was suggested that the present Town Commissioners were not liable for it. It is manifest to us that the liability declared by the decree was an individual personal liability of each Commissioner named therein, and not the liability of a corporate or *quasi* corporate body, and that the Commissioners as a corporate body have neglected their duty by not enforcing for the benefit of the ratepayers payment of the amount payable under the decree.

The rates appear to be well collected by the collector, who gives security for the due collection of the rates, and the payment to the credit of the Commissioners of the moneys received by him. Ev. 77–8–9.

Upon our inquiry as to the ascertainment and writing off of irrecoverable arrears of rates, our attention was called to the report of the auditor, Mr. Finlay, on the accounts for 1876, in relation to an item of £1 3*s.* 4*d.*, the rate on premises in respect of which Mr. Crosthwaite, one of the Commissioners, had been rated, which had been described as irrecoverable by reason of non-occupancy of the premises, but had been afterwards paid in to the credit of the rate. The amount, £1 3*s.* 4*d.*, is small, but the circumstances are peculiar. Mr. Finlay says, in his report, that :— Ev. 102–144. Auditor's Report on Accounts to 31st December, 1876. See Appendix No. 1, page 114.

"It was objected to at the audit on a former occasion, that £1 3*s.* 4*d.* arrears of rate on a stable, the property of a member of the Board, and which was let by him to another member to enable him to complete his qualification for the office of Commissioner, and to which stable he was accordingly rated, was declared irrecoverable by the Commissioners, on receipt of a declaration of non-occupancy in the usual form. On inquiry into the matter it was quite apparent that the rate should have been collected, and on my expressing an opinion to that effect, the amount was at once paid in by the rated occupier. It was alleged that the declaration was made by the owner through mistake."

On our inquiry it was stated to us that, in January, 1875, in order to supply a vacancy caused by death or resignation, Mr. Lagan was nominated and elected by a resolution of the Commissioners, dated 25th January, 1875, as a Commissioner for Kingstown East ward. Previous to his election he occupied premises rated at £20 a year only, which did not constitute the qualification required by the Act. In order to qualify Mr. Lagan, Mr. Crosthwaite, the Chairman of the Commissioners, let him a stable in Crosthwaite-park, rated at £8 a year. This gave Mr. Lagan the required qualification. The terms of the letting were not disclosed to us. It was not suggested that this stable was not required to complete Mr. Lagan's qualification. Mr. Lagan on the 10th March, 1875, made before Mr. Crosthwaite, as a magistrate, the declaration of his qualification as required by the statute, which was produced before us declaring that he was an occupier of lands, &c., rated to the relief of the poor at the net annual value of £25 and upwards. On the 30th November, 1875, Mr. Crosthwaite, the owner of the stable, made before Mr. Barrett, the present Chairman of the Commissioners, a declaration in the words following :— Ev. 102–144, 173–177. Ev. 145–172. Ev. 174.

"I, John Crosthwaite, do solemnly and sincerely declare that the premises herein described have been empty, unremunerative, unfurnished, and unoccupied, save by a caretaker, from the 1st January, 1875, to the 14th December, 1875." Ev. 119.

The premises described consisted of the stable let to Lagan. On this declaration the arrear of £1 3*s.* 4*d.* was returned by the collector in the list of uncollectable arrears which were afterwards declared uncollectable by the Commissioners.

Mr. Lagan's name was not put on the rate book until some time in 1876. A very unsatisfactory explanation of this matter was offered by Mr. Ennis, the Town Clerk, but neither Mr. Crosthwaite nor Mr. Lagan, who both had ample opportunity during our Inquiry at Kingstown of doing so, gave us any explanation of the matter. Mr. Redmond, the collector, stated that the practice of making the declarations of non-occupancy some Ev. 166. Ev. 122–137. Ev. 170.

KINGSTOWN.

time before the close of the financial year was adopted some years ago by the directions of the Commissioners in order to facilitate the closing of the accounts. This instance shows that the Commissioners' system of ascertaining uncollectable arrears is not always efficacious. It appears that arrears of rates are sometimes declared uncollectable upon receipt of declarations of non-occupancy made by persons who are not the owners nor even the agents of the owners of the premises in question.

Ev. 1705–1717.

The Commissioners in 1873 deemed it necessary that an enlarged system of main drainage of the township should be adopted. By their directions their town surveyor, Mr. Doyle, prepared plans of a system of main drainage, which were submitted to Sir John Hawkshaw for his opinion. Sir John Hawkshaw disapproved of Mr. Doyle's plans, and suggested a different scheme. The Commissioners, nevertheless, adopted Mr. Doyle's plans, and in 1875 memorialed the Local Government Board for a Provisional Order in respect of nineteen different matters, including powers for the compulsory purchase of lands, &c., for the purpose of making main drainage works according to the deposited plans. The proposed works were described in the memorial as sewers No. 1, No. 2, and No. 3. The advising counsel of the Local Government Board was of opinion that the memorial should not be entertained in respect of any matters save so far as it sought for the right to exercise powers of compulsory purchase. His opinion was communicated by the Local Government Board to the Commissioners, who applied to have the usual inquiry held by the officer of the Local Government Board limited to the matters mentioned in the opinion of counsel. The inquiry was accordingly held; and at it the Commissioners were opposed by some of the ratepayers, with the result that the sewer works No. 3 were rejected by the Local Government Board. When the Provisional Order was being made out as regards the works No. 1 and No. 2, the Commissioners were required to specify the lands in respect of which powers of compulsory purchase were sought. It appeared that before the inquiry was opened the parties, viz.—The Dublin, Wicklow, and Wexford Railway Company, and the Kingstown Harbour Commissioners, in respect of whose properties powers of compulsory purchase were alleged to be required, had made arrangements with the Town Commissioners, which rendered the exercise of powers of compulsory purchase unnecessary; and the Local Government Board have, by their letter of 2nd May, 1877, which is set out in the evidence No. 3117, intimated their intention of declining to make any Provisional Order, and stated fully their reasons for doing so.

Ev. 1139–1146.

Ev. 413, 759–1144.

Ev. 3063.

Ev. 3071.
Ev. 3074–5.
Ev. 3080.

Ev. 2991.

Ev. 3095–3105.

Ev. 3084–5.

For supplemental statement of Mr. Lalor, see Appendix No. 1, page 118.

Ev. 3117.

The proceedings to obtain the Provisional Order are in the result useless. It was stated to us by the solicitor for the Commissioners that his costs of applying for the Provisional Order and the Inquiry have been paid to him by them out of the rates, but the amount was not stated. The costs of the Local Government Board have not yet been paid.

Ev. 487.
Ev. 491.
Ev. 3124.
Ev. 3129.

A complaint was made by Mr. Perrin, a ratepayer in the township, and a candidate at the election of 1877 for the place of Commissioner in Kingstown East ward, for which ward Mr. Crosthwaite was a Commissioner, that the election was improperly conducted. There were two vacancies caused by the going out of office in rotation of Mr. Crosthwaite and another Commissioner. There were three candidates, namely, Mr. Crosthwaite, Mr. Donovan, and Mr. Perrin. Mr. Crosthwaite acted as presiding officer at the election. The three candidates were duly nominated by two ratepayers, under the provisions of the Ballot Act, and their respective nomination papers were duly signed by eight assentors as required by the Act. Mr. Perrin stated, that he had at the solicitation of several ratepayers allowed himself to be put in nomination. He had received from the town clerk, on the 21st December, 1876, the usual notification that his nomination paper had been received, that he was a candidate, and that up to a date specified he could withdraw his candidature. He afterwards heard that his nomination paper had been rejected, and wishing to explain to those ratepayers who put him in nomination why he did not go to the poll, he applied to the town clerk and to Mr. Crosthwaite, the chairman, both verbally and in writing, to be allowed to see any objection put in to his nomination paper, but this was refused. The written objection was not produced to us.

Ev. 3012–3029.

Ev. 3013.

It appeared that at first there were not any objections to any of the nomination papers, and it was stated that Mr. Crosthwaite, the presiding officer there, himself wrote and signed an objection to Mr. Perrin's nomination papers. The ground of objection was stated to be, that the same individual had signed the nomination paper of each candidate as one of the assentors. Mr. Crosthwaite then as presiding officer ruled in favour of his own objection, rejected Mr. Perrin's nomination paper as irregular, and declared himself and Mr. Donovan duly elected. There was no evidence, at any time, to show which nomination paper had been first or last signed by the assentor in question.

Ev. 3017.

Ev. 3015–3020.

We have every reason to believe that great advantages are likely to ensue to the

ratepayers of Kingstown from the holding of this Inquiry, and the matters brought to light at it, which will appear from the statements of Mr. Myles Kelly and Mr. Reilly, two of the Commissioners, set forth at questions 3040 and 3041, and that of Mr. Barrett, the Chairman of the Commissioners, set out at question 3043. KINGSTOWN. Ev. 3040–41–43.

After holding our inquiry at Kingstown, we received a letter from the town clerk requesting us to append hereto a report made to the Town Commissioners, on the 22nd day of May, 1877, by Mr. Doyle, the town surveyor, with reference to the state of the sewerage works, and we have accordingly done so. (See Appendix No. 1, page 113.) Appendix No. 1.

E. B. LAWLESS. (*Seal.*)

WM. A. EXHAM. (*Seal.*)

7th July, 1877.

H. A. ROBINSON,
Acting as Secretary.

DALKEY.

DALKEY.

DALKEY adopted the lighting provisions of the Towns Improvement Act of 1854, on the 26th August, 1863, but not any other. The number of the Commissioners has always been twelve. In 1867 they obtained an Act (the 30 & 31 Vic., c. 134) by which the Commissioners were incorporated, and powers were given to them to appoint officers, and to make rates, borrow money, and levy tolls. Ev. 2, 28. Ev. 4, 5. Ev. 8. Ev. 9.

The municipal area comprises 572 acres, and the valuation of the rateable property of the township for last year amounted to the sum of £12,534, which was an increase of £287 5*s.* from that of the previous year. Ev. 10. Ev. 11.

The population increased from 2,084 in 1871 to 3,167, according to a census taken by the town clerk, on the 31st August, 1875. Ev. 12, 13.

The only property possessed by the Commissioners is a bathing place in the township, the fee of which they purchased on the 18th March, 1870, for a sum of £350, which was paid for out of the rates, and is rent free, and they are also lessees of the town hall for a term of 150 years, at a rent of £15 a year, and for which they also paid out of the rates a fine of £150. There is a garden attached to the town hall, which the Commissioners let at a rent of £6 a year, but they do not derive any revenue from the bathing place. Ev. 16–25.

The other income of the Commissioners is derived from rates, the dog tax, interest on Government stock derived from the sinking fund account, and a few small miscellaneous items, the whole of which amounted for their financial year ending 31st December, 1876, to the sum of £2,060 16*s.* 1*d.* For particulars of all this income see account of receipts for year ending 31st December, 1876, Appendix No. 2, page 123. Ev. 27–49, 50.

The expenditure during the same year amounted to the sum of £2,628 10*s.* 7*d.* For particulars thereof see Appendix No. 2, page 123.

The amount of uncollected rates at the end of the last year was £682 4*s.* 5*d.*, while the debt due to the bank at the same period was £567 14*s.* 6*d.*, so that even supposing the whole of that rate to be collected the Commissioners had available only a little over £100 to pay the debts which they owe for lighting the town, and other matters besides current expenses. Ev. 266.

The debt for lighting the town amounts to a large sum, as the last payment for lighting appears in the account for the year ending December, 1875, when they took credit for a sum of £124 2*s.* 6*d.* as a payment to the Alliance Gas Company for gas to 31st December, 1873, and three years gas must be due up to the 31st December last. They also owe a large sum to the Dublin Corporation for the water supply, as they paid in the year ending 31st December, 1875, a sum of £240 7*s.* 6*d.* for water up to the 31st December, 1873, since which they paid on the 16th August, 1876, a sum of £179 2*s.* 8*d.* which is the only sum paid on that account for the three years ending last December.

The Commissioners struck and levied the following rates on the 24th May, 1876 :— A township rate of 1*s.* 5*d.*, under the 42nd section of the Dalkey Township Act of 1867 ; a sinking rate of 1*s.* 2*d.*, under the 51st section of the same Act ; a 5*d.* water rate, under the 43rd section of same Act, and a 6*d.* sewer rate, under the Sanitary Act of 1874, and having regard to the state of their finances, there does not appear to be any chance of their being able to strike lower rates. Ev. 27. Ev. 31, 34. Ev. 37.

DALKEY.

The Commissioners have power under the 47th section of the Act, to borrow a sum of £4,000 on each of the rates, that is to say—the township rate, the piers rate, and the water rate; but the amount of the entire sum to be borrowed is not to exceed £10,000. They have exercised this power to the extent of £7,500, by borrowing sums of £2,500 on the security of each of those rates. The first £2,500 was borrowed in March, 1869, from the Hibernian Bank, at five per cent. interest on the security of the township rate, and they have set apart an annual sinking fund as provided by the Act towards its repayment, which now amounts to the sum of £416 13*s.* 4*d.* Government new three per cent. stock. In May, 1867, they also borrowed from the same bank £2,500 on the security of the piers and harbour rate at the same interest, and the sinking fund on that loan has been also duly invested in the purchase of stock, now amounting to the sum of £413 13*s.* 4*d.* Under the 44th section of the private Act, they were empowered to strike a rate not to exceed 1*s.* in the pound, for the purpose of making piers and landings within the township, according to the plans and sections lodged pursuant to the standing orders of the Houses of Parliament. They have never struck any such rate, because, as the town clerk said, it would be illegal to do so, as they had not constructed the specified works, yet they have borrowed the money and must have paid the interest on it up to the present out of other funds not legally applicable thereto. The particulars, however, cannot be ascertained as no separate account of the different rates is kept, and the payments are made indiscriminately out of the general funds. The town clerk, however, stated that separate accounts were to be kept for the future, as the auditor had required them to do so. If this be done, it is difficult to see how the interest on this loan is to be paid, if the Commissioners cannot levy a rate to meet it. What was done with the principal of the loan cannot be ascertained further than that the town clerk stated it was spent on making the Coolemore harbour, on which no sum has been expended for several years until last year, when £16 5*s.* was expended in building a boat-slip. It appears that all the books of the Commissioners containing the accounts of their receipts and expenditure on account of loans and income during the years 1868, 1869, and 1870, have been long since lost, and we understood him to assign this as a reason for his not being able to give any detailed account of the expenditure of this loan.

Ev. 77. Ev. 78. Ev. 79. Ev. 80. Ev. 84. Ev. 85. Ev. 42. Ev. 44. Ev. 127. Ev. 127. Ev. 94. Ev. 90–93.

The third sum of £2,500 was borrowed on the 9th January, 1871, from Mr. John Fleming, at 5¼ per cent., to be reduced to 5 per cent. in case the interest was paid regularly within a fixed time. This has not been done, and consequently the full interest has been paid. A sinking fund has been also set apart to pay off this loan, which now amounts to £333 6*s.*, Government new 3 per cent. stock.

Ev. 103–106. Ev. 83, 84.

The Commissioners do not capitalize the dividends received out of these sinking fund sums of stock, but receive them as they become due, and apply them as a part of their general income. The Commissioners still owe about £800 to the contractors for laying the water mains, but they have obtained powers to borrow this sum to pay off the debt.

Ev. 111–113. Ev. 160–167.

The Commissioners some time since incurred a debt of £500 in opposing in Parliament a Bill promoted by the Kingstown Town Commissioners as private individuals, for the purpose of bringing the sewage of Kingstown into Dalkey and discharging it there. This Bill was defeated, and the costs of the opposition have been nearly paid in full by the Commissioners out of the rates.

Ev. 168, 174.

The Commissioners have lately appointed a town surveyor at a salary of £25 a year, whose duty it will be to inspect the township once a week, attend the meetings of the Commissioners, and report to them on the state of the township. It is to be hoped that this action on their part will result in having more attention paid to the scavenging and care of the roads.

Ev. 145.

Our attention was called to the conduct of the Commissioners in not enforcing from the late collector of the rates and his sureties the amount of his defalcations, which amounted to the sum of £158 18*s.* 1*d.* The particulars as to this matter will appear in Mr. Finlay's report of the 23rd February, 1877, which we set out in the Appendix, No. 2, p. 125. There appears also to be a sum of £231 11*s.* 6*d.* for uncollected arrears due on the account for the year 1875, but whether the collector actually received that sum has not been ascertained up to the present. The Commissioners are now trying to ascertain the fact, having put the collection of these arrears into the hands of the town clerk. Mr. Burke called attention to the action of some of the Commissioners when he as chairman brought the conduct of this defaulting collector before the Board, and stated that if his advice had been then adopted this collector could not have acted as he did. Mr. Burke wished to give his opinion as to an alteration in the law as regards the election of Town Commissioners for Dalkey, but we declined to hear any such evidence.

Ev. 153–156. Ev. 271–274.

The sanitary condition of Dalkey does not appear to be sufficiently attended to.

DALKEY.

Under the 3rd section of the Public Health Act of 1874, the Commissioners are the urban sanitary authority, notwithstanding that the population is under 6,000. The town clerk acts as sub-sanitary and executive sanitary officer, at a salary of £15 a year, but no salary is paid by the Commissioners to the sanitary officer. He is, however, also their consulting sanitary officer, for which they have arranged to pay him at a rate of 10*s.* for each time he attends the meeting of the Commissioners. Complaints appear to have been made with respect to the sanitary officer, Dr. Mayne, in not reporting nuisances; and resolutions were passed in relation thereto, which will be found at questions 192 and 195. By the latter resolution he was required to inspect and report on alleged nuisances within twenty-four hours. This he refused to do, alleging that he was only bound to do so "as soon as may be." The Commissioners then applied to the Local Government Board on the matter, but they declined to interfere. At the time the former resolution was passed, sickness was prevailing in the part of the township in which the executive sanitary officer had served notices of their existence on the sanitary officer, which were not reported on by him, in consequence of which the nuisances continued for some, as the sub-sanitary officer could not act. Here, as in many other places, no book appears to be kept of the reports made with respect to nuisances, the order of the Commissioners made thereon, or any record to show whether they have been abated or not. There is not any hospital within the township, nor is any disinfecting apparatus provided, although there were several cases of scarlatina reported, and orders were made for the disinfecting of the houses in which they occurred. Mr. Burke, who had been chairman of Town Commissioners for years, however, stated that as chairman of the dispensary committee, he was able to state that there was not any contagious disease in the township district in March last. The sewerage is insufficient and defective, there not being any system, and in many cases the sewers are placed at too high a level to drain the adjoining houses, in consequence of which many houses are provided with cesspools, the overflow from some of which flows over the public roads. The Commissioners have expended in sewerage works, since the year 1870, a sum of only £47 14*s.* 3*d.*, while they have paid within the same period a sum of £190 to an engineer for plans and specifications for a system of main drainage; and they intend to borrow and expend £4,000 on those works. The Commissioners have the management of all the roads in the township under the 11th section of their private Act, but the condition of the roads and the scavenging of the town is certainly not properly attended to. Their whole staff consists of only three men, and horses are provided on Saturdays for carts owned by the Commissioners to remove the sweepings of the streets collected during the week; and one district was admitted not to have been cleaned for two months. They neglect entirely to scavenge Vico-road on the ground that it is a private road, although it is within the township, and the houses on it pay all the rates, and the Commissioners have themselves laid gas and water mains along the entire road. Close to this road there is a bathing place, for the site of which, as before stated, £350 was paid. The sum of £13 19*s.* 6*d.* was spent on the site in 1870, but nothing more has been since spent there. The bathing place was in fact destroyed by the sea years ago, and was described as being now a public nuisance, from the manner in which men exposed themselves when bathing there in the sight of ladies and others walking on the road, but the Commissioners have not taken any steps to abate it, although they inspected it in a body some time since, and were satisfied, from such inspection, that what they saw going on there should be prevented.

Ev. 14, 15.
Ev. 54, 55.
Ev. 74.
Ev. 195–198.
Ev. 199.
Ev. 195.
Ev. 186.
Ev. 224–225.
Ev. 229.
Ev. 176–228.
Ev. 177.
Ev. 176–179.
Ev. 130.
Ev. 66.
Ev. 230–234.
Ev. 237.
Ev. 238–243.
Ev. 255–263.

E. B. LAWLESS. (*Seal.*)
WM. A. EXHAM. (*Seal.*)

7th July, 1877.

H. A. ROBINSON,
Acting as Secretary.

MINUTES OF EVIDENCE.

KINGSTOWN.—APRIL 5, 1877.

(Before Mr. Commissioner LAWLESS, Q.C., and Mr. Commissioner EXHAM, Q.C.)

Mr. ROBERT JAMES ENNIS examined.

1. Mr. LAWLESS.—Are you the town clerk of the township of Kingstown?—Yes.

2. How long have you been town clerk?—Since November, 1866.

3. Under what Act of Parliament are the Kingstown Commissioners appointed?—The principal Act is the 17th and 18th Vic., cap. 103; the Towns Improvement (Ireland) Act, 1854.

4. When was that Act adopted in Kingstown?—In March, 1855; the year after it was passed—The next Act is the Kingstown Improvement Act, 1861. (24 & 25 Vic., c. 118.)

5. By that Act, were the powers of the Grand Jury over the roads and bridges in the township transferred to the Kingstown Town Commissioners?—Yes; the Towns Improvement Act was adopted in its entirety.

6. Under the Kingstown Improvement Act, 1861 did the Kingstown Town Commissioners acquire power to make rates?—Yes; a road rate not to exceed 1*s.* 6*d.* in the pound, except under certain conditions; by calling a public meeting of the ratepayers and getting their consent the rates could be increased by 1*s.*

7. It was not to exceed 2*s.* 6*d.* in the pound in any case?—Just so; we have never yet exceeded 1*s.* 6*d.*

8. I believe that by that Act the Commissioners were empowered to make a rate for the purpose of paying the expenses of obtaining the Act?—Yes.

9. And also to pay a portion of the baronial and county charges?—Yes.

10. And then for the repairs and maintenance of the roads and bridges in the township?—Yes.

11. And there was special power given them to give compensation to the late baronial cess collector and the late secretary?—Yes.

12. And provision was also made by that Act by which the amount of contribution to county charges could be ascertained by the warrant of the finance committee of the County Dublin Grand Jury?—Yes.

13. What was the next Act?—The Township of Kingstown Improvement Act, 1869 (32 and 33 Vic., c. 133.)

14. Were the Town Commissioners incorporated under that Act?—They were.

15. Was the town of Kingstown divided into wards?—Previous to the passing of the Act of 1869, it had been divided into two wards, but by the Act of 1869 it was divided into four wards.

16. What are the names of those four wards?—No. 1, Glasthule Ward; No. 2, Kingstown East Ward; No. 3, Kingstown West Ward; and No. 4, Monkstown Ward.

17. What is the number of Town Commissioners altogether?—Previous to the Act of 1869 the number was eighteen. The Act of 1869 increased the number to twenty-one, at which it still continues.

18. How are these Commissioners returned by the different wards? How many are returned by Glasthule ward?—The first three wards return six each, and the fourth ward returns three. That is, Glasthule six; Kingstown East six; Kingstown West six; and Monkstown three.

19. What is the qualification of electors by the Act of 1869?—The holding of premises rated at £4 and upwards, the same as under the Act of 1854—it was not changed since that Act of 1854; or being the immediate lessor of premises valued at £50 and upwards.

20. What is the qualification of a Commissioner?—Under the Act of 1854 the qualification was fixed at £12 as a rated occupier, or £50 as immediate lessor; but by the Act of 1869 it was changed to £25 as a rated occupier, or £50 as immediate lessor.

21. Were there provisions in that Act binding the Corporation of Dublin to supply Kingstown with water?—There were provisions to that effect.

22. What payment was to be made by the Kingstown Commissioners for that supply?—5*d.* in the pound on the valuation of the township; levied under the 60th section of the Act of 1854.

23. Did the Kingstown Commissioners acquire power under that Act to borrow money on the security of the rate?—They did; to the extent of £16,000, at interest not exceeding five per cent., and they were bound to provide a sinking fund of one-fortieth, so that the entire sum should be paid off in forty years from the date of borrowing. This was to be provided for by a sinking fund rate; but that was to be part of the rate I have mentioned, and not an additional rate.

24. Did the Township of Kingstown ever adopt the Local Government Act of 1871?—Yes; that Act was adopted in the year 1873, at a public meeting; the *Gazette* notice will show it. We have no minutes of that meeting in the book of the Town Commissioners.

25. Is there not another Act—the 37 and 38 Vic., chap. 167?—Yes; the Kingstown Township Extension Act.

26. When was that Act passed?—In 1874. It gave the Commissioners additional borrowing powers to the extent of £3,000. It was an Act to extend the limits of the municipal jurisdiction. The municipal limits were enlarged, and the extended limits were brought under the operation of the Act of 1861, so as to exclude the control of the Grand Jury.

27. I see that by the 25th section of that Act of 1874, there was special provision made that the sum of £200 should be paid for the costs of obtaining the Act, and the costs of the opposition to it. (Reads section.) Why was that provision inserted?—The Town Commissioners knew that it was legal to oppose the passing of that Act.

28. Who promoted the Act?—Outsiders; not members of the board. In fact the residents of the now extended district promoted this bill, in order to become part of the township of Kingstown, and they naturally had in the usual costs clause in the bill. The Town Commissioners objected to the bill, and to that clause amongst other things.

29. Did the Commissioners petition against the bill?—Yes; to secure a *locus standi*, and they got the promoters of the bill to pay the greater portion of the costs, they merely contributing the sum of £200 towards its carriage. It did not go before a committee, it passed as an unopposed measure ultimately.

30. I find that the most material provision of the Provisional Order dated 1874, and confirmed by the Act of Parliament, is that which gives power to the Commissioners to borrow an additional sum of £10,000?—Yes; for internal drainage.

31. So that the borrowing powers of the Commissioners under the Acts you have mentioned, enabled them to borrow £29,000?—Yes.

32. Do the Corporation of Dublin exercise or claim to exercise any power or control over the township of Kingstown?—No; except that they retain the power to deliver water to any district outside the township of Kingstown that can be supplied by the

KINGSTOWN. *April* 5, 1877.

Mr. Robert James Ennis.

pipes of the township; they use the water mains of the Commissioners within the township to deliver water to parties outside the township.

33. Do the Grand Jury of the county Dublin exercise or claim to exercise any power or control within the township of Kingstown?—No.

34. Can you tell me what is the area of the Kingstown township at present—as extended by the last Act?—It was 910 acres; and it has been extended to 1,450 acres.

35. Can you give me the population?—The population in 1871 of the extended township was 17,500; in the year 1841, so far as I can make out from some blue books in my possession, the population was about 8,000; in 1851 it was up to 10,000; in 1861 to 14,000, and in 1871 to 17,500.

36. Can you give me the valuation of the extended township?—At present the gross valuation in round numbers is £72,000; in the year 1870, the valuation in round numbers, was something under £60,000; in 1860 it was £44,800, and in 1851 £29,500. The valuation of the recently added area was about £3,500.

37. Do the Kingstown Commissioners possess any property of any kind?—No.

38. Does this house or premises in which we are sitting belong to them?—No; they only rent it.

39. For what term?—Three years.

40. What yearly rent do they pay for it?—£65 a year; we also rent the market-yards where the goods are weighed and tolls charged on the weighing.

41. What rent is paid for the market-yard?—£30 a year; the market-yard is also used as a store.

42. Do you receive any income from that market-yard?—Yes; we receive £8 8*s.* for one stall, and we also receive the tolls which of course vary. We also get 3*s.* a week for another place, and 26*s.* a year for a small office.

43. What are the tolls?—Very trifling indeed; they are charges for weighing hay and straw, which is afterwards sold to persons in the township.

44. Under what authority do the Commissioners levy those tolls?—Under the general provisions of the Act of 1854.

45. Are those tolls which you have mentioned, the only receipts of that nature received by the Commissioners? Do they receive any others?—No.

46. Can you give me the number of voters in each ward?—I can furnish it.

47. Mr. EXHAM.—What is the valuation of the wards?—Monkstown Ward is £12,500; Kingstown East is £21,668 10*s.*; Kingstown West is £20,376 5*s.*; Glasthule is £15,183; gas mains, £837; water mains, £563.

48. Mr. LAWLESS.—What officers are employed by the Kingstown Commissioners?—There is myself, town clerk——

49. You may mention the salary paid to each at the same time?—Very well; my salary is £200 a year as ordinary salary, and £50 a year additional as executive sanitary officer; the next officer is the town surveyor, who has a salary of £250 a year; and then the collector, who is paid a poundage fee of 5*d.* Then there is the nuisance inspector, £52 a year; consulting sanitary officer, £50 a year; and sub-sanitary officer, Duffy, £89 9*s.* 4*d.* The nuisance inspector already mentioned is also sub-sanitary officer at £6 10*s.* a year, in addition to the salary above stated. There is also a market clerk, who is also store-keeper, at a salary of £65 a year, and a water inspector at £78 a year.

50. Are those all the officers employed by the Town Commissioners?—Yes.

51. You mentioned a consulting sanitary officer. Is there not a sanitary officer?—There are two medical sanitary officers for the district, but they are both paid by the Board of Guardians.

52. Do they make their reports to the Town Commissioners?—Yes. In the case of all the sanitary officers, except the nuisance inspector, the Treasury pays one half of the salaries.

53. Besides those already mentioned, do the Town Commissioners employ any other staff?—Yes; there is a foreman scavenger, carters, scavengers, lamp-lighters, house-keeper, and messengers.

54. Mr. EXHAM.—You say you have no separate sanitary officers of your own—can you say what proportion of their salaries is paid by the Board of Guardians. Is it thrown on the entire district?—The dispensary officers were appointed by the Local Government Board under a sealed order, as medical sanitary officers, for which they get £20 a year additional. It is the same way in every town in Ireland that I know of.

55. Of course the Town Commissioners here are the urban sanitary authority?—Yes, they are.

56. Mr. LAWLESS.—Do the Kingstown Town Commissioners light the town?—Yes.

57. Who supplies the gas?—The Alliance Gas Company of Dublin; they have special works in Kingstown.

58. What is the rate at which the company charge for the gas?—Until the year 1874 we paid them £3 7*s.* per lamp per annum, the plant being our own—the lamps belonging to the Commissioners; under an agreement made in 1874 we pay them the same rate per thousand cubic feet as the general public pay, only deducting twelve and a half per cent. The present charge is 5*s.* per 1,000 cubic feet, less that twelve and a half per cent. Five per cent. of the twelve and a half per cent. being an allowance for all the plant—lamp posts, &c., that belong to the Commissioners.

59. Is that contract made for one year?—It was made for three years only; it will expire this year; it was made in the year 1874.

60. Have you got the agreement?—I have it in the office.

61. By whom are the lamps kept in repair?—By the Town Commissioners.

62. By whom are any additional lamps required supplied?—By the Town Commissioners; we have everything to do with the maintenance and repairing of the plant.

63. You already mentioned that the town is supplied with water by the Corporation of Dublin, under the provision of one of your Acts of Parliament?—Yes.

64. Mr. EXHAM.—When did they first begin to supply it?—In the year 1870.

65. Mr. LAWLESS.—By whom are the roads and streets in Kingstown kept?—By the Town Commissioners, except the Harbour road, which is kept by the Harbour Commissioners.

66. Do the Grand Jury of the county Dublin do any part of that work in the town?—They do nothing at all in the town.

67. By whom is the scavenging of the town done?—By the Commissioners.

68. What rates do the Commissioners now levy?—The last rate made was struck on Monday last, the 2nd April; it was the largest rate we have yet levied, and is as follows:—An improvement rate, under the 60th section of the Act of 1854, of 1*s.* 5*d.* in the pound; a road rate, under the Kingstown Improvement Act, 1861, of 1*s.* 6*d.* in the pound; a sewer rate, under the Public Health Act, to repay principal and interest of the £10,000 already referred to of 2*d.* in the pound. These make a total levy of 3*s.* 1*d.* in the pound. The highest rate previously made was 2*s.* 11*d.*

69. What does the improvement rate of 1*s.* 5*d.* in the pound produce?—I estimate that it will produce £4,590.

70. How much will the road rate produce?—£4.860.

71. And the sewer rate?—It will produce over £540.

72. Can you give me the exact amount it will produce?—Not within a few pounds.

73. At what time of the year are those rates struck?—The time varies between the months of March, April, and May. We struck the rates this year on the 2nd April.

74. At what time does your financial year end?—With the natural year—the 31st December.

75. By whom are these rates collected?—By the rate collector appointed for that purpose by the Board.

76. How is he paid?—By a poundage of 5*d*.

77. Does the collector give any security?—He gives security to the extent of £500.

78. In what way?—Formerly he gave it in the shape of a bond—by himself and two others; now the existing security is that given by means of a fidelity policy of the Guarantee Society.

79. Is there not any bond at all?—No.

80. Does he give his own bond?—No; the Guarantee Society guarantee the Commissioners to the extent of £500.

81. Have the Town Commissioners a treasurer?—No.

82. Where do they keep their banking account?—In the National bank, which has a branch at Kingstown.

83. Practically the bank is the treasurer?—Yes.

84. Are there any rules or regulations by which the rate collector is obliged to lodge his receipts at any particular intervals of time?—Yes; he lodges weekly.

85. Is he obliged to do so by a rule of the Commissioners?—Yes; by a rule of the Board.

86. Does he as a matter of fact comply with that regulation?—He makes weekly returns, and lodges his receipts weekly.

87. To whom does he make the returns?—To the Commissioners; I check the return every week.

88. Are the bank-book and the returns submitted to the Commissioners weekly; how often do the Commissioners meet?—The finance committee is called together weekly.

89. Is the collector's return, as checked by you, and the bank-book submitted to the finance committee?—Yes; they are placed on the table before the finance committee.

90. Is it generally examined by the committee?—It is, frequently.

91. Will you tell me how payments are made?—By cheque only.

92. Do you happen to have the bank pass-book here?—Yes. (Bank-book produced.)

93. When you are about to make a payment is the matter brought before the finance committee?—The abstract-book is filled, showing the names of the parties to whom payments are to be made, the nature of the account, and the amount, and placed before the chairman. When the account has been examined by the finance committee, and reason shown that it should be paid, a cheque for the amount is filled up by me, which is signed by the chairman, two of the members of the committee, and by me as town clerk, and then handed to the party in whose favour it is drawn.

94. Is there any particular form of lodgment-book?—No, only the docket produced on the bank form. At each meeting of the finance committee I have the pass-book filled up. The lodgment is made weekly, and I send down the bank-book weekly, and have the amount entered in it.

95. I see some very small sums entered as lodgments in the bank-book—here is one item of 6*s*.?—You will see some as low as 2*d*.

96. Are those small sums lodged by the rate collector?—No, they are miscellaneous receipts.

97. Mr. EXHAM.—How is it that you do not keep separate accounts at the bank? Do you not keep a separate account for the improvement rate?—No; they are all lodged together.

98. But you have no right to apply any portion of the improvement rate to the payment of the road rate?—A great many sums on the estimates must be divided between both of the rates. I could not, for instance, draw a cheque against the improvement rate for a portion of my salary, and against the road rate for the rest of it. We find it answers best to have these two rates laid together, but we take care when making the estimates to keep them distinct and separate.

99. Mr. LAWLESS.—I find in this balance-sheet for the twelve months ending the 31st December, 1876, that you represent £58 3*s*. 2*d*. as arrears outstanding?—No, we have no arrears outstanding for 1876.

100. Then you have struck off £58 3*s*. 2*d*.?—Yes, as irrecoverable.

101. By whom are these irrecoverable rates ascertained and struck off?—The collector has to make out his returns; he shows all the collections; he is debited at the commencement of the year with the full amount of his warrant, and has to account for that amount. At the end of the year he gives in the name of each person from whom he cannot recover the rates, and the Commissioners go into his reasons, and if they are satisfied that they could not be recovered they strike off the amount as irrecoverable. If not, they call on the collector to give an explanation.

102. Mr. EXHAM.—I see that Mr. Finlay, in his report, calls attention to a small matter of £1 3*s*. 4*d*.?—Yes.

103. Mr. LAWLESS.—Does the collector make a return of the rates he has not recovered, and is it then discussed whether or not they are to be considered as irrecoverable?—Yes.

104. By what committee or by whom is that duty done?—It is the finance committee does it; but they have to submit their decision to the full meeting of the Board.

105. Mr. EXHAM.—Mr. Finlay, in his last report calls attention to a declaration which turned out to be untrue, and the Commissioners had the means of knowing that it was untrue to say that the premises were not occupied. It appears that the collector allowed that untrue statement to be acted upon?—I previously gave an explanation as regards that. As a matter of fact, the premises were unoccupied though the rate was paid.

106. It is very curious that you should be able to state that now when the explanation was not given to Mr. Finlay. Mr. Finlay says in his report—

"It was objected to at the audit that on a former occasion the sum of £1 3*s*. 4*d*., arrears of rate on a stable, the property of a member of the Board, and which was let to another member to enable him to complete his qualification for the office of Commissioner, and for which stable he was accordingly rated, was declared irrecoverable by the Commissioners, on receipt of a declaration of non-occupancy in the usual form. On inquiry into the matter, it was quite apparent that the rate should have been collected, and on my expressing an opinion to that effect, the amount was at once paid by the rated occupier. It was alleged that the declaration was made by the owner through mistake."

You say now that it was not a mistake. You say the declaration was true. Have you got the minutes of the meeting of the finance committee relating to this matter?

Mr. *Barrett* (Chairman of the Town Commissioners).—We have no other way of knowing what rates are irrecoverable except by receiving declarations; nor has the rate collector any other way of knowing.

Witness.—I'll produce the list of exemptions for that year, and here is a rough draft of the explanation I gave.

107. According to Mr. Finlay there must have been two members of the board cognizant of the fact?—Of the finance committee.

108. Of the board he calls it. How many members are there on the finance committee?—Three, generally.

109. If that be so then two out of the three must have known about it. This is not a question of £1 3*s*. 4*d*. it is a question of principle.

110. Mr. LAWLESS.—I find here from the minute book that the secretary was ordered to examine into the exemptions and to report to the finance committee, and on the 9th December, there is the following:—"The secretary reported that he had examined the collector's list of exemptions and found the same correct; the committee accordingly adopted the statement."

111. Who was the secretary?—I was.

112. Do you act as secretary to all the committees?—Yes.

113. Have you got the declaration?—Yes.

114. I think it would be well to produce those documents. (List of exemptions produced.)

115. Mr. EXHAM.—Until Mr. Finlay brought this matter to light was anything heard of it?—No.

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116. Mr. LAWLESS.—Who makes these declarations?—The parties who claim to be exempted from the payment of the rates.

117. Mr. EXHAM.—Do they make declarations unless they are specially required to do so?—The collector must submit a declaration for every case in which he does not produce the money in payment of the rates.

118. Mr. LAWLESS.—What is the collector's name?—John Redmond.

119. Mr. EXHAM.—The valuation of the stable was £8, and the amount allowed was £1 3*s.* 4*d.*, rates for twelve months. The declaration of the owner was as follows:—

"I John Crosthwaite do solemnly and sincerely declare that the premises herein described have been empty, unremunerative, unfurnished and unoccupied, save by a caretaker, from 1st January, 1875, to 14th December, 1875."

This declaration appears to have been made on the 30th November, 1875, before Mr. Barrett. The curious part of the matter is that the gentleman made a declaration on the 30th November, 1875, that the premises were unoccupied on the 14th December, 1875. If it is the case that a gentleman who is a member of the board, and who is the owner of a stable lets that stable to a gentleman whose qualification as a Commissioner would be otherwise insufficient, and if the first gentleman makes a declaration of non-occupancy, and if the Act of Parliament attaches a penalty to a false declaration, would not the best way of testing the matter be to prosecute the person who made the declaration?—Perhaps I had better read the explanation.

120. Is that an explanation by Mr. Crosthwaite, who made the declaration?—It is an explanation given by me so far as I know of the matter.

121. I should like to hear an explanation given by the person who made the declaration, it being Mr. Finlay's expressed view that so far from its being unlet, it was let to another Town Commissioner to enable him to complete his qualification as a Town Commissioner?—There is a furthur paragraph in the report which also requires explanation.

122. Mr. LAWLESS.—First tell me has the £1 3*s.* 4*d.* been paid in?—It was lodged at the request of the auditor. I will just read you my explanation:—

"A small house built a good many years ago"——

123. Where is the house situated?—In Crosthwaite-park. (Continues reading)—

"But never having been occupied, there was an annual declaration made under the 60th section of the Towns Improvement Act, 1854, and the rate was accordingly written off. It appears that a gentleman about to be a candidate for the office of Commissioner would not have been able to retain his seat at the board owing to the premises in his occupation being valued at only £20, the minimum qualification being £25, and to remedy this he agreed with the owner of the house above mentioned to become his tenant for the said house, thus amending his qualification."

124. Mr. EXHAM.—Can you give me the date of this gentleman's becoming a candidate for the office of Commissioner?—I think it must be about three years ago. (Resumes reading explanation)—

"As a matter of fact it would appear that actual occupation in any way never took place—and the owner at the end of the year (who is the possessor of a great number of houses, and every year makes several declarations of unoccupied houses), overlooking, or most probably forgetting the circumstances of the case, made (as he had each year previously been in the habit of doing), a declaration along with some others exempting the house from liability to the payment of the rates."

125. I wish you to stop there. The intended Town Commissioner wanted £5 added to his rating in order to make up his qualification for a Town Commissioner. What rent was he required to pay for this place?—I cannot tell you that.

126. Was the rent ever paid, and what was the amount of it, and who was the caretaker referred to? There must have been two arranging parties to a matter of this kind, and I should like to know who was the caretaker?—I should finish the paragraph I was reading. (Reads)—

"The Commissioner who had become tenant knew nothing of the matter and never was applied to for the rates, but when the case was brought up before the auditor the amount was at once handed in by this Commissioner."

127. Can you tell me is it a fact that on two previous occasions Mr. Crosthwaite made a similar declaration?—There was an exemption made for him on several occasions.

128. Did these particular premises, at the time they were exempted from rates as unoccupied and unproductive, constitute portion of the qualification of the intended Town Commissioner?—No, not for the entire time.

129. Was it done in 1874?—I do not think the gentleman was a Commissioner in 1874.

130. How long was this qualification made use of?—I cannot tell you.

131. Was it for 1876?—It was for 1875.

132. Was it for 1876 also?—I think so.

133. Did he continue a Commissioner on the same qualification, and if so, was there a declaration of non-occupancy in 1876?—The rate was paid in 1876. There was a question brought before the auditor about it in 1875, but nothing was done, and in 1876 all the rates were paid.

134. When the matter was found out in the early part of 1877, Mr. Crosthwaite paid the rates?—No, the other gentleman.

135. Well, then, the rated occupier?—Very well.

136. And now I must ask you what is the name of the occupier?—Mr. Lagan is the gentleman.

137. Mr. LAWLESS.—I see that Mr. Finlay, in his report, says—

"If the facts known to the Commissioners be at variance with the declaration, they ought not to be influenced by the latter"?

I deal with that in my explanation. (Again reads)—

"I do not know on what grounds the auditor makes the following statement, except that some one of the Commissioners may have expressed an opinion on the subject, namely—'The Commissioners appear to be under a misapprehension as to the effect and force of a declaration of non-occupancy; they seem to think that they are bound to accept it as conclusive evidence that a tenement was unoccupied although they might have the evidence of their own senses to the contrary.' There is no such practice at the board either expressed or implied, and I am aware that is quite different. The collector, if he was personally aware of any declaration paper being at variance with the truth, would not receive it, and if the secretary, when checking the collector's accounts, or if any of the Commissioners at the annual meeting, when such accounts are checked by them, were personally aware of anything incorrect in any of these papers, he or they would, of course, require the collector to explain, and if the explanation were not satisfactory the Commissioners would not hesitate to have the matter set right.

138. I find here that on the 30th November, 1875, the gentleman who made this declaration was himself chairman, and he also signs the minutes of the meeting on the 18th December, 1875.

139. Mr. EXHAM.—May I ask you was it not known very well how this gentleman made up his qualification?—No; it was not necessarily known to the members of the finance committee.

140. It must have been known to two of them, Mr. Crosthwaite and Mr. Lagan?—I was not supposed to know anything about it.

141. But how was the rating of £25 made up? Was it not by the additional rating given him as tenant of another place?—The Commissioners cannot go into that. If a gentleman is elected a member of the board and comes in and makes the required declaration to the effect that he is a rated occupier to the extent of £25 and upwards, the matter cannot be inquired into by the Commissioners at all. It is open to any person to take what steps he may think fit, but the Commissioners, as a body, cannot inquire into it.

142. But the rate collector was supposed to collect rates upon a valuation of £25 from that gentleman?—No; the collector is not supposed to go into any man and say, "You must pay rates on the full amount of your qualification as a Town Commissioner." I wish to remind you that the auditor labours under a mistake about the mode of receiving declarations by the Town Commissioners.

143. How does it appear he is mistaken?—He says it appears to be the practice——

144. What he says is this, "They seem to think that they are bound to accept it as conclusive evidence that the tenement is unoccupied although they might have the evidence of their own senses to the contrary." Now I take the meaning of that to be, that Mr. Crosthwaite, who was chairman, must have had the evidence of his senses to show him that this was a sham transaction, and there must have been another member of the board who was also aware of it—so there were two. Mr. Crosthwaite must have known every day he sat at the board that there was a gentleman sitting there as a member who was not qualified (and of course the other gentleman must have been aware of it himself) if the declaration was true in fact.

Mr. JOHN REDMOND examined.

145. Mr. LAWLESS.—Are you the rate collector?—Yes.

146. How long have you occupied that office?—I have been collector eleven years.

147. Do you know this particular holding; this property, marked 1575 in your rate book?—Yes; I do.

148. What is the name of the place?—Crosthwaite-park.

149. At what is it rated?—At £8.

150. Do you know whether or not that place is now occupied?—I do not know whether it is or not at this present moment, but I know that it was unoccupied up to the end of the year and for years previous—that is unoccupied so far as I could see; there was no person there, and the door and windows always fastened.

151. What sort of place is it?—A stable.

152. Did the warrant given to you include the rates assessed on those premises?—Yes.

153. Did you ever receive any rate with respect to them?—No; never.

154. To whom did you ever apply for any rate with respect to them?—When I did speak of it, it was to Mr. Crosthwaite, the owner. I had to get from Mr. Crosthwaite a declaration of non-occupancy, made before a magistrate, so as to be able to produce it before the Commissioners.

155. Did you get that declaration of the non-occupation of the premises by Mr. Crosthwaite?—Yes; so far as my memory serves me, but I could not say whether it was made by his agent or by himself. The declarations were sometimes made by his agent and sometimes by himself.

156. Did you ever make any application to any other person for the rates on that place?—Yes.

157. To whom?—To Mr. Lagan.

158. When did you make that application?—I finished my collection in November; I think it must have been early in November.

159. Why did you make application to Mr. Lagan then, and not to Mr. Crosthwaite?—Because I had heard that Mr. Lagan had taken the stable from Mr. Crosthwaite. I am employed by the Commissioners every year to make a revision of the rate book. In this town the residents and occupiers change very frequently—a great many people go away, and great numbers of strangers come here, and the Commissioners pay me for making the revision of the books, and so for that reason I have to inquire at every house and find out who the occupiers are. One purpose of this revision is to enable the rates to be collected, and another is to see who is entitled to have the franchise.

160. Did you make any special examination of these premises in the year 1875?—No; nothing more than my observation, when passing repeatedly. I always saw the door shut, and the grass growing about the place.

161. Was Mr. Lagan a member of the body of Town Commisioners in the year 1875?—I think he was, but I won't speak positively.

162. Was he a member in 1874?—I think not. I won't speak positively, for I cannot remember as I take very little interest in such matters.

163. Is Mr. Lagan rated for other premises, and do you receive rates from him with respect to those other premises?—Yes.

164. At how much are those other premises rated?—At £20.

165. Are they situated near Crosthwaite-park?—No.

166. And did you, when you found he was connected with those premises in Crosthwaite-park report it to the secretary in order to have it put on the rate-book?—Yes; that was in 1876.

167. When did you first hear of any agreement by which Mr. Lagan was to become the tenant of these premises?—Several months ago. I really could not fix the month.

168. Is this document prepared by you (handing document to witness, headed "Declarations of Commissioners")?—It was made by my dictation. The document is in my son's handwriting; he assists me at home.

169. It appears to have been sent in on the 13th December, 1875, and it gives this holding, No. 1575, as rated at £8, and in the possession of Mr. Crosthwaite?—Yes; that was as I understood it.

170. Mr. EXHAM.—Do you consider it your duty to see whether the gentlemen acting as Town Commissioners are rated at £25?—No, I do not. There is one thing I want to give an explanation about. There is a declaration there concerning this stable, which is dated 30th November, and yet declares the place to be unoccupied on the 14th December of the same year (the matter was referred to here). I applied to the Commissioners years ago, and got their permission to do it in that way. They, of course, are anxious that the collections should be completed and all the business done within the current year; that the accounts of 1876, for instance, should not get into 1877. I said that to enable me to do this I should be allowed to take declarations a month prior to the year. Suppose a house is let at the end of the year (a thing that is not likely to happen in Kingstown, for a great many of the houses are vacant during the winter), but if it did happen, we would have no claim over the house, and I might as well take the declaration at once. Accordingly the Commissioners gave me permission to take declarations of non-occupation from the 1st December, and give exemptions for the whole of the year. That explains it, I think. I may say further, that I fill up the principal portion of these declarations myself, because the great number of persons would not know how to do it, and some would not take the trouble to do it early enough.

171. Do you know how many years ago it is since Mr. Lagan was a candidate for the office of Town Commissioner?—No, I do not.

172. I want to know how long this thing has been going on?—I cannot tell.

The *Town Clerk.*—Here is a resolution passed on the 22nd January, 1875. "Resolved—That Mr. Patrick Lagan be and is hereby elected a Commissioner for Kingstown East ward. Question put and carried unanimously."

KINGSTOWN.
April 5, 1877.

Mr. Ennis.

Mr. ENNIS re-called.

173. Mr. EXHAM.—I want to know does anyone, when a candidate is proposed, see that he has the necessary qualification. Does the candidate make a declaration?—Yes, that he is rated at £25 and upwards.

174. Can you get Mr. Lagan's declaration?—Yes. (Declaration produced, which ran as follows):—

"Declaration to be made by Commissioners. Kingstown Improvement Act, 1851, and the Township of Kingstown Act, 1869.

"I, Patrick Lagan, of 10, Susan-place, Kingstown, do solemnly declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute all the powers and authorities reposed in me as a Commissioner of the township of Kingstown by virtue of the above-named Acts, and also that I am an occupier of lands, tenements, and hereditaments rated to the relief of the poor in the said township of Kingstown, at the net annual value of £25 sterling, and upwards; that I am of full age, and that I am not an ecclesiastic of any religious persuasion.

"Signed, PATRICK LAGAN.

"Taken and declared before me this 10th day of March, 1875.

"JOHN J. CROSTHWAITE, J.P."

That is the usual form of declaration.

175. Mr. LAWLESS.—Nothing can justify a man in making a wrong declaration.

176. Mr. EXHAM.—Who filled in that declaration?—I fill in all those declarations.

177. Mr. LAWLESS.—By and to whom was the £1 3*s*. 4*d*. ultimately paid?—I took it from Mr. Lagan and gave a receipt for it, and lodged it to the credit of the Commissioners.

178. With respect to the amount of money borrowed by the Town Commissioners under the powers of their Acts, will you tell me the sums borrowed by them, and the security on which they were borrowed?—£16,000 were borrowed in December, 1870.

179. From whom was that sum borrowed?—From the Patriotic Insurance Company.

180. Was that sum borrowed under the powers of the Act of 1869?—Yes.

181. Mr. EXHAM.—At what rate was it borrowed?—We got that at five per cent. repayable by forty instalments, so that the whole sum should be paid off in forty years.

182. Will you tell me how that £16,000 was expended? How much in the first place was the cost of that Act? On what security was the money borrowed?—On the security of the improvement rate.

183. First of all it is as well for us to know if you have paid the instalments; you should have paid off £2,400 now?—Yes; that has been paid off.

184. And the debt now stands at £13,600?—Yes; the way the £16,000 has been allocated was:—the costs of the promoters of the Bill were in two separate amounts. Messrs. Anderson and Lee's (the Dublin solicitors) costs were £2,797 8*s*. 10*d*.; the costs of Mr. B. B. Sharkey, the parliamentary agent for the promotion of the Bill, were £1,856 8*s*. 3*d*.; Messrs. Casey and Clay's costs for opposition to the Bill were £1,421 3*s*. 10*d*.

185. The total costs were £6,075 0*s*. 11*d*.?—Yes. The Commissioners at first disputed their liability to pay to the solicitors employed by them the costs of the opposition to the Bill, but after a notice of action was served upon them they agreed upon a case to be stated under the Common Law Procedure Act; the court was unanimous in saying that the Commissioners had a right to oppose any Bill that affected their rights, and that they were liable to pay the costs out of the rates.

186. Do you say that the Commissioners were not the promoters of this Bill—the Act of 1869?—They were not; it was promoted by parties outside the Commissioners. The promoters of course having got the costs clause in the Act the Commissioners were bound to pay the costs.

187. What do you say was done with regard to the costs of the opposition?—They agreed under the Common Law Procedure Act to have a case stated before the Court of Common Pleas.

188. Did Messrs. Casey and Clay, the solicitors who acted for the Commissioners, bring an action against the Commissioners?—Well, notices were served of an action.

189. Did Messrs. Casey and Clay act as solicitors for the Kingstown Town Commissioners before the committee?—Yes; they appeared for the Commissioners. This Bill was promoted not by the Commissioners, but by other persons, and the Commissioners opposed it.

190. Did the Commissioners petition to be heard against it?—Yes, and Casey and Clay appeared for the Commissioners.

191. Did they apply for their costs, and did the committee refuse?—Yes; the committee refused to give the costs of the opposition.

192. Then by what authority did the Commissioners pay them this £1,421 3*s*. 10*d*.?—As I say, there was a case stated.

193. Have you got that case here?—I have. I should add that neither the solicitor for the promoters of the Bill, nor the solicitors for the Commissioners had anything to do with the solicitorship of this Board.

194. Mr. LAWLESS.—Who was the solicitor for the Board at the time?—Mr. John Lalor.

195. You say there was a case stated for the Court of Common Pleas?—Yes.

196. What was done upon that case?—The decision of the court was unanimous that the Commissioners had a right to oppose the Bill. It is settled now in what is called the Sheffield case.

197. Do you say the court decided that the Commissioners were justified in paying Messrs. Casey and Clay's costs out of the rates?—They held that the Commissioners were bound to pay them out of the rates.

198. Did they say out of the money raised on the security of the rates?—They did.

199. Mr. EXHAM.—Are you sure of that?—I am.

200. How was the balance of that £16,000 disposed of?—For the pipe-laying in the township, in connexion with the water supply.

201. How much was expended for pipe-laying?—£9,500; the remainder went in payment of the costs of obtaining the loan of £16,000, and the costs of the case stated.

202. Mr. LAWLESS.—By whom was the pipe-laying for the water supply done—was it by your own surveyor?—The water was brought to the reservoir by the Dublin Corporation at an expense of about £16,000. We then commenced under our own contractor—under the superintendence of our own engineer, and laid the pipes all through the township for the distribution of the water.

203. Who was your contractor?—The firm of Messrs. Edmundson and Company, Capel-street. Mr. Simpson, their agent, carried out the work to the township boundary, and Messrs. Edmundson did our portion of it.

204. Had there been any agreement between Messrs. Casey and Clay and the Commissioners as to the costs of the opposition to the Bill?—There was.

205. Have you got that agreement?—It is so long ago now, that I am not sure whether I have it or not.

206. Is it set forth in the special case?—I am not certain. The only agreement was, that Messrs. Casey and Clay gave the then Commissioners an indemnity that if they could not recover the costs out of the rates they would not hold the Commissioners liable. Mr. Lalor, the then solicitor for the Board, refused to carry out the opposition to the bill.

207. Can you tell me the reason why he refused?—Mr. Lalor took the opinion of Mr. John O'Hagan, Q.C., as to whether the bill could be opposed out of the rates, and he said it could not. Mr. Lalor then declined to go any further in the matter.

208. Except, I suppose, on the personal responsibility of the Commissioners?—That did not crop up.

209. Mr. EXHAM.—Was that bill of 1869, the bill promoted by third parties, to force the Town Commissioners to bring the water into the town?—That is a vexed question.

210. Was that bill first brought forward in the House of Commons or of the Lords?—First in the Commons.

211. After the Commons did the Commissioners go on opposing it in the Lords?—They opposed it in the Lords on clauses.

212. Did they not withdraw every single allegation of their petition before the Lords except one—that about the water?—I know that that was the principal point.

213. Was not that the only point on which they continued the opposition? Did they not withdraw their opposition against everything except the water supply?—They did not withdraw; they only contested the provisions about the water supply.

214. Were you not there yourself?—I was a witness there.

215. Did not the counsel for the Town Commissioners say—"We will withdraw every question raised in the case save one—the boundaries"?—No; he did not say that, he said the Commissioners opposed no clause except that of the boundaries.

216. Do you happen to have the Blue Book containing the report of what took place before the Committee both before the Commons and the Lords?—I have.

217. Can you let me see it?—Yes. (Blue Book produced.)

218. Did not the Town Commissioners actually apply for costs, and were they not refused? Was not an application made that you should get costs out of the rates, and did not the committee positively refuse to grant it? Were there not some very strong observations made in the Lords about the waste of the township money?—I have been a witness in a good many bills in Parliament, and I am aware that it is the invariable rule for parties opposing to apply for costs, but I never knew the committee to give costs.

219. They very frequently do so.

Witness.—The promoters would have given them costs in the Commons, but declined to give costs in the Lords.

220. Mr. LAWLESS.—I think you mentioned that some portion of the £16,000 has been paid off. How much has been paid?—£2,400 has been paid off; the balance now due is £13,600.

221. What was the next loan procured by the Town Commissioners?—The next loan, according to date, was obtained by the Commissioners in December, 1875.

222. How much was that loan?—£1,300, part of the £3,000, under the Kingstown Extension Act 1874, which was borrowed to pay for the pipe-laying in the township.

223. From whom was that borrowed?—From the Treasury, under the Public Health Act, 1874.

224. At what rate was it borrowed?—At three and a half per cent., for thirty years.

225. On what security is that £1,300 borrowed?—On the security of the improvement rate, the rate levied under the 60th section of the Act of 1854.

226. How was that £1,300 applied?—Solely to pay for the pipe-laying of the extended area; that is, the new district of the township.

227. Was that pipe-laying for the public water supply?—Yes.

228. Has any portion of that £1,300 been paid off?—We have made the yearly payments. That £1,300 is part of the £3,000 that the Commissioners were authorized to borrow by the Extension Act of 1874. There is also a Provisional Order under which the Commissioners were empowered to borrow £10,000, and we allocated £8,000 of that to the Kingstown sewerage, and £2,000 to the Glasthule sewerage. The £10,000 was borrowed from the Treasury on precisely the same terms as the £1,300. On May 20th, 1876, the £2,000 was lodged for the Glasthule district, and on that day week, 27th May, 1876, the £8,000 was lodged to the credit of the Kingstown sewerage district.

229. Can you give us now the number of rated occupiers in each ward qualified to vote?—Yes; they are as follows:—

Glasthule ward, . . .	284
Kingstown, east ward, . .	277
Kingstown, west ward, . .	390
Monkstown ward, . .	181
Total,	1,132

230. How were these sums of £8,000 and £2,000 applied?—They are at present being applied to the purposes for which they were borrowed—the internal drainage of the township.

231. Upon what security were those sums of £8,000 and £2,000 borrowed?—On the security of the sewerage rate leviable under the Public Health Act, 1874.

232. Has that sewerage rate been levied?—One penny was levied last year, and the rate struck this year to provide for the repayment of the £10,000 was two-pence.

233. How much will that two-pence produce in the year?—£540.

234. I see by this Provisional Order confirmed by the Act of 1875, that the assessable value of the premises within the limits of the township is £65,933?—That would almost apply to the present year, too; because in the Act of 1854, it is stated that lands used for farming and other such purposes shall be valued at only one-fourth—that is the rate shall be levied on only one-fourth, so that I have to give the net valuation to show the result.

235. Mr. *M'Evoy.*—About £65,000 is the net value at present.

236. *Witness.*—It was reduced by the valuation of the mains of the Gas Company being reduced by nearly £800.

237. You say that £10,000 was borrowed for the purpose of completing certain works in connexion with the Kingstown internal drainage?—The £8,000 was borrowed for Kingstown, and the £2,000 for Glasthule, which is a part of the township.

238. Preparatory to obtaining this Provisional Order were the plans prepared for those works?—They were laid before the Local Government Board, and also before the House of Parliament.

239. Were plans lodged preparatory to obtaining this money?—Yes; they had to be lodged.

240. When were they lodged?—I could hardly give you the exact date; but they were lodged before the inquiry which was held here in March, 1874.

241. Was the Provisional Order confirmed by Act of Parliament?—Yes, in 1875.

242. Has any portion of that £10,000 been applied, and for what purposes?—The £2,000 which was to be laid out in Glasthule has been already expended.

243. How has it been expended?—For the purposes for which it was borrowed alone, namely, the internal sewerage of Glasthule district.

244. Were there estimates prepared for that work?—Yes; by the town surveyor.

245. When was the first payment made out of that £2,000?—In the commencement of 1876. I will give you the exact date. The Provisional Order was passed in 1875.

246. But you did not get the money until the 20th of May, 1876?—No; but we got the powers to borrow the money for certain works. The first sum paid by us for that work was on May 4th, 1876, a fortnight before the loan was completed. Those plans that were submitted in 1874 of course embraced all the works that were to be paid for out of the £2,000. That first payment was £22 10*s.*, and then on the 9th June we paid our contractor the sum of £430 for portion of the plans dealt with in the Provisional Order.

247. Who was your contractor for those works?—A gentleman named Thomas Sexton.

248. Mr. EXHAM.—Is he a Commissioner, or a

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relative of the Commissioner of the same name?—He is his brother, but he is not himself a Commissioner.

249. When was the contract advertised for?—In 1875.

250. What is Mr. Thomas Sexton?—He is a general contractor for houses and sewers.

251. Were there many tenders for the contract of this particular sewerage?—I cannot say.

252. Was the entire of those Glasthule works taken by Mr. Sexton under one contract?—He got only one contract in the Glasthule district. All the rest of the contract work near there was divided between a Mr. John Pluck and a Mr. George Dixon. The £22 10*s.* was for a little bit of sewerage. £430 was the amount of all his contract work in that district.

253. Were not all the works put up for competition in one contract?—No; the drainage district was divided into sets of contracts, and Mr. Sexton got that contract only. All the rest of the £2,000 has been paid away between the two other contractors—Mr. Pluck and Mr. Dixon.

254. Is Mr. Dixon a relative of any of the Commissioners?—He is son-in-law to a member of this board, I believe.

255. Have the contracts been executed in that district?—No; one is going on at the present moment. In fact all the contracts have been completed except one, and that is going on towards completion.

256. Will the £2,000 complete all the sewerage contemplated in Glasthule?—No.

257. Was the estimate too low?—The money is expended, and the work cannot be completed. The works intended to be done are more than the money would cover.

258. Mr. LAWLESS.—Have you got the tenders that were put in for those works in Glasthule upon which the £2,000 was to be expended?—I was not prepared for this, but of course if you wish I can produce them.

259. Was Mr. Pluck a Town Commissioner?—Mr. Pluck had no connexion with the Commissioners in any way.

260. Mr. EXHAM.—Did the Commissioners bind themselves to take the lowest tender?—In advertising we put in the usual statement—"The lowest or any tender not necessarily accepted."

261. Who certifies as to the completion of the works?—The town surveyor.

262. Does he see that they are in accordance with the specification?—Certainly.

263. Are the payments made on his certificate?—Yes. Since we commenced to carry out these works we have appointed a clerk of works at £2 a week. He is only appointed temporarily during the progress of the sewerage works.

264. What is his name?—Peter Milligan.

265. When was he appointed?—On June 16th, 1876.

266. Were other works going on before that without a clerk of works?—Some small separate contracts at a time were previously going on, but when we came to expend all this money on the two districts, the Town Commissioners thought it necessary to appoint a clerk of works.

267. Mr. LAWLESS.—What was Mr. Milligan? What were his qualifications?—He was a man always connected with this sort of work.

268. Was he a builder?—I believe so.

269. Is he a Kingstown man?—Yes. [Reads minute appointing Mr. Milligan.]

270. Has he been since acting, and is he to act as clerk of works in respect to the Kingstown district as well as the Glasthule?—In respect of the entire township.

271. Had he been in any similar employment before?—I have always known him as a builder or a man connected with buildings. The only employment I know of his having been in was as surveyor to the Blackrock Building Society.

272. Mr. EXHAM.—Does he send in reports?—Yes, he is in constant communication with the town surveyor, and he sends in a short summary weekly to the board.

273. Did he ever object to the materials of these sewers?—I never heard of any objection to them.

274. Does the surveyor make reports weekly or monthly?—Monthly.

275. Has he always reported that the work was done in accordance with the contract?—I am not aware he ever said the works were not in accordance with the contract.

276. Did he object to the material of any of those sewers?—Not that I am aware of.

277. Did you look at the works while they were going on?—No; it was outside the proper sphere of my duties.

278. Mr. LAWLESS.—You have said that the £2,000 obtained from the Treasury in 1876 has been applied in doing the Glasthule sewer works mentioned in the Provisional Order of 1875. Now tell me has any portion of the £8,000 been applied in making sewers not specified in the plans sanctioned by the Provisional Order?—Yes, a change was made for the purpose of draining the fields to the south of Crosthwaite-park and Royal-terrace.

279. Were those works included in the plans for which the £8,000 was originally borrowed?—No; but application was made to the Local Government Board to sanction the change; they sent down their engineer, and he stated to them what had occurred. They said they did not see they had much power in the matter, but did not say the deviation was of any very great moment.

280. Will you just explain what was the deviation?—The surveyor can show you that.

281. Perhaps you can tell us how much of the £8,000 was expended on that deviation?—I cannot tell you the exact sum for this reason—that it was made part of another contract.

282. Mr. EXHAM.—Who proposed the change in the plans?—The town surveyor.

283. Did he propose to omit certain works shown on the plans and to do those others in their place?—Yes.

284. Did the Town Commissioners authorize the money borrowed for one purpose to be expended for another?—I suppose the Local Government Board said to you, "you know the plan of the works for the doing of which we authorize you to raise £8,000, and it is for you to see that you expend it properly." I should like to see the minute on that.

Witness reads minute:—

"September 4th, 1876.

"Tenders for the sewerage of Crosthwaite-park read.

"A resolution was moved that none of the tenders be accepted and the consideration of the subject be postponed until the next monthly meeting. An amendment to accept the tender was lost upon a division. The following amendment, proposed by Mr. Kelly, and seconded by Mr. M'Evoy, was put and carried unanimously:—'Resolved, that the sanction of the Local Government Board be applied for, to the variation of scheme of internal drainage formerly approved of by the said Local Government Board, by which the sewerage of Crosthwaite-park, not included in such scheme, may be legally carried out, and that the lowest tender (that of Mr. Thomas Sexton) for the carrying out of the work for the sum of £390 be accepted, subject to the obtaining of such sanction by the Commissioners from the Local Government Board.'"

The reply was as follows:—

"Local Government Board, Dublin,
"20th September, 1876.

"SIR,—The Local Government Board for Ireland acknowledge the receipt of your letter of the 9th inst., and accompanying sketch plans, relating to an alteration proposed to be made in the plans which have been adopted for the internal drainage of Kingstown, with the view of providing for the drainage of Crosthwaite-park, which was omitted by the town surveyor in the preparation of those plans; and in reference thereto the Board desire to state that from the report of their professional officer, a copy of which is enclosed," (for report see Appendix), "it does not appear there is any particular objection to the variation proposed, but they are not aware their sanction is necessary or that they have any authority to give their sanction. The question for the Town Commissioners is—whether the proposed variation in a matter of detail of this kind involves a material departure from the general plans referred to in the Provisional Order, and to the carrying out of which the money borrowed under the Act is directed to be applied.

"By order of the Board,
"B. BANKS."

The next meeting of the sanitary authority was held September 22nd, 1876, when the last letter was read, and I was directed by the committee to call upon Mr. Sexton to proceed with the carrying out of his contract for the sewerage of Crosthwaite-park, for £390 according to his tender of the 4th inst.

285. How much of the £8,000 was expended for works not in the original plans?—None at all as yet.

286. I thought you said a portion was expended?—I did not use the word expended; I said there was a contract embracing those new works, but no money has been expended on it.

287. Has a contract been signed for doing that?—I think a contract has been accepted; but no money has been expended on it.

288. Can you state how much of the £8,000 is intended to be applied for doing the works not within the plans?—I cannot tell you that, because the work now under discussion is part of another contract embracing other works.

289. What works have been done within what is called the "Kingstown Drainage District," which are to be paid for out of the £8,000?—The Glenageary-road sewer.

290. Is that in the Kingstown district?—Yes; that has been completed.

291. Where is Matthews'-terrace?—In the Kingstown district.

292. And Mulgrave and Royal terraces, Tivoli-road, and Crosthwaite-park?—All in the Kingstown district.

293. I find here upon your account for the year ending December, 1876, under the head of contracts existing or entered into during the year, four contracts with Mr. Thomas Sexton for sewers?—Yes; he is the contractor "for Glenageary-road at £190;" for "Mulgrave and Royal terraces and Tivoli-road, at £679;" and for "Crosthwaite-park, £390."

294. Is the portion of the work to be done for Crosthwaite-park to be provided for out of the £8,000 or not?—I could not give a decided answer on that.

295. Are all the Sandycove and Glasthule works within what is called the Glasthule district?—All of them.

296. Are Albert and Adelaide roads and Tivoli-terrace in Kingstown?—Yes.

297. Mr. Thomas Sexton is put down as the person paid for Adelaide-road. The contractor put down for Albert-road is Mr. John Pluck?—That is another local contractor. That is a distinct sewer. The work was commenced in previous years; but being part of the plans embraced in the contract for £430, it was not carried out until 1876. The Adelaide-road sewer mentioned below is a continuation of the former sewer, and is a separate contract. This sewer is put down in another place as the "Albert and Adelaide road sewer."

298. According to that account (referring to account of payments produced) although you had power to pay contracts to the extent of only £2,000 you have paid £10 over?—Yes, we were pretty close.

299. Was Mr. Sexton the person who laid the pipes on a former occasion?—No, he had nothing to say to the former contract for laying pipes.

300. Was that contract for £1,300 for the pipe-laying submitted to public competition?—Decidedly.

301. Had Mr. Sexton any previous experience in laying mains or water-pipes?—Not in Kingstown.

302. Anywhere?—Not that I am aware of. I will read the minute about the contract for the works. I see on September 4th, 1876, tenders for the sewerage of Crosthwaite-park were read from Thomas Sexton at £390, John J. Long at £400, and George Dixon at £910.

303. Was that last sum for the same work?—Yes.

Witness then read the minutes of 4th September and 22nd September, 1876, which are already given. My letter to the Local Government Board followed on the resolution of the 4th September. (Reads)—

KINGSTOWN. *April* 5, 1877. Mr. Ennis.

"September 9th, 1876.

"To B. Banks, esq., Secretary to the Local Government Board.

"SIR,—I am directed by the Commissioners of the township of Kingstown to state, for the information of the Local Government Board, that the town surveyor, when preparing the plans for the internal drainage of Kingstown, forgot to provide for the drainage of a very important district—namely, Crosthwaite-park, although he provided for the drainage of all the other similar localities in the township. The Commissioners, on learning of the matter, at once inquired as to the proper mode of correcting the mistake, and they found, that by omitting for the present the construction of the sewer to drain fields between Royal-terrace and Mr. Reid's premises, Holmston, and so varying to the slight extent the original scheme of internal drainage for which they obtained the sanction of the Local Government Board to borrow £10,000 to carry out, they will, without any inconvenience, be enabled to rectify the overlook made by the town surveyor. For this variation I am directed respectfully to request the sanction of the Local Government Board. The cost of the construction of the sewer at Crosthwaite-park is £390, and the tender to carry out the work for this sum has been received."

304. Were you instructed to make that statement?—I have to gather the opinions of the board, and I generally tell them what I will write.

305. Did the surveyor say he "forgot" to include the drainage of such an important place at the time?—He made the statement at the time or I would not have it here. (Continuing letter)—

"The saving, by now omitting the construction of the sewer in the fields north of Royal-terrace, is £225, and the saving in the sewer lately constructed in Tivoli-terrace (that is the amount for which the work was constructed under the town surveyor's estimate), is £233, total, £458, leaving a balance to credit of £68. Under the circumstances, the Commissioners trust the Local Government Board will sanction the proposed change in the original plans.

"I am, sir,

"Your obedient servant,

"R. J. ENNIS, Secretary.

"NOTE.—Sketch plans of both of the above-named sewers are submitted herewith."

306. Mr. LAWLESS.—The provisional order was confirmed by an Act of Parliament, and the Local Government Board say—"We can't alter that Act of Parliament."

307. Mr. EXHAM.—But there could be no alteration in this case, for the town surveyor says—"It is an actual piece of forgetfulness on my part."

Witness.—"Overlook" would have been a better word to use in the letter.

308. Mr. LAWLESS.—You used both, so that you are not at a loss for phrases.

309. Mr. EXHAM.—Mr. M'Evoy might have let the resolution be put, but he moved the amendment probably thinking that the Local Government Board had no power to do it.

Mr. *M'Evoy.*—That is exactly so.

310. Mr. LAWLESS.—Was there any action taken by the Commissioners after the receipt of that answer of December 20th?—The Local Government Board said there was not any such departure, and that we were warranted in making the variation.

311. Mr. EXHAM.—It appears that there were two separate portions of ground; the property of one was shown on the plans as ground necessary to be drained, and the sewers for his property were sanctioned by the Act of Parliament, and the property of the other was not. Then the resolution is passed to substitute the works on the property of the man who was not entitled to have them done under the Act of Parliament, and who is the chairman of the Town Commissioners, and to give up making for the other gentleman, whoever he was, the sewers that were represented and sanctioned as necessary for his property.

Witness.—In the resolution I have already read it said:—"Resolved—That the sanction of the Local Government Board be," &c.

312. Mr. EXHAM.—But the Local Government Board refused to sanction it. They said—"If you can legally do it, do it; but we will not give you authority."

313. Mr. LAWLESS.—At the time of obtaining the provisional order was evidence given as to the necessity of the works, and were those works at Crosthwaite-

KINGSTOWN. *April* 5, 1877. Mr. Ennis.

park represented as a necessary portion of the works to be done?—They were.

314. *Witness* reads following minute :—

"Amendment proposed by Mr. Kelly, seconded by Mr. M'Evoy:—Resolved—'That the sanction of the Local Government Board be applied for to the variation of the scheme of internal drainage formerly approved of by the said Local Government Board, by which the sewerage of Crosthwaite-park, not included in such scheme, may be legally carried out; and that the lowest tender (that of Mr. Thomas Sexton for the carrying out of the work for the sum of £390) be accepted, subject to the obtaining of such sanction by the Commissioners from the Local Government Board.' Amendment put, and carried unanimously; and then put as the original resolution, and carried unanimously."

I now see the contract for Crosthwaite-park was not what I said before. I see it is a distinct contract; it is so set forth here.

315. Mr. EXHAM.—Who proposed that resolution?—Well, in committee we don't always have formal resolutions.

316. Mr. LAWLESS.—Was that at a meeting of a committee? Was the meeting summoned, and was there any notice given of the meeting?—There is an hour fixed for the meeting of the urban sanitary authority. There was not any notice given of the meeting.

317. Mr. EXHAM.—But surely this was not to be done by the urban sanitary authority?—It was to be done by the Town Commissioners at their peril. The urban sanitary authority have entered into a contract for £390, which appears to be directly at variance with, or at all events is not sanctioned by the Provisional Order or the Act of Parliament.

318. Suggested by Mr. *M'Evoy.*—Did you give notice for that meeting?—No.

319. Is it not, in fact, voting away £390 which the Act of Parliament has directed to be expended in one way, in another to benefit the property of the then chairman of the Town Commissioners?—(No answer.)

320. Mr. LAWLESS.—This £390 was voted to be applied to works in Crosthwaite-park which was not included in the plans of the works on which any portion of the £10,000 was to be expended. Was not a portion of the work to be done in the original plans omitted to be done for the sake of doing this?—I believe so. That was the case.

321. Was it omitted in order that this particular portion of Crosthwaite-park might be substituted for it?—Yes.

322. What portion of the original works provided for by the original plans was omitted—in what district?—In the same district; in the immediate neighbourhood.

323. Mr. EXHAM.—Mr. Ennis, in his letter to the Local Government Board, says the surveyor forgot to include this portion of sewerage.

Witness.—Oh, I did not say he forgot it at all.

324. Mr. LAWLESS.—The contracts mentioned here for the year 1876 come altogether to about £2,578 You have made mention of some of the expenditure on this £8,000. How much of that has been expended now?—£1,764 15*s.* 3*d.*

325. Mr. EXHAM.—Have the works been stopped?—No works commenced have been stopped; but we advertised for contracts for other portions of the sewerage works, and finding the tenders so much in excess of the surveyor's estimate, none were adopted.

326. Mr. LAWLESS.—I see contracts were entered into to the extent of £2,378. Are they for the Kingstown district, and are they being carried out now?—Mulgrave-terrace has been completed, Glenageary-road has been completed, and £1,190 paid on account; and nothing has been paid on account of the other two.

327. Mr. EXHAM.—Can you tell us what was the estimate for Matthews'-terrace?

Mr. *Doyle* (town surveyor).—£130. The estimate for Glenageary-road was £1,290; for Mulgrave-terrace, £315; and Tivoli-road, off it, would be £188; the estimate for Royal-terrace is £285.

328. I see for Lower George's-street the lowest tender was £1,400, while the estimate was only £764; J. Sexton, for another portion, tendered at £590, and the estimate was £370. For Cumberland-street the lowest tender was £198, while the estimate was only £171.

329. Mr. LAWLESS.—What was the estimate for Crosthwaite-park?

Mr. *Doyle.*—I think £390. There was an explanation given about my estimates. The contracts that came in for the former works were under my estimate, and then the statement was volunteered here that the contractors having found out their mistake, wanted to levy the deficiency on the new contracts, by adding to them.

330. Mr. LAWLESS (to *Witness*).—You say £1,764 15*s.* 3*d.* has been actually expended up to this date out of the £8,000. Where is the balance?—To the credit of the Commissioners, in the bank.

331. Does it bear interest?—Yes; at the deposit rate allowed for current accounts, calculated from day to day; we are constantly drawing on them. When I last submitted my balance-sheet to the monthly meeting it showed £6,235 4*s.* 9*d.* to the credit of the Kingstown district. I then made a suggestion, acting on which the following resolution was passed on the 2nd April, 1877 :—

"Resolved,—That the suggestion to invest a portion of the sum in the bank lying to the credit of the Kingstown Sewer Account in new three per cent. Government stock be brought before the next meeting of the Board, with notice previously given to each Commissioner."

332. In the meantime, are not the ratepayers paying interest on that money, and sustaining a large loss thereby?—Yes; but it is in course of being expended.

333. Are all the works for which that money was borrowed actually now in progress?—No. The reason is, we could not advertise for carrying out the sewerage of two districts at once; we would have all the streets cut up at the same time. You cannot take the drainage of the town piecemeal; you can only take it in districts.

334. Was it not going hastily to work to put the ratepayers under the interest of £8,000 all at once?—I know in the case of the Corporation of Dublin they borrowed the sum in bulk, and paid them off. The way was this: If we applied to the Treasury to give us the money piecemeal, I doubt if they would not object, because we would have to give separate mortgages in each case.

335. Was there any attempt made to get the money in that way?—It was spoken of at the time, but it was thought so utterly impracticable that the suggestion was not acted upon.

336. Mr. EXHAM.—This last statement of yours sets out the contracts for the Kingstown district as four contracts, amounting altogether to £2,378. Are those the only existing contracts?—Those are all.

337. Is it contemplated to go on with the others?—Decidedly. We have been constantly trying if we could get contractors to send in lower tenders. We got trial pits made; in the case of one we found from the nature of the soil matters would be totally against the Commissioners, in another in favour of the Commissioners.

338. Are there any contracts before the Commissioners now?—No.

339. Nor tenders for contracts?—None.

340. The present occupiers of houses are paying rates to pay off the balance of the £8,000, and *non constat* there will be another penny expended for years. Has the surveyor stated what it will cost to do the residue of the works provided for by the Provisional Order Act?—That question was before the committee at the end of the year; and a recommendation of the full Board was then made that, in view of the difference in prices of the materials used in carrying out works now, from the prices current when the surveyor made out his original estimate some years ago, it would be advisable for the Board to fix what the gross price would be, and then apply

to the Local Government Board for further borrowing powers to supply the deficiency.

341. When did the surveyor make out those estimates?—In 1874.

342. Do you mean to say that materials and labour for making and laying sewers have gone up since 1874 to such an extent as to make the difference between the surveyors, their estimates and the amount of the tenders?—Bricks have gone up very much—at least I am told so.

343. It may suit some persons' interest to say so. Other materials are cheaper now. We all know that prices went up considerably before 1874, but I thought they had now come down to something like their former range. Is that so?—I do not know.

344. Mr. LAWLESS.—Have the Commissioners borrowed any further sums of money than those you have mentioned?—On the 14th November, 1876, we borrowed, under authority from the Local Government Board, £8,000 to build a town-hall and court-house, we got besides £1,700 the balance of the £3,000 under the Extension Act, and we also borrowed £2,000 under the authority of the Local Government Board for the asphalting of the streets of the township. The £8,000 was borrowed under the provisions of the principal Act, that is, the Act of 1854.

345. Under what Act did you obtain the £2,000?—Under the Kingstown Improvement Act of 1861.

346. Under what provision of that Act—The provision dealing with roads; the power to levy a road rate of eighteen pence.

347. From whom did they borrow that £2,000?—The entire of these three sums of £8,000, £1,700, and £2,000—total £11,700—was borrowed from the Royal Exchange Assurance Company of England at four and a half per cent. repayable in forty years.

348. Mr. EXHAM.—What is the security for all this. Is it secured on the road rate? This is why I asked were there separate accounts kept of the road rate and the improvement rate.

349. We have acted on that principle. Our estimate shows that. The one-fortieth of the loan of £2,000 for asphalting is £50, and the interest at four and a half per cent. is £90. The entire of that is charged on the road rate. I put the interest of the different loans under the several headings here, the improvement rate, under the Act of 1864, and the road rate under the Act of 1861. I set further under each column the money chargeable properly to those two rates; and you will perceive that not a farthing of one rate is improperly charged to the other.

350. Among those latter sums you have mentioned you named £8,000 borrowed under the provisions of the Towns Improvement Act of 1854, to build a courthouse and townhall. What provision in that Act gave you that power?—Under the Act of 1871 you will find full powers given to the Local Government Board to enable bodies such as the Kingstown Commissioners to borrow for those purposes; and under that Act they gave us power to borrow those sums of £2,000 and £8,000. The 20th section of the Act of 1874 states:—

"The Commissioners may, from time to time, for the purpose of defraying any costs or expenses incurred or to be incurred by them under the principal Act, or any Act incorporated in said Act, &c., borrow any sums of money for such charges and expenses."

351. When did you obtain that £8,000?—In November, 1876.

352. When did you adopt the provisions of that Act?—In January, 1873. (Orders of the Local Government Board for the £2,000 and £8,000 handed in.)

353. The result appears to be a bad one for the ratepayers here. Is there not an actual loss of £310 a year by paying the interest on this loan of £8,000, which is not being used at present?—No, for the money has been since invested in purchasing Government stock, and we get the dividends.

354. Mr. LAWLESS.—Has anything been done towards the erection of a town-hall or a court-house?—Mr. *Barrett.*—Plans have been prepared.

355. Mr. EXHAM.—Have there been any tenders?—*Witness.*—I drew up an explanation with reference to this to the Board the other day. It is this:—

"With reference to the statement as to the loss of one and a half per cent. arising to the rates from the sum of £8,000 borrowed to build the town-hall and court-house not being at once required, it would appear to assume that it is possible for a public body to always arrange matters, so that such a thing should not occur. From the long and tedious negotiations carried on, both as regards the obtaining of this loan and of procuring a proper site for the town-hall and court-house, before a definite result in either case was arrived at, it is very clear that instead of there being anything unwise or unbusiness-like in the transaction, the Commissioners should congratulate themselves on having both matters (that is as regards the site and the loan) completed within so short an interval as has actually taken place. The loan was placed to the credit of the Commissioners on the 14th November, 1876, when they were aware that the Board of Works had obtained the Kingstown Harbour Act, enabling the latter to allocate a site for the town-hall and court-house on terms and conditions already agreed upon, and when they were aware that the lease itself was under consideration."

As a matter of fact an advertisement for tenders will appear in next Saturday's paper for this town-hall and court-house.

356. The Commissioners have had this money since 1876. Have they fixed upon a site for a town-hall? Has it been ascertained that there is a site procurable?—Decidedly.

357. What are they to pay for the ground?—We have arranged with the Board of Works, which arrangement is sanctioned by the Treasury under the Act of 1875, and there has been marked as a site on the Royal Marine-road, 130 feet in length by 100 feet in depth, on a 999 years' lease, at 10*s.* a foot frontage. The lease is before the agent of the lord of the soil, and we expect the matter will be very soon completed.

358. Have you got any plans for the building of this courthouse and town hall?—We adopted plans in September, 1874, but before the Board of Works had given their sanction with regard to the site the plans had to be altered; and they were finally adopted on September 4th, 1876.

359. Have you got specifications for the works?—There is a specification now with the architect, which will appear with the plans in the advertisement on Saturday.

360. What is the amount of his estimate?—The architect did not formally submit an estimate; but his estimate for the works before the Board is something like £13,000 or £14,000.

361. So that having £8,000 to expend on a certain building the Commissioners propose to put them under a rent of £65, and to expend £13,000 or £14,000?—No; they will have tenders for contracts; there will be gross tenders first. They will then open the detailed tenders of the persons whose contract they accept. They will go through the works with their architect, and see where the building can be cut up in different places so as to keep the sum to be expended either at the £8,000, or as near to it as the requirements of the town will admit. If they find they can have a building, after consideration with their architect for the £8,000, the matter will be ended. If they require £10,000 or £8,000 in addition, it will be necessary for them to lay a statement of these facts before the Local Government Board, and they may proceed for the borrowing of a further sum.

362. But, surely, the plans must have been already laid before the Local Government Board?—They were.

363. Did you purport to do the work in those plans for the £8,000 which you asked leave to borrow?—Yes.

364. Do you mean to tell me the plans which you then submitted as being possible to be carried out for £8,000, your architect now estimates at £13,000?—You forget certain parts of my statement. The plans adopted in September, 1874, were then estimated to cost £8,000, the sum applied for from the Local Government Board. The site was marked. We have to deal with the Treasury through the Board of Works. We had to get the Board of Works' approval of the plans for the courthouse and town hall, before they would give us the site. The architect's plans having been submitted, the Board of Works made certain alterations, and suggested

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Mr. Ennis.

further expenditure which, with the increase of prices, will account for the increase in the proposed estimate as the architect assures us.

365. Did you not get £8,000 from the Local Government Board last year, and send in certain plans to the Board of Works last year. Were they approved of by your architect?—They were.

366. Who was your architect?—Mr. Robinson of Brunswick-street, Dublin.

367. Did you tell the Local Government Board you were going to execute these works?—When we applied for the £8,000 we did.

368. What did your architect tell you at the time these works might be estimated for? You must have represented to the Local Government Board that everything shown in those plans could be done for a sum not exceeding £8,000. (Reading)—

"Such money shall not be borrowed until an estimate of the amount required has been laid before the Commissioners, &c."

We did so then.

369. Was your estimate for the works shown on the plans laid before the Local Government Board?—I should say that both the plan and estimate for doing the works for the £8,000 were submitted to the Local Government Board.

370. I think you said all the conditions were complied with?—Yes, that is so.

371. Did the plans laid by your architect before the Local Government Board show certain work to be done—so many feet of masonry, &c.?—No, they did not. The detailed estimate was not laid before the Local Government Board: a gross estimate and plan was sent to the Local Government Board.

372. Did your architect, Mr. Robinson, tell you that all the works purporting to be shown in that plan could be done for £8,000?—The original plans were to be done for £8,000.

373. Did your architect, Mr. Robinson, tell you that in his opinion those works could be done for £8,000?—I cannot say that he did. The plans sent in to the Local Government Board were copies of the plans originally adopted in 1874 with the same estimate. Then we came to deal with the Board of Works. They suggested certain amendments to those plans which would require an increased expenditure of money; and we could not go on with the plans without it.

374. On what did you get the order from the Local Government Board to borrow the £8,000?—Not on the new plans of our architect, but on the plans originally adopted in 1874, which were only to cost £8,000.

375. Were the plans altered in 1876?—They were amended, as suggested by the Board of Works, in 1876.

376. Do you mean to say that an amended copy of those plans, with the increased estimate necessitated thereby, was never sent to the Local Government Board?—No, because we are not in a position to send them in. We do not know whether we will be in a position to carry out the works. We will first see, having got a detailed estimate from the architect, if the works can be kept within the limits.

377. If that is so, where is the excuse for taking the £8,000, and leaving the ratepayers under the loss of interest per annum thereon, when you do not know whether the Local Government Board will ever sanction your altered plans or not?—You have bound yourselves for forty years to pay off this money, and to pay interest at four and a half per cent. for forty years; and now you have been obliged to invest it in Government stock, and are only getting £250 a year, while it may happen that you will never be able to carry out these new plans, because if you increase your proposed expenditure on the new plans by £5,000, or more, and apply to the Local Government Board for the necessary power to borrow the additional money, they may not give it to you. Have you the letter of application sent by you to the Local Government Board?—I think the letter about that transaction was sent to them by our solicitor.

378. Is there any resolution of the Town Commissioners at the time this application was being made?

379. Mr. LAWLESS (referring to minute-book).—I find here, from minutes of meeting so far back as 1st October, 1874, that the site on the Royal Marine-road was applied for to the Board of Works, and that on the 12th October plans were directed to be placed on the table, and a resolution passed on September 11th, was confirmed?—We were then proceeding under the Act of 1854.

380. Mr. EXHAM.—Do you put the whole of the salary of £250 for the town surveyor on the road fund?—Certainly.

381. On what principle did you do it or by what authority?—The authority is, that in doing so I acted according to the best of my belief as to what I thought was right. The town surveyor's entire duties are devoted chiefly to the out-works in connexion with the roads of the township.

382. Do you mean to say that it is not part of the surveyor's business to see that the drains and sewers are properly constructed, and according to his plans and specifications, and to look after ruinous dwellings?—No; I think those matters are part of his duties.

Mr. *Barret*.—His principal duty is on the road.

383. Mr. EXHAM.—I beg your pardon. What is done here is to allocate his entire salary to the road-rate, although if he does his duty he has a great deal to do looking after the new sewerage and sanitary matters. The reason of attending to this is very important, because, putting everything you can on the road-rate in your estimates for this year, you have only estimated a surplus of £36 14*s*. 4*d*. on foot of the improvement rate. The weekly wages for the scavenging, &c., charged to the improvement rate are only £120; while you charge £800 to the road-rate.

Witness.—If what you state were carried out, and if those items were charged to improvement rate, the gross total would amount to the same sum on foot of both rates.

384. Mr. EXHAM.—If you made the proper charges only against each rate you might have a balance coming to you on one rate, and a large deficiency against you on the other; and when you say you will go for increased borrowing powers, the whole way you have been dealing with the two rates and the charges against each comes forward, and it might be shown that your improvement rate was wholly insufficient to pay even the existing charges on it, and thus the way the Commissioners have been dealing with the ratepayers' money, becomes important. There is also a charge for "horses." What are the horses employed in doing?—In scavenging the streets and repairing the roads. The cost is £45 per horse per annum; and there is charged for horses £97 to the improvement rate, and £200 to the road rate.

385. Is not the greater part of the work in which these horses are employed, done in carrying out sanitary matters?—I would not say the greater portion.

386. Why do you charge any "part of the election expenses, £20; revision of Parliamentary Voters' List, £20," to the road rate?—The Commissioners are elected to carry out both the Acts of 1854 and 1861, I have always held, consequently, that the rates levied under both Acts should bear their respective proportions of such costs, and I have to learn yet I am wrong.

387. In other places—Cork and Limerick—the amount produced by, and the payments made out of each rate, are kept under separate heads; and in Limerick an opinion was produced before us from a very eminent counsel in which he advised the Corporation to be cautious as to charging each rate with its proper expenditure or proportion of expenditure, as the case might be. Is it not part of your surveyor's duties to look after the sewerage?—We deal with that work in connexion with the sanitary business almost exclusively by our two sub-sanitary officers.

388. Is there anything charged to the improvement rate for the money you have expended on the sewers?—Not a shilling.

389. Is the loan of £10,000 you have obtained borrowed altogether on the security of the sewer rate?—Decidedly.

390. And does the surveyor do nothing about the sewers?—You are mixing up sanitary business *per se* with the loan of £10,000 for sewerage purposes. I hold that the sanitary matters you speak of are wholly distinct from the work carried on with the loan of £10,000.

391. Do you mean to say the surveyor does nothing whatever but look after the repair of the roads?—I do not mean to say so.

392. Mr. LAWLESS.—You referred us to him already as the party to give us information about the sewers.

Witness.—I have already explained that branch drains, *et cetera*, are sanitary matters, and there are medical sanitary officers and others whose duty it is to inspect and report upon this subject, such as where new branch sewers should be made, old ones repaired, &c.

393. Mr. EXHAM.—Will you read us the minute of the Commissioners appointing your town surveyor? (Witness read the minutes of proceedings at the time of the appointment of town surveyor, from which it appeared that the town surveyor was not to carry on any other works without the special permission of the board.

394. Was he informed by any person, and if so whom, as to the duties he should perform?—Yes.

"Town surveyor's duties, as fixed May 26th, 1863, and January 21st, 1868.

"He shall make himself by personal inspection acquainted with the state and condition of the road, footpaths, flagging, &c., personally inspect the repairs of same, and direct the men employed by the board in the work to be performed by them, and shall see and be responsible for the proper performance of such work. He shall see to the weight, quantity, measurement, and quality of road shingle, flagging, and stone supplied to the town by contract, so as to protect the interests of the township against fraud, and shall also from time to time report thereon to the board. He shall, by personal examination and inspection from time to time, inform himself of the quantity of materials of all sorts that may be necessary to be procured for the proper maintenance and repair of the roads, flagging, footpaths, and crossings, and the probable cost of same, so as to enable the board to contract for or procure a sufficient supply, and also to form correct estimates of the moneys to be raised by rates under the Town Commissioners Clauses Act, 1847, and he shall yearly, at the time directed by the board, prepare a list or schedule of all work necessary to be done during the year, stating the measurement and details of all such works, and affixing to each item the probable cost and expense of same, and whether in his opinion it would be advisable to do same, or any, and what portion of said works by their own workmen, or by contract. He shall have control over the working staff in their employment, subject to the following conditions:—Previous to the employment of additional men, or to the dismissal, as the case may be, he shall be guided by the opinion of the board with respect thereto. In case, however, it may be proper either to employ or dismiss men without delay, the surveyor shall be at liberty to exercise his own discretion, and his acts shall be allowed, until approved of, or set aside by the board at its next meeting. With respect to contracts, it will be his duty to advise the board about them, but the making of them will be the business of the board, or the board committee for the time being. As regards drainage and sewerage, he shall, as soon as possible, turn his attention to the carrying out of all the provisions of the Act, especially sections 13, 14, 15, 16, 17, and 18, and the provisions respecting public sewers as contained in the Towns Improvement Clauses Act, 1847. He shall, as soon as possible, prepare on a scale reduced from the Commissioners' map to a more convenient size, a skeleton plan of the district, and mark thereon the elevations required by said Act and the portions of the existing sewers, as well as the position wherein, in his opinion, sewers and drains should be made, and the lines at the altitude required in said Act, and shall also, if necessary, prepare a chart with vertical sections of the district, said plans, &c., to be on the scale as in said Act, and such as may be deposited in the office of the Commissioners for the inspection of the public. The surveyor should also, as soon as possible, do all necessary acts and things to enable the board of Commissioners to divide the Township into drainage districts, as required by the 23rd and 24th sections of the Town Improvement Clauses Act, 1847. He shall also in all other respects prepare and fulfil the duties of local surveyor of paving, drainage, and other works, as contemplated by the Act of Parliament."

395. Will you show me the report made by him on or before the 1st of April this year, on the works necessary to be done in the township?—(Referring to report.) He says he will require 310 lamps for the lighting of the township; men for the repair of the roads of the township in Monkstown, Glasthule, and other places; and he requires a certain amount of limestone. He does not give a detailed account.

396. Do you consider that complies with the provisions of the Act, and the duties as pointed out to him by the chairman when he was appointed?—When road committees or works committees sit down to go over estimates for the year, the surveyor will not bring up a very elaborate statement of what he can go into in conference.

397. Mr. LAWLESS.—Is this the only estimate of works he has given, and the only report he has made?—Yes.

398. How has the balance of that £3,000 been disposed of?—Under the Extension Act we got very general powers of allocating that money. We allocated it for Mr. Sharkey's costs.

399. What costs were these?—The Commissioners, in 1873, opposed a Gas Bill promoted by the Dublin Corporation in connexion with the Alliance Gas Company; and there was also a "Citizens'" opposition committee. Mr. Sharkey got judgment, and demanded payment of his costs, amounting in round numbers to £1,287. Both parties appeared by counsel in Court, and the case was argued on behalf of the two parties. First there was a case argued before the Court, and the result was a judgment in favour of Mr. Sharkey. This bill of costs came to about £1,400; you have then £200 you already came across under the Extension Act. Then you have a balance for general outlay.

400. Is that the way the £1,700 is accounted for?—Yes.

401. Mr. EXHAM (Reads from the estimate)—

"Repair of carts, £50; brushes, shovels, and repairs of old, £40; standposts to supply Vartry to watering carts, £30; new valves, £40; hose, £15; two new stone carts, £28; lamps to be ordered and put up during the year, £30; general repairs, stables, sheds, &c., £10, &c.; total, £243."

402. Of that why do you put £43 to the improvement rate, and £200 to the road rate?—You cannot in these cases, cut down to a finite point exactly what you will charge to each rate. If I can tolerably approximate the amount to each rate I think it is as much as I am called upon to do.

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The Town Clerk handed in the following documents: Agreement with the Alliance Gas Company, the bills of costs of the promoters, and of the opposition in connexion with the Act of 1869; the guarantee bond given by the collector, and that given by himself (the Town Clerk); and the indemnity given by Messrs. Casey and Clay to the Commissioners.

403. Mr. LAWLESS.—I find that the outstanding loans, including £1,700 for the extension of sewers to the extended districts, and giving the Commissioners credit for having paid off £2,400 of the £16,000, is £36,600; and of the moneys that were received with respect to those loans, there was paid for the costs of proceedings before the Houses of Parliament, £7,396; and in the year's account for 1876 there are claims for costs, not included in that sum, amounting to £693

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12*s.* 1*d.*, making a total for which the Commissioners claim credit of £8,089 12*s.* 1*d.* Are those figures correct?—They are.

404. Has your guarantee bond for £200, which bears date February, 1872, been renewed since?—No; it does not require to be renewed, but the premium has been paid yearly. The auditor expressed his opinion that this class of security is the best.

405. Does the auditor prefer it?—Yes; and so do the Commissioners; the premium is paid annually; and I have the receipts.

406. Is the collector's security for the year not out yet?—You will see that it is more satisfactory to have that form of guarantee than security by two parties to a bond, one of whom may die at any time.

407. There are conditions in these which would render it very difficult to enforce liability?—I believe those are the usual conditions of a policy.

408. Have you given us all the documents we asked for connected with the bills of costs, except the very material one, the special case stated to the Court of Common Pleas?—Yes.

409. I see that under the head of miscellaneous charges there is credit taken for having paid £250 to Sir John Hawkshaw, C.E., for "report and plan on main drainage?"—Yes.

410. What was that?—A report that he made in the year 1873 on the main drainage. I gave in a copy of that report.

411. Was the report in 1873?—Yes; his fee was £350, and he reduced it to £250.

412. Were that report and plan made use of for the purpose of obtaining the loan of £10,000 afterwards?—No; it had nothing to do with the £8,000 and the £2,000. It was used on the inquiry held by Mr. O'Brien.

Mr. *M'Evoy.*—It was used by the opposition.

413. Mr. EXHAM.—Is it a fact that instead of adopting Sir John Hawkshaw's plan after getting the provisional order, you threw it over, and went in for a new plan?—Not quite; it would be better to say that Sir John Hawkshaw's scheme has been varied. The result of the inquiry was that the town surveyor's plan was adopted. (Hands in the report of Sir John Hawkshaw.)

Mr. *M'Evoy* asked for the remonstrance sent in on this subject.

414. Mr. LAWLESS (to town clerk).—When, and from whom, was the £2,000 for asphalting obtained?—On the 14th November, 1876, from the Royal Exchange Insurance Company (England).

415. At what rate?—At four and a half per cent., repayable in forty years by equal annual instalments.

416. What were the particular objects for which that £2,000 was borrowed?—For asphalting the footpaths.

417. Under what Act did the Commissioners borrow it?—Under the 28th section of the Local Government Act of 1871.

418. In what way was it proposed to do the work?—There was no particular way proposed; the Commissioners reserved to themselves the power to do it in any way they chose.

419. Are there companies who do that particular kind of work by contract?—Yes.

420. Did the Commissioners contract with any particular company for doing it?—Not with respect to this £2,000.

421. Was there any of the proposed work done since November, 1876, with this money?—There was.

422. Can the surveyor mention the amount of work done?—I can tell you what was done up to the end of the year; in fact, you will find it in the balance-sheet.

423. I find here that you take credit for having expended on asphalte works:—"Purchasing eight boilers for mixing asphalte, £95; contractor for laying asphalte, £183 1*s.* 5*d.*; Limner asphalte, £118; ground limestone, £180 16*s.* 6*d.*; Uphall Oil Company—shale tar, £38 7*s.* 10*d.*;" and some other small payments, which make up the total expense of this kind of work for the year £624 12*s.* 9*d.*?—Yes.

424. Did the Commissioners proceed themselves to do this work instead of getting it done by contract?—We advertised for tenders in February last.

425. In February, 1876?—Yes.

426. That was before you had got the money?—Yes; the tenders we received were of such a character that the Commissioners could not go on with the work.

427. Have you got those tenders?—Yes. The price sought for in the tenders was so large, that the Commissioners for the sake of economy preferred to go on with the work themselves.

428. Had you any offer from the Val de Travers Asphalte Company?—Yes.

429. Have you got a tender by the Limner Asphalte Company?—Yes. (Tender produced.)

430. This estimate appears to have been given on the 2nd September, 1875?—Yes.

431. Was this estimate rejected or considered by the Commissioners?—It was considered; but they thought the price was very excessive.

432. By whom had you previously got asphalting done?—By the Val de Travers Company.

433. At a lower rate than this?—At 3*s.* per square yard.

434. Instead of 5*s.*?—Yes.

435. When was the consideration of this estimate brought before the Commissioners?—Somewhere about that time.

436. Have you any offer from the Val de Travers Company?—Yes; on the 3rd September, 1875. (Offer produced.)

437. This appears to be signed by Mr. Fottrell individually. Was he chairman or a member of the company?—He was secretary for a long time.

438. Did you consider this to be an offer on the part of the company?—I considered it is such; it is dated from the offices.

439. And the offices are 39, Dame-street?—Yes.

440. Was anything done in consequence of this offer of Mr Fottrell's?—No; nothing was done. I have here the minutes of the meeting of the road committee, on the 8th September, 1875. (Reads.)

"Tenders for asphalte were read from the Limner and Val de Travers Asphalte Companies. The secretary was directed to convey to Mr. Fottrell, that the Commissioners were inclined to accept an offer at 70*s.* per ton."

441. Was there a communication sent to Mr. Fottrell?—I wrote him a letter to that effect.

442. Was his offer to supply the asphalte at £3 10*s.* accepted?—No; that is all that was done.

443. Was any advertisement published for tenders?—Yes; in February, 1876. The advertisement included a person to lay down the asphalte.

444. What was done in consequence of that advertisement?—There was only one tender, and nothing resulted from it.

445. Was there any communication between the Commissioners and Mr. Fottrell, with respect to laying the asphalte?—Very likely there was, but I cannot say. (Reads.)

"October 6th, 1875.

"Tenders for laying asphalte pavement read from Mr. Brady, price to be 1*s.* 3*d.* per square yard, the Commissioners to supply all materials and boilers, except fuel, tools and labour."

446. Was that contract actually acted upon?—Yes; and it has been acted upon since. I have a letter from Mr. William Murphy, dated from the offices of the Val de Travers Company, on the 24th February, 1876, offering to supply a limited quantity at £4 per ton, and Trinidad bitumen at 70*s.* per ton. We then purchased twenty-five tons of asphalte, and twenty-five tons of bitumen from him. Then we had a tender from Mr. Worthington, Limner Asphalte Company, to supply not less than 300 tons delivered ex-ship at

Kingstown, at £4 10*s.* per ton, and also stating that he would give us every information as to the mixing of it, and send us competent men to do the work.

447. In accordance with that offer did the Commissioners purchase?—In consequence of that we ordered the same quantity of asphalte that we ordered from the other person (twenty-five tons), and that being ready for use we used it first.

448. Is that the asphalte paid for?—Yes; Mr. Fottrell at the end of 1875 ceased to be connected with the Val de Travers company.

449. Who represented the company then. Did they sell their business, or was it wound up?—Not at that time.

450. Did they not become bankrupt?—They were not able to go on. It was stated that they would be prepared to receive tenders for the plant and material.

451. With whom did the company propose to deal for the sale of the plant and materials? Did any persons offer to purchase?—I am personally aware that an offer was made.

452. By whom?—By the chairman (Mr. Crosthwaite) Mr. Fottrell and myself.

453. Was Mr. Crosthwaite chairman of the Town Commissioners at the time?—He was.

454. When was that offer made?—In January, 1876.

455. Mr. EXHAM.—Was the interest in the concern put up for sale?—We were in one day asking about the offer of 1875, and one of the directors (Mr. Murphy) told us that the directors would be anxious to receive proposals for the purchase of the material and plant, and afterwards, in January, we heard from Mr. Fottrell that the place was still undisposed of. I then went in to see if it would be a good investment, and I found it would be so. On being asked by the other two gentlemen to join them I agreed to do so.

456. Was anyone joined with you?—Yes; Mr. Crosthwaite and Mr. Fottrell. Of course you are aware that this transaction has nothing to do with the accident of my being the town clerk and Mr. Crosthwaite the chairman of the Commissioners.

457. It has something to do with your going on with the contract?—We did not go on with it; the three persons named signed an authority to a solicitor to make an offer for the material, plant, and premises.

458. Mr. LAWLESS.—What was the date of that?—January, 1876.

459. Was there any contract for asphalte after that?—No; Mr. Fottrell has a patent, and he sold during the year to the Commissioners some of the material that is used in making the asphalte. They bought 180 tons of ground limestone from him to mix with the asphalte. He alone supplied that ground limestone to the Commissioners, and he alone derived any profit from the sale of it. We had nothing to do with it.

460. You say it was not the property of the asphalte company?—Certainly not. Mr. Fottrell had to go to Liverpool to purchase some of it.

461. Is that the ground limestone for which the Commissioners take credit in this account?—Yes.

462. Mr. EXHAM.—But Mr. Finlay has surcharged that?—Yes; and Dr. Webb gave it as his opinion that Mr. Finlay acted illegally in doing so. I will just read you this minute of the 22nd September, 1876:—

"Report of 19th instant of No. 2 Committee on the terms proposed by Mr. Fottrell with reference to the mixing of ground limestone with Val de Travers asphalte and bitumen read. Mr. John Fottrell attended and handed in the following statement, the surveyor recommending its adoption. 'I propose to sell you 150 tons ground limestone for the purpose of mixing with the twenty-five tons of rock asphalte (Val de Travers) and bitumen at the rate of 24*s.* per ton in Dublin and Kingstown.' It was moved by Mr. O'Rorke, seconded by Mr. Kelly. Resolved—'That the proposition now made in writing by Mr. Fottrell to supply ground limestone 150 tons at 24*s.* per ton to be mixed with the Val de Travers asphalte and bitumen in the possession of the Commissioners be and is hereby acceded to.' Question put; division taken—Ayes, 6; Noes, 4. The resolution was accordingly declared carried."

"Special meeting 12th October, 1867. Letter of 2nd instant read from Messrs. Raynes and Company of Liverpool, and of 4th instant, from Mr. Fottrell, proposing that the former should be paid direct by the Commissioners out of the moneys coming to the latter on foot of the order given to him on the 22nd ult. for 150 tons of ground limestone. Moved by Mr. Reilly, seconded by Mr. O'Brien. Resolved—'That the finance committee be authorized to facilitate the procuring of limestone (ground) from Liverpool by paying the vendor for the material when delivered in Kingstown, and certified for out of moneys then payable to Mr. John Fottrell, first getting the latter's receipt for the amount to be so paid, in consequence of the saving of about £37 10*s.*, which will be effected thereby to the rates, the material being delivered in Kingstown instead of as at present being drawn from Dublin by the Board's staff.' Question put and carried; Mr. M'Evoy against."

When the material was delivered, and Mr. Fottrell was about to be paid, I brought this resolution before the Finance Committee, and I said that he should give an indorsed receipt and I would pay them. In that way he indorsed a cheque to me, and I drew my cheque against it and sent it to them, and then the balance was paid to Mr. Fottrell.

463. Was that brought before Mr. Finlay?—Most undoubtedly; I stated that before him at the audit.

464. Mr. EXHAM.—If it had been put up to public competition would it not have been got much cheaper?—We purchased that limestone from Mr. Fottrell, allowing him something above the actual value of the limestone for the liberty to use his patent.

465. Mr. LAWLESS.—That does not meet Mr. Finlay's objection at all?—I have Dr. Webb's opinion here saying that Mr. Finlay acted illegally.

466. How much of that £2,000 borrowed for asphalting has been paid?—You will see £206 in the account; that has been paid since on the surveyor's certificate of the delivery of the full amount, and £20 7*s.* 6*d.* to Mr. Worthington—and £280 5*s.* 11*d.* has been paid since the 1st January, for the laying of the asphalte.

467. Are the balances of the £2,000 for asphalte and of the other loans comprised in this balance of £10,629 to your credit in the bank?—Yes; that £10,629 covers the entire of those sums.

468. Do the Commissioners get interest for that £10,629?—They have invested £8,000 in new three per cent. stock.

469. And as to the rest?—It is in course of expenditure.

470. Are you receiving any interest on it?—No.

471. When was the £8,000 invested in the new three per cent. stock?—The order of the finance committee to buy it was made on the 9th February, 1877.

472. I find here that the Commissioners take credit for having paid Mr. Sharkey, for Parliamentary costs £1,237 7*s.* 4*d.*, and then interest on those costs £54 17*s.* 9*d.*?—Yes, interest from the date of the judgment at four per cent. We had not money to pay him till we borrowed the £1,700 from the Royal Exchange Insurance Company.

473. Mr. EXHAM.—Under what Act had the Commissioners power to raise that money to pay costs?—Under the Kingtown Extension Act they have power to borrow £3,000, and the purposes to which it is to be applied are for any purposes the Commissioners may think proper.

474. Do you hold that under the Act of 1874, the Town Commissioners could borrow £1,700 on the rates, for the purpose of paying costs?—Of course my opinion would not be worth much, but I can give you Dr. Webb's opinion on the subject. There is no doubt about the money being applicable for that purpose. We took the opinion of Dr. Webb, and he said it was.

475. The money was borrowed to be applied to the purpose for which it was so borrowed, and yet according to your view, the whole £3,000 could be applied to paying costs. Is that so?—Yes that is our opinion.

476. Mr. LAWLESS.—Was it borrowed for the purpose of paying costs under the opinion of Counsel?—Yes.

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477. Was the balance of the £1,700 after paying Mr. Sharkey's costs and interest applied to pay costs?—I said that £200 was applied to pay the costs of the Act.

478. Mr. EXHAM.—Instead of paying it out of the rates it is paid out of capital which is a very different thing?—It is really paid out of the rates.

479. No, it is not?—I may state that I was in London at the time, and this Act is the result of a compromise.

480. The Act of 1874?—Yes; the 22nd section. The clause was put in having it in view, that possibly Mr. Sharkey would obtain costs; the £1,300 was certainly applied for the pipe laying of the transferred area and the extended township has the benefit of that £1,700, because the work necessary to be carried out there will be paid for out of the general rating of the township as extended.

481. I have a strong opinion that not a member of the committee who passed that clause of the Act had the slightest notion of the use that would be afterwards made of it, and certainly it was done most skilfully, if you have the power of spending it as you have done?—The promoters of the bill, who were the ratepayers of the transferred area were represented, and did not object to it.

482. Why is a sum of £117, agents' commission for obtaining £11,700, charged to the ratepayers?—I have no further explanation to give than the face of the accounts show.

483. Is there any resolution of the Commissioners authorizing that payment to be made?—I know it is a very common thing for an ordinary borrower, but it is a very different thing in the case of a public body dealing with the public money. I want to know to whom it was paid?

Mr. *Barrett*.—I may say that I opposed it. I am one of those who gave a personal undertaking that if it was illegal they would pay it.

Mr. *M'Evoy*.—I also opposed it.

484. Mr. EXHAM (to *Town Clerk*).—Did you bring it under the notice of Mr. Finlay?—Yes. He said it was a perfectly legal charge.

485. Then I can only say, and I am certain Mr. Lawless will agree with me, that though we have investigated the circumstances of many large towns, this is the first time we have heard of any commission being paid for loans?—We wrote to the Local Government Board on the subject, and they said (I can produce their letter) that they did not see anything illegal in it.

486. Mr. LAWLESS.—I quite agree with what Mr. Exham has said, and I wish you to find the minute directing you to make this payment.

487. Mr. *M'Evoy*.—I object to another item which appears amongst the law costs. It is £400 for promoting the provisional order, which has not yet been granted or confirmed. It has not been issued by the Local Government Board, and of course has not been granted by Parliament.

488. *Town Clerk*.—At the meeting of the board on the 19th May, 1876. (Reads):—

"Read a letter from Mr. Lalor as to loans of £11,700 and £14,000, and copy of letter submitted, which has been forwarded to the Local Government Board, on the legality of paying one per cent. commission to the agents negotiating the loans. Moved and seconded—That should a reply in the affirmative be received from the Local Government Board as to the legality of paying one per cent. commission, Mr. Lalor be, and he is hereby instructed to complete negotiations for obtaining the loans of £11,700 and £14,000 on the terms already agreed upon by the board. Question put and carried."

At the subsequent meeting on May 30th:—

"Letter of 22nd inst. from the Local Government Board as to the legality of the Commissioners paying one per cent. commission on the loans of £11,700 and £14,000."

489. Have you got that letter?—I must have handed it to the solicitor, showing him the legality of the proceeding.

490. To whom were the £96 costs paid?—To Messrs. Richards, solicitors to the Royal Exchange Company, including £10 to the local solicitors, Messrs. Anderson and Lee. We had to deal with an English company. I went to the various insurance companies in Dublin, but no one would lend us the money under five per cent. The chairman brought the matter before the board, and said he was in communication with brokers in Dublin, and would procure the money at four and a half per cent., they charging one per cent. commission; and it was with the view to saving the half per cent. on the money that they paid that comparatively small amount of one per cent.

491. There is one item of expense in connexion with the Provisional Order which I wish explained. It is "Fees of professional witnesses, £60 18*s*." Were these witnesses examined before the Local Government Board Inspector with regard to the Kingstown and Glasthule drainage?—It did not affect either. There are two Provisional Orders. The counsel directed us to have two medical witnesses and two contractors examined before Mr. O'Brien, and those are their fees.

492. Do the Harbour Commissioners of Kingstown exercise any authority in Kingstown or levy any rate?—The Kingstown Harbour Commissioners are the trustees for the harbour, and take the boundary road along the harbour in their charge, but they do not levy any rate in the township; as to the tolls of the harbour I do not know what they are.

493. Do the Town Commissioners receive any of them?—No. The Harbour Commissioners maintain the main road along by the sea. They water and scavenge it occasionally, but do not get any rates: we get rates there.

494. Do you mean the Crofton-road?—Yes, and part of the Sandycove Harbour-road which is in our township.

495. Do they levy a rate of any kind whatever within the municipal limits of the Kingstown township?—No.

496. Do the town Commissioners of Kingstown light that boundary road?—They light it partly: the Harbour Commissioners put up a few lamps there which they thought sufficient for their own purpose, but the rated inhabitants there applied for improved lighting and we gave them some additional lamps.

497. Will you look to your abstract of accounts—the last accounts passed before Mr. Finlay. The total amount of rates as struck were £9,209 7*s*. 4*d*.?—Yes.

498. Then there are arrears of rates from 1875 (including £5 5*s*. written off last year but since recovered), £22 17*s*. 7*d*.?—Yes.

499. Those are the two rates included—the improvement rate and the road rate?—Yes.

500. The amount of rates collected for the year, were £9,010 14*s*. 10*d*.?—Yes.

501. The improvement rate of 1*s*. 5*d*. in the pound included 5*d*. in the pound water rate to the Dublin Corporation, and 5*d*. in the pound sinking fund rate, and interest on balance of the loan of £16,000; the road rate was also 1*s*. 5*d*. in the pound. Do those represent the entire rates levied in the year?—Yes; with the exception of the sewerage rate; you will also find the Kingstown sewerage rate and the Glasthule district sewerage rate were each 1*d*. in the pound.

502. From the rates of that year there are exemptions for non-occupancy £140 9*s*. 4*d*. under the Town Improvement Act. Are those exemptions obtained in the manner mentioned here yesterday?—Yes: by means of declarations of non-occupancy.

503. There is another item of £58 3*s*. 2*d*. for bad debts, and persons rated but not liable?—Yes. It is only persons rated at the time we make the rates that are liable to pay them: it is only a personal liability.

If one person leaves a house and another person comes in we cannot recover from him.

504. Was there a balance in favour of the Commissioners at the beginning of the last financial year?—Yes, of £129 19*s.* 4*d.*

505. How much were the market tolls and rent?—£31 6*s.* 4*d.*; I said yesterday that the market yard was let for £30 a year: we have a clerk there who weighs the hay and straw, and we charge certain tolls: the rent accrues in this way—3*s.* a week for the entrance house; £8 8*s.* a year for the stable, and 26*s.* a year for the month or six weeks that the adjuster occupies the little office.

506. By whom are these received?—I receive the 3*s.* a week and the tolls are received by the clerk on the spot. He keeps a book in which he enters his receipts and I check the blocks. He lodges the money with me, and I lodge it in the bank. The 26*s.* and the £8 8*s.* are paid to me, and I lodge them in the bank.

507. What is that £80 6*s* 3*d.* under the head "receipts for water services"? Having laid the mains through the township we compel the householders to bring it into their houses: we have a schedule of prices for doing it and the amount referred to was made up in this way.

508. What is that item of £1 2*s.* received from Mr. Crosthwaite for asphalte materials?—Some bitumen and limestone that he got from our store here. He said he would pay what was charged for it. That £1 2*s.* was the sum we charged for it, as made out by the town surveyor and storekeeper, and he paid it.

509. Do you mean to say that he purchased these materials from the Commissioners?—Well, it was not quite a purchase; the person who was laying the asphalte at the time brought some of the materials to Mr. Crosthwaite's yard.

510. Did he, while Chairman of the Town Commissioners, direct any persons employed by them to apply any of the materials paid for by the Commissioners to his own private use?—It was reported here that certain asphalte materials were taken from our yard to Mr. Crosthwaite's premises. The matter was brought before the committee and dealt with by them as an irregularity, and a minute was made to the effect that care should be taken that such a thing should not occur again. I was then directed to get a valuation made of the materials, which was done, and the amount was paid by Mr. Crosthwaite.

511. Is that £1 2*s.* the amount?—Yes. Previously Mr. Crosthwaite came to me and to the surveyor and said that he could not get these materials anywhere else, and that he would very much like to get them from us. I said to him "You had better come down to the committee next Wednesday, and you can arrange with them about it;" but when the Commissioners met (six days afterwards), the materials had been taken away and used.

512. Did they get a report from the storekeeper?—Yes.

513. Was it made to the committee before any action had been taken with regard to this matter?—Yes; that set the committee in motion.

514. Mr. EXHAM.—Who directed the storekeeper to give those materials out?—I cannot answer you that as I don't know.

515. Has not the storekeeper orders not to give anything out of the store without a written order from his superior?—He has.

516. Where is the store situated?—We use the yard attached to this building (town hall), as a store, and the market is also used partly as a store.

517. What is the name of the storekeeper?—John Tomlinson.

518. What is he paid?—25*s.* a week.

519. Has he all the property of the Commissioners (as regards stores), under his care?—He has the entire charge of the stock of the Commissioners.

520. Is he bound to keep a proper account of the stock, and also of the consumption?—Yes; of the receipts and disbursements—the stores received and delivered.

521. Delivered out by him?—Yes.

522. Who tests the accuracy of his accounts? Do you?—They used to be submitted to the committee. I have not checked his books for some time.

523. Are they ever laid before any committee now?—Yes; before the road committee. I think I stated already that I check his book of tolls weekly.

524. That is a different thing altogether. I am asking about the materials—the property of the Commissioners.

Mr. *M'Evoy.*—There used to be a store-book kept.

The *Town Clerk.*—And there is one kept now.

525. Mr. EXHAM (to the *Town Clerk*).—Are there any regulations or rules with respect to the conduct of the storekeeper?—No.

526. When was that book last brought before the committee?—In the commencement of the year 1876. The reason there is no great necessity for it is that all these materials that go out to be used for public purposes must be checked by the surveyor who is in weekly communication with the road committee. The surveyor is held responsible for all these goods.

527. Mr. LAWLESS.—Will you look to the credit side of the Commissioners' cash account. I presume you are acquainted with the particulars of all these accounts?—Yes.

528. Were those items of expenditure actually made in the course of the year?—Yes.

529. And do those items in the expenditure side of the account represent the entire expenditure of the Commissioners as such during that year?—Yes.

530. Mr. EXHAM.—You say that some of that £16,000 was taken to pay costs?—Yes.

531. Do you strike a separate rate here for the payment of costs?—Yes.

532. By what authority did you take any of that £16,000 to pay costs?—By the costs clause of the Act of 1869.

533. Did you strike a rate here—a regular rate—for a number of years for the purpose of paying these costs?—Yes. The cost of the Act of 1869 is laid at 2*d.* in the pound, I believe.

534. And have not to be paid out of the £16,000?—No. We pay that by annual instalments which require that rate.

535. Where is that rate in the balance-sheet?—The improvement rate is divided, and it is part of the improvement rate. Of that 5*d.* in the pound sinking fund rate, which you will see in the account, 3*d.* is for the water rate, and the remaining 2*d.* is for the costs.

536. What does 2*d.* in the pound amount to?—£540; and it is only reducible each year by a few pounds—£7 10*s.* The nearest rate you could make to pay that is 2*d.*?—As soon as it comes nearer 1*d.* than 2*d.* I'll make it 1*d.*

537. How do you get your tailings, and stone and sand for repairing the roads; is it got by contract?—Yes.

538. I see here the following minute. (Reads)—

"The secretary was directed to request Mr. Sexton to tender for 250 tons, and also for 500 tons of each of three kinds of material proposed to be supplied by him, namely, broken stones, sand, and tailings."

He was the only person in this part of the country who could supply us with those articles.

539. Was there any advertisement published inviting tenders?—We have advertised for road material from time to time.

540. Did you on this occasion?—I do not think there was; hearing the minutes read I should say there was not.

541. Do you state that there was no other person willing to tender?—I am aware there was no other person could supply them.

542. Is it a usual thing for the Commissioners to request a man to send in a tender?—In order to know the exact circumstances of such a matter as this, one

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must have local knowledge, and I know there was no other person ready to supply us. Knowing that he had the materials, and that we could get them from no one else, that resolution, which in fact simply meant for me to get from him the price at which he would supply us, was passed by the Commissioners.

543. Do you know did he send in a tender?—I believe he did. It is now some two or three years ago.

Mr. *M'Evoy.*—Patrick Byrne and another person applied for liberty to deliver a quantity of broken stone, but in consequence of Mr. Sexton's tender it was not accepted.

544. *Town Clerk.*—Mr. Sexton's tender was accepted, because it was the lowest. The resolution says for me to ask Mr. Sexton to send in tenders, to be submitted to the next monthly meeting.

545. Did those other men ask to send in tenders, and were they not allowed to do so because Mr. Sexton's tender was received?—Yes, and dealt with. The resolution directing me to ask him to tender was passed on the 8th April, 1874. Here is another resolution passed at the meeting on the 10th April, at which the monthly report of that committee was read—

"Moved and seconded that Mr. Sexton's tender, now read, to supply broken stone at 3*s.* 10*d.*, and tailings and sand at 2*s.* 10*d.* per ton, be accepted, and that 500 tons of broken stone and 250 tons of tailings, and 250 tons of sand, be ordered. Put and carried."

And the tenders of the other persons came in at a subsequent date.

546. Are the materials supplied ever since on that tender?—Mr. Sexton stated at the beginning of this year that he could not supply them any longer. I therefore advertised a few weeks ago asking contractors to send in tenders.

547. Mr. LAWLESS.—Does it not appear from what you now say that Mr. Sexton's contract was not accepted, because it was the lowest. I thought you said it was accepted for that reason?—No; I said it was the lowest that had come before the Commissioners.

548. Surely there was no competition at all: were there any tenders in previous to the 8th?—No, there were not.

549. And on the 10th Mr. Sexton's tender was adopted by the Board?—Yes.

550. I thought you said it was accepted because it was the lowest?—No; there were no other tenders before the Board. It was on April 22nd that the other persons appeared. They were persons having a very small stock of materials to dispose of; for instance, P. Byrne applied to deliver forty tons of stone at 4*s.* per ton.

551. Mr. EXHAM.—Are there not plenty of people in the country having stone to dispose of?—No; there is none to be got from anyone else except a few odd tons here and there.

552. Was there a contract for Bray Head stone? What was that contract?—It was a contract with Mr. Worthington. The limestone, sand and tailings that we got from Mr. Sexton is suitable for roads on which there is not much traffic, but for several of the main streets on which there is a great deal, we have to procure hard stone—Shankill or Bray Head stone, and we found it was much cheaper to get Bray Head stone.

553. Were tenders invited for supplying that stone?—There are only two kinds of hard stone we could get. I am not sure whether tenders were invited at that time or not—my recollection of the matter is that I wrote to the parties who could supply us with hard stone—the Bray Head tender was the lowest, and we accepted it.

554. Who was the owner of the Shankill quarry?—Mr. Seawright.

555. How much was the Bray Head stone per ton?—4*s.* per ton.

556. Is there any resolution on the books that the secretary is to write to these parties to see at what price they will supply the stone, and is there a resolution that it is to be put up to tender?—The railway company were supplying the stone, but they disposed of their interest to Mr. Worthington, and then he supplied them.

557. Is there but one quarry at Bray Head?—That is all—only one.

558. In fact we are to take it, these contracts were entered into with Mr. Sexton and Mr. Worthington without having been advertised at all?—I do not believe they were advertised. I know we did publish advertisements from time to time, but I cannot say in these particular instances.

559. Mr. LAWLESS.—I see you have a market, and it appears to be a losing concern?—No; the market clerk you will see is also our storekeeper, and has charge of the materials used by the Commissioners, and a very great quantity comes from the scales in the market every year. What you have there in the account would be for tolls or rent, or something extra.

560. I see that the entire expenditure on the market for the year is £104 5*s.* 3*d.*, including the £65 salary to the market clerk, who is also storekeeper. Deducting that £65 altogether would leave the expenditure on the market £40, and against that you only received £31 6*s.* 4*d.*?—You may add £8 8*s.* to that for the stable which is a part of the market.

561. What is your sanitary staff in the township, independent of the sub-sanitary officer, the sanitary officer, and so on? How is the scavenging of the township performed?—It is done by a staff of workmen.

562. What does that staff consist of?—We have now six horses; we bought two additional during the year. We found that owing to the extension of the township we required more horses.

563. What is the number of your sanitary staff?—We have fifteen men, who are employed at scavenging, road-making, and so on; and we have six carters, so that we have a staff of twenty-one altogether.

564. And their duty is to look after the scavenging of the town in addition to the road-making?—They do everything with respect to the maintenance of the roads in the township.

565. What is done with the manure?—We have no manure except what is made in the stables. We were very glad to get leave from the Board of Works to use it for filling up purposes. It is not fit for anything else.

566. Is there any collection of manure in the town?—No; we do not collect the manure; we collect the street sweepings. If we got a depot and filled it up it would be a nuisance.

567. Is it not a nuisance when pitched into a hole, the way you say you are allowed to do?—There has been no complaint of any nuisance arising from it.

568. Do you say that this stuff is not any value?—There might be some of it worth selling. I believe that in parts of the township, at a considerable distance from the quarry I referred to, some parties gave the carters who collect the sweepings leave, and they carted it into the fields of those parties, in the neighbourhood of the township.

569. Did the carters get paid for doing that?—No; there is no payment given to them.

570. Have there ever been complaints made of your officers selling the manure?—On one or two occasions we heard of its being purchased at 1*d.* or 2*d.* a load, but we could never trace it. I asked one or two gentlemen myself with whom I was acquainted, who had got some of this stuff thrown into their grounds, did they ever pay the men anything, and they said they never did. I have no doubt that if the men got 2*d.* a load for bringing it to any particular person they would do so.

571. Who is the person in charge of the scavenging staff?—The foreman, who is paid 30*s.* a week is immediately over them, and he is directly under the control of the town surveyor.

572. Who gives directions as to where the men are to deposit this stuff?—The town surveyor.

573. Is it the foreman or the town surveyor does it?

—The town surveyor will be best able to tell you that himself.

574. Mr. EXHAM.—Could you not sell it as they do in other places, and make money of it?—In one way it might turn out a loss; under the present arrangement it requires fewer men and horses. If we had to cart away the manure I believe it would certainly show a decided loss.

575. Are there any people living close to the hole into which you throw the sweepings?—It is a very wide place, and the part where we empty it is very near the sea, so that no nuisance can arise from it.

576. Where is it situated?—It is close to the baths; the railway runs near it. I do not think the farmers would take the manure from you unless you paid them for doing it.

577. Is the scavenging of the township satisfactorily done in your opinion?—Well, really I think we have one of the cleanest towns that I know of.

578. Does the sanitary officer make weekly reports to you with regard to the sanitary condition of the town?—He does to the Commissioners, sitting as the urban sanitary authority.

579. Is there a sanitary committee?—The full Board is the sanitary committee.

580. Do they meet only once a month?—The full Board meets on an average, three times in a month. The present working of the Sanitary Acts is most defective, owing to the roundabout system. First of all the inspectors make daily inspections; they find out where nuisances exist, and in some cases when they tell the person to have it abated it is done at once. In other cases when it is not done, they must fill up notices and serve them on the medical sanitary officers, who on receipt thereof fill up their reports, and make recommendations to the Commissioners. The Commissioners take action on the doctor's report; and then the matter goes back to the sub-sanitary officer again, and he serves another notice on the person to abate the nuisance. If he still refuses or neglects to comply with the terms of the notice a summons is taken out and served upon him; he then is brought into Court and a magistrate's order is obtained, and then of course after that there must be a warrant. It is a very roundabout way. If the matter came before us at once we could get it set right sooner.

581. Have you got one of the forms recommended by the Local Government Board?—I have.

582. Have you any book in which the sanitary officer's report is entered with the order made by the Board thereon; and a column showing if the notice has been served, and if so, whether it has been complied with or not?—We never got such a book since the adoption of the Public Health Act. We had something of the sort before then. Mr. Robinson appeared to be satisfied with the way in which we were getting on.

583. The Report goes in this form—"As sub-sanitary officer I hereby report that I have inspected a certain privy, and find it to be in a filthy state, and I recommend same to be cleansed." In other places we found that a copy of that was entered in the book. Is that done here? I do not find in your book any record to show that any cause of complaint was dealt with in any particular way. You, I believe, are the executive sanitary officer?—Yes; I receive all those reports, and submit them to the meeting of the committee, and send copies of them to the Local Government Board.

584. If the sub-sanitary officers see the work carried out effectually, have you as executive sanitary officer anything to do?—Yes; I have to sign all the recommendations. The sub-sanitary officers do all the outside work. In all cases of important summonses, such for instance, as cases of milk adulteration, I attend at the police court to conduct the case.

585. Is Albert-road a good part of the town? Is it a respectable place?—There are a lot of small lanes about it.

586. What sort of a place is Sandycove-road?—The road itself is a pretty good one, but there are a good many small lanes off it.

587. Has there been a house-to-house inspection here, to see if the houses have privies and ashpits, and branch drains connecting them with the main sewers?—Undoubtedly, that is being done.

588. When was it done?—It is being done now, and it is always being done.

589. Under the Act you are the urban sanitary authority?—Yes; I believe that year after year you will find work done under the Public Health Act, but it is not to be supposed that in two or three years so much work could be done as to render it unnecessary to do any more.

590. There is one gentleman reported on the 10th and 11th of March, as providing no privies for the use of his tenants; and here is a report that Messrs. Philips' premises have no connexion with the main sewer?—A main sewer was lately made there, and when we construct a main sewer we at once serve notices on the persons living there to connect with it.

591. Are you able to say that the 10th section of the Act of 1866 has been carried out here?—I am very well able to state that, because in one case where a main sewer was made we caused all the houses to be connected with it. There were something like seventy-two houses connected.

592. What is to be done about the houses in the rere of Islington, which I see referred to here?—I signed a notice, and it was served on the party; he got fourteen days, and the time is not expired yet. When the time is up if he has not done the work we will take proceedings against him.

Mr. FRANCIS A. DOYLE examined.

593. Mr. LAWLESS.—Are you the town surveyor of this township?—I am.

594. How long have you been town surveyor here?—Since 1st April, 1869.

595. Are you a civil engineer?—I am.

596. What are your duties?—They are those laid down by the Commissioners, which you heard read yesterday. (See question 394.)

597. Is that what you are required by the board to do and not your own idea of your duties?—Yes.

598. Is it not part of your duty from time to time to see that the scavenging of the township is properly done?—Certainly.

599. Mr. EXHAM.—What was your salary when you were first appointed?—£140.

600. And now it is £250?—Yes.

601. When you were appointed, was there any well-defined sewerage plan for the town?—No. They had employed Mr. Palles, and he had prepared plans of the sewerage.

602. Were these plans of Mr. Palles ever carried out?—No.

603. Have you ever made any sewers since you were appointed?—Oh, yes; a large amount of sewerage.

604. Have you made them on plans giving an outlet?—We have several outlets for the sewerage at the present moment.

605. Where is the principal?—The principal outlet is at the West Pier; and then we have another at the East Pier. We have the Glasthule river, and we have several openings in the foreshore towards Sandycove Harbour, eventually ending at Bullock Harbour.

606. Were these made by you?—No; they were not.

607. Were there connecting sewers made by you?—No. We have applied for powers to make intercepting sewers.

608. Did you make any sewer down at Sandycove Harbour?—Yes.

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Mr. Francis A Doyle.

609. Was that the drainage of a large district or small?—Very small.

610. Is that sewer in the condition now it was in originally?—It has been broken up very much by the late rains.

611. Was the Glasthule river sewer made by you?—Yes. It is in the same condition; portion has been very much damaged by the late gales.

612. Do you examine the storekeeper's books or stores?—The storekeeper's books come before me when we are taking stock, and as a general rule, they are submitted to me; but I do not take on myself to be storekeeper.

613. Who gives orders to the storekeeper for materials?—The orders are generally lodged in this or the other yard. I have never given orders for anything to go out except the asphalte. Our town clerk issues orders for other matters.

614. If any one of the men come in with a cart, does he get whatever he asks for without any docket?—Oh, yes, so far as road materials; he just tells the storekeeper.

615. Is his word taken for it?—Yes.

616. Do you mean to say that if any of the carters goes and asks for a load of stuff he will get it without any further trouble?—I do not give any of it out.

617. Suppose a man wants a load of gravel—is gravel kept in store?—We have both sand, gravel, and block stone.

618. Has any carter liberty to fill what he likes into his cart and carry it away?—The carter is responsible to the head ganger, and he is to put it on the road.

619. Mr. LAWLESS.—Does the storekeeper keep an account of the material that goes out from the yard?—He does.

620. Mr. EXHAM.—Have you been consulted about the contracts for the stones, &c.?—Oh, yes.

621. Do you make reports as to the quality of them?—From time to time—at committee meetings.

622. Are they favourable or the reverse?—I make monthly reports showing the quantity of stones given out.

623. If the Commissioners want a quantity of stones, are you consulted by them as to the quality of the stones?—Yes, I am.

624. Are you consulted as to the price?—Well, the prices they generally decide on themselves.

625. You said you had the asphalte under your own charge?—Oh, no; I said I did not give any order for anything to go out but the asphalte.

626. Does the storekeeper who has the asphalte in charge give it out except on your orders?—He does not.

627. Did you give an order for this small quantity for Mr. Crosthwaite?—I did not.

628. Did you get any return of its having been taken?—Yes; from the storekeeper, I think, next day. In fact he was not aware the stuff was going in that direction until the man told him.

629. Who was the man who carried it away?—He was one of our regular staff.

630. Was it taken in one of your own carts?—Yes.

631. How many loads went out?—A few hundredweight.

632. Have you broken up some of that asphalte from time to time?—Occasionally.

633. Has any of that, do you know, been taken by people?—Not that I know of.

634. Is it worth much?—Oh, yes; if it is pure "rock" asphalte you can boil it over again and lay it down.

635. I allude to some of the old asphalte?—Possibly I may have allowed some of that to be taken.

636. Have there been complaints made from time to time before the Commissioners about you?—Oh, frequently.

637. Were those complaints investigated by the committee from time to time?—They were investigated fully.

638. What was done with respect to those complaints?—Really, I do not know—more than that I got an increase of salary.

639. Was there any complaint made against you for certifying for stones being delivered in when in point of fact they were not delivered in?—No.

640. Hydrant stones for instance?—No, I think not.

641. Was there any investigation by the Commissioners in June, 1871, about a thing of this kind?—There may have been about the quality of stones; but nothing that I remember about the stock. There was a difference about the material to be selected for hydrant stones. The material was to be Dalkey granite; some portion of the stones turned out to be not Dalkey granite, and on an investigation the Commissioners got a reduction in the price from the contractor.

642. Did you certify that the stones were Dalkey granite when they were not?—I did not. My certificate was thrown overboard, and the Commissioners paid the contractors without my certificate. I mean to say I never certified. The contract was paid by the chairman for the time being.

643. Were the stones taken into store?—They were delivered on the ground.

644. Were they used?—Oh, certainly.

645. Were they accepted by you, and used by you as being those contracted for?—Certainly, with the understanding that the benefit of the reduction would be given to the Commissioners.

646. What was the contract?—The contract was for hydrant stones of Dalkey granite, three feet square; and, in place of being Dalkey granite, some few were the mountain granite—an inferior kind of granite, for which the Commissioners got a reduction of £50.

647. Do you recollect Mr. Robinson's investigation in March, 1874?—Yes.

648. Did you then prepare the plans to be submitted to him for the drainage?—I did.

649. Are they the same plans that were afterwards submitted to Mr. O'Brien?—No; totally different ones.

650. Were the plans submitted by you to Mr. Robinson adopted?—They were. We got the money to carry them out.

651. Have they been carried out in their entirety?—Yes.

652. Were they the plans for which the £8,000 and £2,000 were borrowed?—Yes.

653. With regard to the plans for which the £2,000 was borrowed, will all your plans be executed for the £2,000?—Yes, with the exception of £10.

654. With regard to the Kingstown district, will they be completed for the £8,000 or anything like it?—We have not got tenders, but so far as we have gone I think the works are within my estimate.

655. Are not the tenders which were not accepted, nearly double your estimate?—Yes.

656. Can they be done, do you think?—Yes, I think I will be able to modify the plans.

657. But is it your opinion that the plans prepared by you and passed by Mr. Robinson can be done at your estimate?—Well, it is my opinion they can. Some portions of it may be more; but others will come in less, I think.

658. We understood from Mr. Ennis, yesterday, you could not carry out the plans in their entirety?—What he meant was that we would have to go to the Local Government Board to borrow more money for the internal drainage.

659. I understood the reason you were not going to carry out what was to be done for the £8,000 was because you had not got tenders for that?—No; the reason we stopped was because the tenders were altogether larger than my estimate.

660. I see by the last report that contracts had been accepted for Mulgrave and Royal terraces, Crosthwaite-park, and Tivoli-road, but not then started. Have those contracts been started?—In Mulgrave-terrace we have started; Crosthwaite-park is not started, Royal-terrace is commenced, and we are just at Tivoli-terrace. The weather was against us.

661. Have the contracts for those places been more than your estimate?—Yes.

662. How much of the £8,000 do they exhaust?—About £3,500.

663. Then you will have £4,500 more?—Yes, for Kingstown.

664. Do you think the £4,500 more will do the work for Kingstown?—I think I will be able to do it.

665. Is it correct to say that for Lower George's-street the lowest tender was £1,400, and your estimate was £764?—Yes.

666. Do you think you can get it done for £764?—I think we can get it done for sixty-five per cent. over it.

667. When was that tender sent in for the £1,400?—Late last year I think—September or October.

668. Is it your experience that the prices are getting low, so as to enable the men to come down with their tenders, or are they getting higher?—The prices of some materials are lower; the price of bricks is higher. But men's wages are higher, and they do less work.

669. Do you still think you can do the sewerage for the estimate?—Yes; I think I will be able to make a sewer for it.

670. A sewer; but will it be the sewer provided for in your specification?—Very nearly.

671. I ask you, can you get the work in your estimate done for £764?—Not without modifications.

672. I want to know, Mr. Doyle, do you propose to go to the Local Government Board to get their sanction for a "modification?"—I do not think it is necessary.

673. Have the Commissioners authorized you to modify the plans sent in to the Local Government Board Inspector, on the strength of which you got the money?—No; I intend to take upon myself the responsibility. You do not take the view I do of it perhaps. In designing these works here, for instance, out in the main street, we have got pits sunk in the street to see what is the class of material we will find. We find there is a quantity of rock, and that on examination, we need not have the sewer so deep as we originally intended, if I can modify the works. Again, down in Lower George's-street it was assumed by the contractor it was all rock, whereas it turned out to be a clayey soil. We have had test pits sunk all through, however, and we find the great majority of the soil is clay. I find I can lighten the work, and not have so much excavation. I believe those are modifications I can adopt.

674. The next contract, I find, is Mellifont-avenue and Lower George's-street. The tenders are £1,380, £1,480, and £1,490; and your estimate is £927. For Northumberland-avenue the tenders were £600 and £590. Is that so?—Yes; in those cases I believe the tenders are excessive.

675. What is your estimate for "No. 3" sewer?—My estimate is £5,900 odd. We have no power to make that yet.

676. At the time you went before the Local Government Board, or their inspector, had you satisfied yourself as to the propriety of the works that you recommended to be done by actual tests?—Of course, from my local knowledge; and without going into these test-pits, I arranged the plans as I thought best.

677. Did you consider the works you proposed to do would have been sufficient for the purpose that they were intended for—that is, for completely draining those ten districts?—Well, yes, at the time. It was decided not to go further than £10,000. In 1868 I made plans for internal sewerage, which would cost £10,000. These went to the Local Government Board, and were approved of; and we would have got more, but afterwards we thought the £10,000 would be sufficient.

678. Will you be able to give us your plans as laid before Mr. Robinson and Mr. O'Brien. Of course you ascertained yourself that the levels were all correct, and that the same was the case with regard to Mr. O'Brien's plans?—Yes, I did, very carefully.

679. Have you put ventilators in the sewers that are constructed?—Yes.

680. Of what description?—There are several kinds.

681. How many are there laid on the Glenageary-road?—Three.

682. Is that quite sufficient?—Quite enough.

683. What is the length of the Glenageary-road?—From beginning to end about 3,000 and odd feet.

684. Well, that is a good long distance—over half a mile. Have you only three ventilators in that?—There will be, when it is completed, three good ventilators. It is going up a hill very fast, and even one good one at the top would be sufficient.

685. I suppose in the works you have contracted for that you have a quantity of pipe sewerage?—A great deal.

686. In your specifications did you take care to provide that those sewer-pipes were to be properly jointed with cement?—No, I do not; I do not believe in it.

687. How are they fastened together?—By staunching clay. I am borne out in my opinion by Mr. Rawlinson, engineer to the Local Government Board in England.

688. What have you used in the construction of those sewers?—In the brick sewers the very best description of best county of Dublin grey stock bricks. We have been using in some parts of what we call cellars and man-holes some of the very best selected M'Cormack's bricks, which the builders here approve of, and which are equal to the best county Dublin bricks.

689. Did you inspect these bricks from day to day yourself?—Constantly.

690. Did you see there any bricks not properly burned, and broken ones?—Anything I do not approve of I order at once off the ground.

691. Did you see any bricks with the lime showing out through them?—I did not.

692. Mr. LAWLESS.—Did you ever reject any?—I did.

693. Mr. EXHAM.—Do you undertake to say now there are no bricks in the new sewers that are not half burned?—I do.

694. Were there any broken bricks used?—Some were used—may have been used.

695. Do you consider a brick to be a good brick that has a quantity of lime that you can scrape with your finger?—No; in the grey stock bricks, however, you find cores of lime in the middle of them.

696. Do you call those good bricks?—No.

697. Did you see any you could scrape the limestone out of with your nail?—I did not.

698. Do you say none were used?—I do.

699. Did you see any small bricks used?—Some.

700. Did you see any broken bricks used among the smaller ones?—No.

701. Did you not tell me just now that broken bits of brick may have been used, and were used?—There may have been some, to block a joint.

702. Did you see heaps of these kind of bricks deposited?—Yes.

703. Did you see heaps of broken bits of brick among them?—Yes, they were taken away.

704. Did you see them used in the building of the arch?—No; they were not even allowed to remain on the ground.

705. Had you a clerk of works there to see they were not left on the ground?—Yes, an efficient and competent man.

706. You say there were bricks used which were not county Dublin bricks?—They are county Dublin bricks.

707. Are they what are known in the trade as the "best county Dublin grey stock bricks"?—No, they were not.

708. Do you recollect this in your own specification—(reading):—

"All the bricks used must be the best county Dublin grey stock brick."

Were any used which were not of that quality?—There were.

709. Do you mean to say you reported to the Commissioners that they were not according to your specifi-

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cation, and that they authorized you to accept them?—There were bricks used in what we call the cellars and man-holes of the pipe sewers in which a few M'Cormack's bricks were used, but not the specified brick. That was brought before the Commissioners, and I said they were as good as the specified bricks, and they were used.

710. Did you order the clerk of works to have the bricks removed?—No; I told him if the Commissioners rejected them to have them taken away.

711. Why were they not removed at once?—Oh, there is a latitude given to every man.

712. Mr. EXHAM reads:—

"No broken bricks or bits to be brought on the ground, and all inferior or rejected bricks must be instantly carted away."

Did you allow any to be used contrary to that?—Some were.

713. Mr. LAWLESS.—Did the Commissioners give you any directions in the matter?—The Commissioners knew a good brick as well as anyone, and they were perfectly satisfied.

714. Did you apprize them in your written report that bricks not according to the specification were used?—No, because I was here to make a verbal statement; and they submitted to these bricks being used. The inspector reported to the Commissioners that those bricks were inferior.

Witness (at the request of Mr. *M'Evoy*) then read his report of October, 1876, in which he stated that some of the bricks supplied were Athy stock bricks which were in witness's opinion as good as any county Dublin bricks.

715. Is it a fact that Athy bricks and Bog-hall bricks are not as good as the best county Dublin grey stock bricks?—Oh, you are perfectly mistaken.

716. Is there any difference in the price?—Well, in Kingstown I do not think there is; and if there is, the Athy being smaller it acts against the contractor.

717. Mr. EXHAM.—Who was the contractor in relation to whom the report of the clerk of works of July 7th, was made?—I think that was in Tivoli-terrace. That was the building a man-hole. The contractor was Mr. Pluck.

718. Have you any report made by that man as to the Glenageary-road, about seven weeks ago?—The best description of brick was brought there. An odd one may have escaped the best man in the world; but they were the best county Dublin grey stock brick.

719. Are not the Bog-hall bricks always considered inferior?—You can select some remarkably good bricks amongst them. Some, if properly burned, turn out as good bricks as any in the world.

720. If you see in a brick a great quantity of white specks like lime, is not that a sign of a brick being bad?—Well, it shows there is some limestone in it.

721. Is not such a description of brick particularly bad for sewers; because I always understood the moment the water comes in the material begins to waste away?—Yes.

722. Did you ever see a quantity of these bricks yourself up there?—I did not.

723. Was there to be a vacant space behind the arches to be filled up?—No.

724. Because by the specification is it not provided that portion should be wedged with granite?—When there is defective ground or anything of that kind, we back it with rubble concrete, or any hard stuff to prevent it from spreading.

725. What I want to know is this:—Do you think it was a proper thing to put heavy moist earth in the vacant space behind parts of the sides of the arches? I find you provide—(reading from specification)—

"Any vacant space between to be filled up with concrete, &c., previous to the bricks being put in."

Witness.—I saw that, and we changed it. I have had a great deal of experience in this class of work, and this work you allude to is carried out remarkably well.

726. Well, I supposed you satisfied yourself with regard to the lime and mortar?—Yes.

727. Was it prepared just as you stipulated, and in the quantities?—I venture to say, there is as good material in those works as there is in Ireland.

728. Why was this struck out of the specification in the conditions of the contract:—

"The contractor to make provision for a clerk of works to be appointed by the town surveyor at a salary not exceeding 5*s.* a day, to be paid in such manner as the town surveyor may direct"?

When I came to this town first that was the specification. I proposed about the necessity of the Commissioners appointing a clerk of works. I put it in the specification that the Commissioners appoint a clerk of works, and that was done. There was objection made, and in consequence of that this clause has been struck out of every specification. I got this form printed originally.

729. Mr. LAWLESS.—Do the Commissioners now pay the clerk of works?—They do. They pay him two guineas a week.

730. Mr. EXHAM.—You know a place called Breffni-terrace. Are you certain the pipes are connected with the main sewer there from the houses?—There is what we call a "saddle" left opposite each house, and all you have to do is to raise that saddle off when you want to lay a pipe. It amounts to the very same thing.

731. Do you mean to say that opposite Breffni-terrace there is some nine-inch pipe built with Roman cement into the side wall of the sewer opposite the houses?—No; but there is an aperture left in the sewer pipe to have the house pipe connected to it.

732. Do you leave an off-set from the sewer?—No, we leave what we call a "cover" opposite it.

733. Do you break a hole in it?—No, the cover is taken off. It is a patent. You lift the cover off, and then in the cover you make the aperture.

734. Mr. LAWLESS.—Is the working equally effectual?—Just the same.

735. Mr. EXHAM.—You stated that £390 was the amount for the drainage of Crosthwaite-park. Is it the case that in the works originally passed the drainage there was not contemplated or intended?—We did not then provide for the drainage of Crosthwaite-park. I did not consider it requisite.

736. Was it deliberately omitted by you at first?—Yes. After doing Tivoli-terrace we had £210 to spare. The sewers in Crosthwaite-park are running through private grounds. The owners objected to the making of sewers, because building was going on. Then the Commissioners thought the £210 we had from Tivoli-terrace might be devoted to the construction of the drains in Crosthwaite-park.

737. Did you not think the £210 might be applied to make the other sewers in the town which you considered to be so necessary?—There were no places to make sewers in with that money.

738. Who suggested the change?—With my own ideas about it, and the money we had saved, I thought we might make the change.

739. Were there any complaints of the works originally planned not being made?—There were.

740. At what time were these plans made?—In 1873.

741. When did you change your mind?—Last year, when we found we had £210 to save.

742. Were you ordered by any resolution of the Commissioners to alter the plans?—I was not.

743. Mr. LAWLESS.—Did you suggest yourself to the Commissioners to change them?—I did; and I think it was perfectly right to do so.

744. Mr. EXHAM.—Did you do it in writing?—No, I did it in committee of the house, I think.

745. Mr. Ennis says, and writes actually to the Local Government Board, that you forgot to do the work at the time and asked the Board to be allowed to correct the plans in consequence?—I did not forget it.

746. Well, Mr. Ennis says that he was directed to make the statement?

Mr. *Ennis.*—I said that "overlook" would have been a better word.

747. Mr. LAWLESS.—You used both words in your letter.

748. Mr. EXHAM.—But now he says he did not overlook it, but that he did it deliberately.

Mr. *Ennis*.—In the meeting of the sewers and market committee, August 11th, 1876, you have :—

"The town surveyor submitted plans and specifications of sewers for Crosthwaite Park drainage. It was moved by Mr. Edward Roche, seconded by Dr. Roche, and resolved :—'That the contract plans for the drainage of Crosthwaite Park be and they are hereby approved of, and that tenders for the carrying out the works in accordance therewith be advertised for to be submitted to next monthly meeting. Put and carried.'"

749. Who was the chairman?—Mr. Crosthwaite.

750. Who directed the town surveyor to make any plans for Crosthwaite Park?

Mr. *Doyle*.—I was directed certainly.

751. By whom?—Mr. *Doyle*.—It will be found on the books. I think if you go back to the sanitary part, Mr. Ennis, you will find there was some direction given in the matter.

752. You mentioned that your salary was at first £140. When was it raised?—It was raised to £200, I think when the waterworks were brought in, in 1870; and the last rise was in July, 1876. It is now £250.

753. Mr. EXHAM (suggested by Mr. *M'Evoy*).—Had you known Milligan before he was appointed clerk of works?—I often saw him working in the streets, and I knew he was surveyor to the Building Society.

754. Did you know whether he had any experience in laying pipe sewers?—Very few have that; it is only a late introduction into this country. As to laying pipes in the street, I do not suppose he had.

755. Were you consulted as to his fitness?—I do not think I was. He was a local man known to every gentleman here. I think his qualifications were well known to everyone.

[Mr. EXHAM then read Mr. Milligan's application for the appointment, which stated he was a stonemason.]

756. Mr. EXHAM (reading the application of another candidate) :—

"Having seen your advertisement in the *Irish Times* for a clerk of works, I beg leave to offer myself in the same capacity. I acted so in laying the Vartry mains for Messrs. Edmundson and Co.

"(Signed), WILLIAM ANDREW COOKE."

So that this, at all events, would be a set-off against Mr. Milligan's local knowledge. Here is another :—

"I have been clerk of works for many years in the Royal Engineering Department; and I retired from ill health in 1861, and proceeded to the Artillery department where I acted as assistant under a land surveyor.

"(Signed), JOHN M'MAHON, Clerk of Works,
"Royal Artillery, Engineer's Department."

Was your opinion asked as to the fitness of the candidates?—It was not; but there were some of the applicants that I would object to. There were some of them who would not know one brick from another.

757. Had you anything to say to the preparation of plans for the town hall?—Never.

758. Did you prepare plans different from Sir John Hawkshaw's?—I did, for the intercepting and outfall sewer.

759. Which are to be carried out?—My plans are to be carried out.

760. Were you required to prepare them after Sir John Hawkshaw's had been given in?—No; I reported my plans to Sir John Hawkshaw. In 1870 Mr. M'Evoy employed Mr. Hassard. I and some others made a set of plans, and Sir John examined them. He recommended an independent set of plans of his own, having an intercepting outfall, and that the best plan would be to run the whole of the sewerage to the west pier of Kingstown harbour. We are not allowed to do that by the Board of Works. We put as much to it, however, as we can; we have put all the Kingstown sewerage in that direction, and we propose to turn the Glasthule sewerage in the other direction.

761. Mr. LAWLESS (reading from minutes).—I find that at a meeting of the full board, it was—

"Moved by Mr. Kelly, seconded by Mr. Reilly, and resolved,—That plans and specifications for sewers in Mulgrave-street, Mulgrave-terrace, Royal-terrace, Tivoli-road, and Crosthwaite-park be and are here referred to No. 1 Committee, to be examined, and when approved of, Committee to advertise for tenders for carrying out same. Tenders to be advertised for on next meeting."

That was on the 3rd of July. Is there any trace of the directions by which those plans and specifications were made?

Mr. *Ennis*.—From the reading of the minute it would appear merely that those plans were laid on the table in furtherance of the resolution.

762. Mr. EXHAM.—You have certainly told us already, Mr. Doyle, that you got directions from the Commissioners to prepare these plans?—I am convinced I did.

763. Were they given in the board-room, or were written directions sent you?—It must have been in the board-room, I think.

764. Where is the order in the book?—(No answer).

Mr. *Kelly*.—Since the time of the inquiry by Mr. Robinson a large number of houses have been built which require sewerage accommodation.

765. Mr. EXHAM.—At the time your salary was raised was there a stipulation that you were to give your entire time to the Town Commissioners?—Yes.

766. Is there a resolution to that effect on the books?—Yes.

767. Do you consider yourself at liberty to accept a professional engagement out of Kingstown?—No.

768. Have you ever done work for any other town?—Oh, yes, for the Nenagh Board of Guardians I did a considerable amount of work, but I did not do it without getting leave of absence.

Mr. *Ennis*.—In January, 1868, this resolution was passed in reference to the town surveyor—

"That the surveyor is not to hold any other public employment, or to undertake any contract without the special permission of the Board."

769. Is there any other resolution since that?—Mr. *Ennis*.—That was the resolution passed at his appointment, but there is another on the 12th June, 1872, as follows. Mr. M'Evoy, chairman—

"On motion of the chairman, seconded by Mr. Sullivan. Resolved—'That, should the surveyor of this township undertake work other than that permitted him by the Act of Parliament without the leave of this Board, it would be the duty of the Board to take the necessary steps for his removal from office.' Passed unanimously."

770. Have you done any work besides the work you did in Nenagh?—Yes, I have done waterworks in Letterkenny.

771. When were the Nenagh works done?—They were finished last December.

772. How long were they going on?—About four months.

773. Did you prepare the plans?—Yes.

774. When were the Letterkenny works executed?—This time two years.

775. How often were you down in Letterkenny?—Only once.

776. Were you engaged in any other works besides the Nenagh and Letterkenny?—Yes; I was employed about the Letterkenny railway.

777. Did you superintend the carrying out of the work?—No; I only prepared the plans and specifications.

778. Mr. LAWLESS (to Mr. *Ennis*).—Is there any record of Mr. Doyle asking for leave to undertake those works?—No, only for leave of absence simply, without reference to anything.

779. Was it leave of absence to go to attend to other business elsewhere?—So far as application for leave of absence was concerned, it was for ordinary vacation.

780. Mr. EXHAM (to *witness*).—Did you ever ask the Commissioners' leave to undertake these works?—No;

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I did not think it came within their scope. I thought anything not interfering with the legitimate office of the township, I had a right to do.

781. Mr. LAWLESS.—Can you undertake to say that those works in Nenagh and Letterkenny did not interfere with your work in the township?—They did not.

782. Mr. EXHAM.—Have there been many branch sewerage communications made with the houses?—A number.

783. Have they been done by the people themselves?—No, by the contractor.

784. Have you taken any part in it?—No; during the time the contractor has possession of the sewer he does not allow anyone else to connect with it. But he undertakes the work of constructing branch sewers on either side; if they require a connexion he puts it in for them at a fixed schedule of prices.

785. Mr. EXHAM (suggested by Mr. *M'Evoy*).—Are the householders given notice of this?—They are, in every case. They generally submit all these points to me.

786. Mr. LAWLESS (for Mr. *Perrin*).—Is that outfall into Bullock harbour within the Kingstown township?—It is inside the Kingstown township.

787. Does it go into the Dalkey township?—It does not; we claim that portion as ours.

788. Was there any dispute about it?—They were beginning to dispute about it, but they thought better of it.

789. Mr. EXHAM.—Can you give me the per-centage of houses within 100 feet of the main sewers which are without connecting drains?—There are not any that I am aware of.

790. Mr. LAWLESS.—Not even some of the poorer houses?—Well, some of the poorer houses have no backs at all.

791. I believe there are some exceedingly poor houses in the centre of Kingstown?—Exceedingly poor.

792. Are these very badly provided with sewerage accommodation?—They are. The whole of those places should be levelled to the ground to make other arrangements.

793. Have you ever found any difficulty with the owners of property in Kingstown in getting works such as drainage done?—We find some difficulty to get in to make works, or to go there to examine.

794. Do the Commissioners generally show an anxiety to have those works proper for the improvement of the town carried out?—Oh, I should say so.

795. Have you anything to do with the carrying out of the sanitary arrangements of the town?—I do not consider I have, beyond telling the scavengers to go into the streets, lanes, and alleys occasionally; but the scavenging is not put under the head of "Sanitary work." You cannot keep the streets in repair without cleaning them. I wish to say there were a great many old sewers, when we commenced, doing duty very well; and since I came here we constructed about six miles of sewerage.

796. How many miles of sewerage do you calculate there are now?—There are eight miles of old sewers, and we have constructed since 1868 upwards of six miles. I calculate we have spent over £7,000 odd in their construction. The mileage of the town would be about twenty-two miles up the main streets.

797. Mr. LAWLESS (for Mr. *Kelly*).—How long do you consider it will take to work out the plans?—I think in two years we ought to finish all. I mean that in two years we ought to spend all the money on the sewers that the Local Government Board have approved of.

798. Do you think Kingstown will be properly sewered when those are completed?—I do; but the township is increasing.

799. Mr. EXHAM.—In your estimate for the year ending December, 1875, you estimate for 550 tons of Bray Head stone, and you only used 212 tons or not one-half?—I cannot get sufficient number of men to break the Bray Head stone in the quantities I require, and then I have to fall back on the limestone.

800. (Suggested by Mr. *Kelly*).—Is there any other man could supply you with lime or sandstone within five or six miles of Kingstown except Mr. Sexton?—There is nothing but what are called the Lansdowne quarries and we can only get one or two tons at a time.

Mr. *Kelly*.—With regard to the stone of Bray Head, it is of such a nature that we do not approve of it latterly; and a committee has been appointed at the present moment to go to Howth and Greystones to look for stone.

Mr. *Ennis* reads following minute:—

"April 2nd, Resolved—'That No. 2 Committee be authorized to spend £2 in inspecting the quarries in Howth, Greystones, and elsewhere, in order to enable them to report on the best quality of hard stone for metalling the roads.'"

A Mr. John Henry here complained that the sewerage of eight houses in his district were at present in a "frightful" state, owing to there being no proper accommodation or sewerage, that the night soil was thrown on the open street, and was often left for a long time before it was removed by the carters. Also, that he had reported to the sanitary officer at five o'clock yesterday evening that the soil was then lying there.

801. Mr. LAWLESS (to Mr. *Henry*).—To what sanitary officer?—To Mr. Craig, a very respectable man.

802. Has that occurred to your knowledge more than once?—It has. It lies against the opposite wall until it drains off. These men do not collect the soil.

803. Mr. LAWLESS (to Mr. *Ennis*).—Has this been made the subject of any complaint?—Of course, it has not come before us as yet.

804. Have these houses been ever made the subject of a report by any sanitary officer?—These houses are the property of two neighbours in dispute. I have got a notice from Mr. Henry to proceed against Mr. Long for nuisance.

The inquiry was then adjourned to the following morning.

April 7, 1877.

APRIL 7, 1877.

Mr. Francis A. Doyle.

Mr. FRANCIS A. DOYLE recalled.

805. Mr. EXHAM.—You mentioned yesterday the difficulty there was in getting hard stone?—I referred to the difficulty in getting limestone. It is not so difficult to get the hard stone. The reason there was not so much used as was in the estimate for that year, was because of the difficulty of getting the stone broken.

806. When did that difficulty occur?—In that year.

807. And not until then?—No.

808. I have now to ask you were there complaints made against you during the years 1871, 1872, 1873, and 1874, for irregularities?—I think there were.

809. What was the nature of the complaints made against you?—If Mr. Ennis will refer to the book he can tell you.

810. Mr. LAWLESS.—Was there ever an application made to remove you from the office of town surveyor?—No; there was one to reduce my salary.

811. When was that?—I think it was in 1872.

Mr. *M'Evoy*.—It was in November, 1871.

812. Mr. EXHAM (to *Witness*).—Was that application made to the Lord Lieutenant?—It was.

813. What was the result of it?—It fell through.

814. Mr. LAWLESS.—Was it an application made by the Commissioners as a body?—Yes.

815. Mr. EXHAM.—Was there a resolution of the

Commissioners to, that effect carried either unanimously, or by a majority of the Commissioners?—It was carried by a small majority.

816. On what grounds was that resolution passed?—Really, I cannot remember exactly what it was.

817. *Town Clerk.*—Here is the record with respect to this matter. (Reads from minute book):—

"Report of the committee of inquiry laid before the Commissioners on the 18th August, 1871.

"Members present: John M'Evoy (chairman); Robert Henry Tilly, Robert Herron, Miles Kelly, and John Reilly.

"'To the Town Commissioners.

"'GENTLEMEN,—Your committee having inquired into the matters referred to them, report as follows:—First—That on the 7th October, 1870, the surveyor certified that there was in the depot at Orpen's gate 200 tons stone, for which Mr. Neil received £20 sterling on account. From the evidence submitted to us we are of opinion that a portion only of that quantity of stone was there, and the surveyor trusted Mr. Neil for the delivery of whatever was deficient. Second—That on the 6th January, 1871, the surveyor certified for the delivery to the Commissioners at Moore's quarry of crossing blocks to the value of £6 12*s.* 4*d.*, and on such certificate the account was presented for payment, but was not then paid. It was again presented in February, when the surveyor was present without any information being then given by him that the goods had been removed in the interval. From the evidence submitted to us we are of opinion that the full quantity of crossing blocks so certified for were not then in Moore's quarry when the account for them was submitted for payment the second time in the surveyor's presence. Third—That Messrs. Edmundson contracted to supply hydrant stone of Dalkey granite, three feet six inches by three feet six inches in size, but substituted others in the quantity set forth in the report of the inspectors (one appointed by your committee and the other by the surveyor), which shows a difference in money value of £75 10*s.* 9*d.* on an account of £171 9*s.* 9*d.*"——

818. Were those hydrant stones?—Yes. (Continues reading report)—

"'The township only getting 1,720 superficial feet instead of a total of 2,449. From the evidence submitted to us, we are of opinion that the surveyor did not report the substitution to the Board, or take any steps to protect the interests of the township in the matter until the subject was brought under the consideration of the Board in February. Fourth.—That Messrs. Edmundson did not repair the roads over the trenches in the time or in the manner contracted by them, which contract it was the duty of the surveyor to enforce. From the evidence submitted to us the committee, by a majority, have decided that it is not proved to their satisfaction that the surveyor in this matter altogether neglected his duty. That your committee recommend in conclusion, by a majority, that under the circumstances the surveyor be not called upon to resign, but that he be severely censured and informed that it will be impossible for the Board to continue him in their services should anything of a like character occur again. We think it advisable to have the pipes laid tested by some competent persons.' On the motion of Mr. M'Evoy, seconded by Mr. Reilly, it was resolved that the recommendation in the last paragraph in the report, relative to the measurement &c., of the pipes as laid, be referred to the road and water committee to have it carried out, and report the result to the full Board."

819. In consequence of that report, Mr. Doyle, I must ask you a question. I asked you yesterday was there a charge made against you of certifying these hydrant stones, which were not delivered, and I understood you to say in reply that what was alleged was that the hydrant stones were to be of a particular quality, and that the contractor substituted a different quality, and that the complaint was made against you for allowing that to be done. Why did you not tell us that the complaint was that you certified for stones that were not delivered at all—of any quality?—As a matter of fact, I never certified for them.

820. On this point we must have no mistake?—I objected to that report at the time.

821. The Commissioners had your explanation, but they appointed a committee to consider the matters of complaint. That committee had power to appoint an inspector, and one inspector was appointed by them, and one by you, and they measured and valued the stone, and you gave in a return to the committee, who then reported to the Board. According to the calculation of the inspectors the difference in value between the amount of stone delivered, and the amount that ought to have been delivered, was £75 10*s.* 9*d.*, out of an account of £171 9*s.* 9*d.*

822. Mr. *Myles Kelly.*—I was one of the committee. The stone should have been three feet six inches square, but it was only three feet by two feet ten inches, and it was not Dalkey granite.

823. Mr. LAWLESS.—Certainly, Mr. Doyle, the impression you left on my mind yesterday was that the difference in the stone was quality, and not quantity.

824. Mr. EXHAM.—The report says that you certified for material not delivered at all. Then the report also says—

"The surveyor certified that there was in the depot at Orpen's gate 200 tons of stone, for which Mr. Neil received £20 on account. From the evidence submitted to us, we are of opinion that a portion only of that quantity of stone was there, and the surveyor trusted Mr. Neil for the delivery of whatever was deficient."

Do you wish now to offer any explanation about that?—I wish to be put on my oath, and I will show that the quantity of stones was there.

825. Mr. LAWLESS.—You were not able to convince the committee that they were there?—That may be, but I will swear that they were there.

826. Mr. EXHAM.—The report goes on—

"On the 6th January, 1871, the surveyor certified for the delivery to the Commissioners at Moore's quarry of crossing blocks to the value of £6 12*s.* 4*d.*, and on such certificate the account was presented for payment, but was not then paid."

It was again presented in February when you were present, and you did not say that the goods had been removed?—The stones were laid in the quarry. I measured them there. In the meantime the men out of the quarry lent a portion of the stone to Mr. Sexton's contractor, it is said; and when we went to see if they were there we found they were not. I did not know that they had been removed.

827. Do you say that your men lent some of the stones to Mr. Sexton?—Yes. They were there when I went first to measure them, but were not there afterwards.

828. Do you mean to say that the removal of the stones took place without your knowledge?—Just so. I explained it at the time, and it would have been only fair for the committee to have taken that explanation down.

829. Mr. *Kelly.*—I was there and saw the stones measured. The committee did take down all the facts of the matter; what we found fault with was that a Bill was presented to us for stones that were not in the quarry.

Mr. *Doyle.*—I believe that the man left them there, but he was not paid, and thought he would not be paid, and he gave some of them to Mr. Sexton.

830. Mr. EXHAM.—I have to ask you (in consequence of a suggestion made to me) did you ever give any blocks belonging to the Commissioners to a gentleman named Lynch?—Not to my knowledge.

831. Nor to any other person?—No.

832. And, of course, if you never did you never got any money for them?—No.

833. Did you ever give any stone, or any paving stones to Mr. Tilley, of Glenageary?—No; he offered to buy them.

834. Did you ever give him any of them?—I think there was some given to him.

835. Who gave them; was he a Town Commissioner?—He was; he paid for them. They were paving stones taken off the paving when we were laying down asphalte, and we did not require them.

836. Was the payment for them made to you or to the Commissioners?—It was paid to me by a cheque which I handed to Mr. Ennis.

837. Mr. EXHAM (to the *Town Clerk*).—Do you remember getting that money from Mr. Doyle?—I do not remember, but I'll see if I can find any trace of it in the books.

838. Mr. LAWLESS (to *Witness*).—What was your salary at the time the committee made that report?—£200 a year.

839. To the *Town Clerk.*—Have you got the resolution with reference to the application to the Lord Lieutenant about the surveyor's salary?—Yes. (Reads):—

"At the meeting of the full Board on the 6th November, 1871; on the motion of Mr. Kelly, seconded by Mr. Reilly, it was resolved,—That as the salary of the town surveyor was increased on the 1st April, 1870, from £140 to £200 per annum, on account of the extra labour thrown upon him by the laying down of the water

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mains, and as the pipes have been laid, and the extra labour is now over it is hereby resolved that his salary be now reduced to the original amount—£140, and that the sanction of His Excellency the Lord Lieutentant be applied for, particularly as the work has not been done to the satisfaction of the Commissioners; resolution put, and division taken; five yes, and three no; resolution was accordingly declared carried."

The application was made to the Lord Lieutenant in consequence of the passing of that resolution, but they wrote back asking for the Commissioners' reasons for making the reduction, and the matter ended there. In the following January the constitution of the Board was changed—the majority became the minority—and they agreed to let bygones be bygones, and did not carry the matter further.

840. Mr. *Reilly.*—I, as a Commissioner, consider that the Lord Lieutenant should not have the power of veto on the appointment or dismissal of the town surveyor.

841. Mr. *Kelly* (Town Commissioner).—From my experience of surveyors, I may say that they never consider themselves our officers at all when we cannot dismiss them.

842. Mr. LAWLESS.—We consider that to be a matter outside the scope of our inquiry.

843. Mr. *Kelly.*—There was an action taken against me by a surveyor for dismissing him.

844. Mr. *Barrett.*—There was an action taken against me for trying to dismiss him.

845. Mr. *M'Evoy.*—It was mentioned that the last increase of salary took place in January, 1876. May I ask that the report of the committee to the full Board be read?

846. *Town Clerk.*—I find that in the years alluded to by Mr. Doyle, there is no record of such a sum being paid—the money from Mr. Tilley.

847. Mr. *Doyle.*—I paid it at all events.

848. Mr. EXHAM (to Mr. *Doyle.*)—To whom?—I paid it to Mr. Ennis.

849. *Town Clerk.*—I do not see any credit for it in the miscellaneous accounts. This is the minute asked for by Mr. M'Evoy. (Reads):

"May 9th, 1876.

"Meeting of the full Board.

"There was a report of the committee of the whole house read recommending the postponement for the present of the consideration of the town surveyor's application for an increase of salary."

850. Mr. *M'Evoy.*—The increase was given in the month of July. I would also ask to have read the notice of motion given by Mr. Kelly with regard to the increase of salary, some time in March, 1876. Mr. Kelly and Mr. Lagan both handed in notices of motion. They were withdrawn on the 10th March, 1876, so they are not on the minutes, but I suppose they are amongst the notices of motion.

851. Mr. *Kelly.*—I voted for giving the increase of salary, and my reason was because of the increased duties.

852. Mr. EXHAM (to Mr. *Doyle.*)—Do you recollect when it was that Mr. Tilley got these stones?—I really do not know, but I am perfectly confident that I got the money, and perfectly confident that I paid it to Mr. Ennis.

853. Did Mr. Tilley apply for the stone?—He did.

854. Mr. *Crosthwaite.*—I recollect distinctly that there was a great quantity of that description of stone at the time, in consequence of our laying down the asphalte. Most of us thought it would not be for the advantage of the town to break them up for road material, and we sold as much of them as we could. The impression on my mind is that the money was paid by Mr. Doyle.

855. Mr. LAWLESS (to Mr. *Crosthwaite*).—Do you happen to know as a matter of fact that he paid it?—My recollection of the time is not quite clear, but I am perfectly satisfied that he did pay it.

856. Mr. *M'Evoy.*—I do not think that Mr. Tilley was a Commissioner in 1870.

857. *Town Clerk.*—He was a Commissioner in 1871.

858. Mr. EXHAM (to Mr. *Doyle*).—Did you give a receipt for the money to Mr. Tilley?—No; I do not think I did.

859. Did you get a receipt for it from Mr. Ennis?—No.

860. *Town Clerk.*—If I had got it I would have given a receipt.

861. Mr. EXHAM (to Mr. *Doyle*).—You say that no blocks to your knowledge went to Mr. Lynch?—No.

862. During the time the Messrs. Edmundson were the contractors for the waterworks, did you borrow or did they lend you any money?—Mr. Wigham accommodated me at the time, and I paid him afterwards.

863. May I ask you how much he gave you?—I think it was £30 for a few months.

864. Was it a bill?—Yes.

865. Did he accept a bill to your draft?—Yes.

866. Was that during the time his firm were the contractors for carrying out the works for which you were to certify?—I am not sure whether it was during that time or not.

867. Mr. LAWLESS.—Was that the only transaction of the kind you ever had with him?—That was all.

868. Mr. EXHAM.—Do you mean to say, you cannot remember in what year that took place—whether it was during the year you had to certify for the work?—I cannot say.

869. Were Messrs. Edmundson the persons who supplied the stones for those hydrants?—Yes; they had a contract for it.

870. Were they the only contractors you ever got money from?—He was the only one.

871. Do you remember Mr. Holden?—I do.

872. Did you ever get any money from him?—He has drawn on me several times.

873. For what?—He is a friend of mine; he is not a contractor.

874. Was it for his own accommodation?—Yes.

875. Was he ever a contractor?—Yes, in 1871.

876. Was it at that time he drew on you?—No.

877. Was it before or after he was a contractor?—It was after.

878. While Mr. Sexton was a contractor, had you ever any money transactions with him?—Never.

879. Neither you with him, nor he with you?—No.

880. Or with the other Mr. Sexton?—There is only one Mr. Sexton.

881. Mr. *Sexton.*—I have a brother, but I am willing to make an affidavit that he has nothing to do with my contracts.

882. *Town Clerk.*—Mr. Sexton the Commissioner generally leaves the room when any question about a contract in which his brother is concerned is being discussed.

883. Mr. EXHAM (to Mr. *Doyle*).—I am further requested to ask you, whether you have had any money transactions with Mr. Sexton the Commissioner?—No; never.

884. Had you any with Mr. Sullivan?—I unfortunately did go security with him for some persons—contractors.

885. Do you mean contractors for the Town Commissioners?—Yes; some poor contractors.

886. Mr. LAWLESS.—Who is Mr. Sullivan?—He is one of the Commissioners.

887. Mr. EXHAM.—Did you go security with Mr. Sullivan for Mr. John Brady?—Yes.

888. Was he at the time in your employment—in the employment of the Town Commissioners?—He was laying the asphalte for the Town Commissioners.

889. Had you the supervision of that work?—Yes.

890. Was he doing the work under your supervision?—Yes.

891. Was it to enable him to get material to carry out his contract that you went security for him?—Yes.

892. Did you do so more than once?—No; only on one occasion.

893. Have you ever lent money to, or gone security for any other contractor, or any other workman, employed by the Town Commissioners, during your time as town surveyor?—No.

894. Did Mr. O'Brien refuse to adopt your plan as to No. 3 sewer?—He did not. The plan I recommended to the Local Government Board will be produced by the secretary.

895. Is there in the specification provision for branch drains?—Yes.

896. Do the contractors bind themselves to supply the branch drains at a certain fixed price for the owners of the houses which adjoin the sewers?—Yes.

897. Was any notice given by you, or by the Commissioners so far as you know, that such an arrangement existed with the contractors, namely, that they could make the drains at a certain fixed price?—No, there was not.

898. Was it mentioned that such a notice should be given?—No.

899. Was it not for the benefit of the householders that this arrangement was made, so that they should know how much they had a right to pay the contractors?—The contractor may refuse to do it at that price.

900. Mr. LAWLESS.—Have you bound him by contract?—He could refuse to do the extra work.

901. If there was an old drain to a house were you not bound to make that good?—Yes; but there was no arrangement about new ones.

902. Was there not any agreement or understanding with the contractor about making connecting drains with the new sewers?—There was an understanding about laying twelve-inch pipes as house drains, and also nine-inch and six-inch.

903. Mr. EXHAM.—Was he bound to lay them at a fixed price?—Yes, if the parties adjoining the streets where the new main sewers are made wish to connect.

904. If they wish to connect! Don't you know they are bound by the law to do it?—Yes.

905. Did you stipulate with the contractor that he was to make the connecting drains at a certain fixed price?—There was no notice of that kind given.

906. Are you aware that the contractor has been making bargains for constructing the connecting pipes in the streets?—Yes.

907. Did you not stipulate that the contractor was to carry the pipe to the bounds of the main wall at certain fixed prices?—Yes.

908. Did you apprise the householders of that fact?—No.

909. Were you directed by the Town Commissioners to apprise them of it?—I do not think I was.

910. You say you stipulated that the contractor should make them at a certain fixed price?—Yes, if we call upon the owners to do so.

911. What was the use of making that stipulation if you did not intend to call upon them?—It is no harm to have that provision made.

912. As town surveyor, are you acquainted with the provisions of the Public Health Act on this subject?—Yes, perfectly. Every house within 100 feet of the main sewer should be connected.

913. *Town Clerk.*—I said in my examination on the first day that when a new sewer is made we serve notices on the parties to make connexions.

914. Mr. EXHAM (to Mr. *Doyle*).—Under whose department does it come to look after the necessary arrangements in case of fire?—We have an old fire-engine here, but I may say I do not know in whose department it is, because we have no fire-brigade. We have a water inspector who, the moment a fire breaks out, rushes off with the hose, and with the great pressure of water we can command, it is not necessary to have a fire-engine. We have hydrants at a distance of every 240 feet apart.

915. Are they in all parts of the town?—We have nothing smaller than three-inch mains, and the hydrants are adapted for that. We have about 300 hydrants in the town.

916. Is the hose kept in good order?—It is in the very best of order.

917. Have you a fire-escape here?—We have not.

918. Do you know were the Commissioners ever applied to with regard to a fire-escape?—By whom?

919. By anyone; and were they ever offered a site for the purpose of keeping one in?—Mr. Barton, the magistrate, recommended the Commissioners to get one. He addressed himself to me, and I referred him to the Commissioners, and it is now under consideration to provide a fire-escape. It was very uncertain what we could do with it. It was recommended that we should keep it at the police station. Another difficulty is that it would require trained hands to use it.

Mr. *Crosthwaite.*—Mr. Barton said to me that he would give a place to keep it in, and that the police would take charge of it and work it. I brought the matter before the Board, but I am sorry to say did not meet with anything like fair support. If I had received sufficient support I would have been willing to pay one half of the cost myself, and if they do not agree to take action, I am not sure that I will not pay the whole of the cost of it.

920. Mr. LAWLESS.—When was this communication with Mr. Barton?—I think within two months.

921. One would imagine that all parties would agree to this proposition?—If we get the least encouragement we will have one soon.

922. It is one of the obligations imposed on the Town Commissioners to provide a fire-brigade?—We should have one.

923. Mr. *Kelly.*—We have a very good fire-escape, so far as ladders are concerned.

924. Mr. *Doyle.*—Most of the houses in Kingstown are very low—two story houses—some are three stories.

925. Mr. *M'Evoy.*—During my chairmanship we discussed the whole matter, and Mr. Ennis will find our report. I never before heard that the police were available for this purpose.

926. *Town Clerk.*—On the 3rd July, 1872, there was a resolution passed on the motion of Mr. Crosthwaite, seconded by Mr. Kelly, appointing a committee to see about the best means of procuring a fire-engine for the township, and where it was to be kept, and the following resolution was afterwards passed:—

"Resolved—That the recommendation of the road and water committee relative to the procuring of a fire-escape be adopted, and that the details be referred to said committee to carry out, and also to inquire into the quantity of hose purchased by the Board during the past two years, and if such quantity be now in stock. Passed."

In the following year when making out the estimates, the question of the fire-escape was before the Board, but as it involved an additional $\frac{1}{2}d.$ on the rates, nothing was done.

927. Mr. *M'Evoy.*—I may mention that I got the assistance of Captain Shaw, of London, and I never heard that the police were available for this purpose. The result of our investigation was that I came to the opinion the best way would be for Kingstown to join the other townships with the city of Dublin and have a general rate levied over the entire district, and one fire establishment for the entire metropolitan district.

928. *Town Clerk.*—Our staff work the hose, and as we have water at a very high pressure, we can put out fires without employing any additional labour, and there is a well-trained fire-brigade on board H.M.S. *Iron Duke*, which is available in case of fire.

929. Mr. EXHAM (to Mr. *Doyle*).—Did Mr. O'Brien report in favour of any of the plans?—Yes; of No. 1 and No. 2.

930. Mr. LAWLESS.—You mentioned yesterday that you thought these estimates would be reduced to a certain extent; that the work could be done for something less?—Yes, I thought so.

931. Would the expense of the work be reduced in this way—by making higher levels than was originally contemplated?—Yes.

932. Would that alteration not alter the character and efficiency of the sewer altogether?—No, not if the sewer will stand that.

933. Do you mean to say, as a matter of course, that the sewer will be quite as efficient?—It may not dis-

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charge the sewage equally fast, but it will give you as efficient a sewer as is necessary.

934. Mr. EXHAM.—It won't give you the contemplated sewer. Your plan showed a sewer of a certain size and formation, and you got your money for making it so. Surely you do not mean to say now, that having got the money you will go and alter these plans and levels?—It will do as well.

935. Have you ascertained whether the basement story of every house along the line of the sewer will allow you to make the alteration? If there is one that won't, will not the whole thing be spoiled?—Yes; I have.

936. The sewer was intended to be ten feet deep, I think?—Yes.

937. Did you take the levels and so on of the houses and places before you made your plans?—Yes.

938. Can you now say that you will be able to make the new sewer do the drainage work as well at two feet less depth?—Not quite two feet.

939. Why then did you suggest the greater depth—why did you contemplate making a sewer ten feet deep, if eight feet or a little more will do as well? Was not the extra excavation money thrown away?—No man going into work of this kind knows what he can do, and my mind or any other man's mind may be changed. The best surveyor in the world might do that.

940. One of your means then of diminishing the estimate is by altering the levels of the sewers?—Yes.

941. Is it not possible that that alteration may destroy the efficiency of the entire or some of the work?—No; it is not.

942. To any extent?—No.

943. Supposing you find the level is not sufficient and that it won't work on eight feet, will its efficiency not be destroyed?—If the basements are only eight feet and I raise it one foot, I won't destroy the efficiency.

944. At the time you applied for the provisional order with respect to those sewers, did not the petitioners undertake to "make and maintain according to the levels shown on the said plan" (that is the plan laid before Mr. Robinson), the sewers herein described?—Yes; and Mr. Robinson looked at the plans.

945. Were any levels shown on the plans?—Not one. There was no engineering evidence at all brought before Mr. Robinson. (Copy of plan produced.) That plan was lodged in the Local Government Board offices, and there are no levels on it.

946. Was there a different plan lodged with Mr. O'Brien?—Yes; of course there was.

947. Do you state that when the provisional order was made in 1875, there were no levels shown on the plan submitted to the Local Government Inspector?—I do.

948. Is it your opinion that you may construct the sewers at any levels you like?—Yes.

949. Mr. *John Henry* (a ratepayer) stated that Mr. M'Evoy received a report as to the wrong levels of one of the sewers, and that as Chairman of the Board he made it a Board question. Mr. Henry asked to know what steps were taken by Mr. M'Evoy to ascertain the fact as to the report.

950. Mr. LAWLESS (to the *Town Clerk*).—Was there a report made about the defective level of the sewer in George's-street in 1873?—There was, and the result of the matter at the time alluded to was that the Commissioners went into the matter, and decided against Brady's objection.

951. Mr. EXHAM (to Mr. *Doyle*).—Have you any levels?—There were levels taken.

952. Are the levels shown on the plan?—They are never shown on the plan.

953. Are there any sections shown?—I do not think there are.

Mr. *Ennis*.—The plans lay for two months—the time required by law—on the table in the board-room.

954. Mr. EXHAM.—Yes; and Mr. Doyle says he cannot carry out those plans, but will carry out new ones. You could not get the sanction of the Local Government Board till the ratepayers had two months to inspect them. The ratepayers saw the plans representing certain sewers to be made, and the Local Government Inspector made his report thereon, and then the sanction is given on a guarantee that those very plans would be carried out. No objection was raised, because the ratepayers were satisfied, and for so far all is right, but the surveyor now says he cannot carry out the plans, but will carry out new ones, though as a matter of fact they were never before the ratepayers.

Mr. *Doyle*.—There are always certain limits of deviation; you can always raise or lower the levels.

955. Mr. EXHAM.—A complete system of drainage being required, the Commissioners required their surveyor to prepare plans dividing the town into sewerage districts, showing the work necessary to be done in each district. The plans were prepared, and the Act of Parliament goes on to say that "whereas the sum of £8,000 will suffice to carry out the said works shown on the plan for Kingstown, and £2,000 for the works for Glasthule," and the Commissioners are given the power to raise this sum of money to carry out those works which are to be performed according to "said plan"; how long did Mr. Robinson sit at the Inquiry?

Mr. *Ennis*.—He sat here in the board-room, and to the best of my recollection he finished in the one day.

956. To Mr. *Doyle*.—Were levels shown on the plans; sure you must have had some plans before Mr. Robinson, showing the levels at which you proposed to make the sewers?—I had not.

957. Do you mean to inform us that Mr. Robinson was not shown any plans with the levels of the proposed sewers on them?—He was not; he may have been shown sections, but I am not positive that he was.

958. Will you say that he was not?—I will not.

959. Don't you know that before he was sent down here at all you must have had plans lying here on the table—don't you know that?—I do not.

960. Didn't you hear Mr. Ennis say that the plans lay on the table for two months?—They were the plans I have shown you.

961. Do you tell me that you, the town surveyor, whose duty it was to make these plans—that you did not make them?—I did make them.

962. Where are they?—You have them there; I made them from time to time.

963. I am talking about the plans you showed to Mr. Robinson, and on the faith of which you got £10,000. (Plan showing sections of sewers produced.)

964. How can you estimate the cost of the sewers without having previously taken all the levels and made your calculations in accordance with them?—You may make a bulk estimate of it.

965. Does not the cost per yard depend greatly upon the depth?—It does.

966. Did you estimate the expense without calculating the depth?—I did not say that.

967. Is it not part of the duty of the Local Government Board's inspector to calculate the amount that should necessarily be borrowed for making sewers?—It is.

968. How could he do that unless you had given him the depth (and area) of the proposed sewers?—(No answer.)

969. Do you now say, that there was not any plan submitted to the Local Government Board's inspector, showing the levels at which the sewers were to be made for which you asked leave to borrow £10,000?—My impression is, that there was not.

970. To the *Town Clerk*.—I suppose you prepared the form of application to the Local Government Board?—No; it was our solicitor.

971. Were there any notes of the proceedings taken?—The Local Government Board must be satisfied that the requirements of the Act are complied with before they issue the warrant for the inquiry.

972. Was there a short-hand writer with the Commissioners?—Yes.

Mr. *M'Evoy*.—I wish to draw your attention to the very curious arrangement of these printed forms of tender, and to the large erasures in them.

973. Mr. EXHAM (to Mr. *Doyle*).—Were any of these alterations made by the contractors themselves?—They were.

974. By the persons tendering?—Yes; it was done when they were lying on the table, and they made their erasures.

975. Were any of these lying on the table altered in the way mentioned yesterday and were any unaltered?—Yes; I just loosened them and left them on the table with my original, and then it was done.

976. Were some of these printed forms which had been altered by you under the direction of the Commissioners left upon the table?—Some were left blank for the persons to fill in.

977. Were some left absolutely unaltered? Were some altered and some unaltered?—Some were left just as they came from the printer. They took those coming from the printer, and altered them to suit themselves.

978. Who struck out the word "Portland" in this form (referring to "Portland Cement" in the printed form of tender)?—I do not know. I saw no harm in those two men coming in and filling them up themselves.

979. Mr. LAWLESS.—Those two men might have tendered on a different basis. Were those documents given to those men to tender or were they allowed to take them from the table?—They were left lying on the table and the men took them; since then I have prepared them as they ought to be.

980. Mr. EXHAM.—Here is a contract for performing these works by Mr. Thomas Sexton, and he undertakes to construct the sewer in "accordance with the plans and specifications, and to the satisfaction of the town surveyor," and they are to be laid in a certain manner, the angle of inclination is to be shown, and so on?—Yes.

981. Then you had a plan giving this information?—Yes.

982. Does it show the levels?—Yes.

983. Then show it to me?—That is the contract plan.

984. Do you mean now to say that the plans were prepared when the Local Government Board passed the order?—Yes.

985. And you say they were prepared without showing any levels?—Yes, of course.

986. Am I to have it put down "of course"? Do you abide by that answer—that there were no levels shown on any plan before Mr. Robinson, the Local Government Board Inspector. You say "of course"?—Well, I cannot tax my memory.

987. But you said they were not shown "of course"?—I am not sure about it.

988. It appears to be a very curious thing why you should have them afterwards, and why you did not prepare them for the purpose of Mr. Robinson's inquiry?—If there were plans I can have them produced.

989. Will you show me the plans that lay on the table there for two months—that will settle the matter?—Here it is. (Plan produced.)

990. Mr. LAWLESS.—Is this the only one?—That was the only plan that lay on the table.

991. Mr. EXHAM.—Will you show me the plan and section that you gave to each contractor?—Yes. (Contract plans produced.)

992. I want to know what these contract plans were prepared from?—From the large plan of the town.

993. Mr. LAWLESS.—Are you prepared to say that that plan produced now was the only plan on the table here for the two months?—Yes.

994. Are you prepared to say that that is the only plan submitted to the Local Government Board's officer?—Yes.

995. Was there any evidence given by you and by other engineers before Mr. Robinson with regard to the expense of the works?—Yes.

996. Did you explain to Mr. Robinson the basis on which your estimates were made?—Yes.

997. Fully?—Yes.

998. Then must you not have told him what the proposed levels were?—No.

999. How, then, did you give him the basis of your estimate?—(No answer.)

1000. Mr. EXHAM.—Do you know that this map was left here on the table to be inspected by the public for two months, and that no one had any right to alter that plan?—(No answer.)

1001. Is it a fact that you afterwards altered the original map, and did not even put a mark on it to point out the plan as it originally stood?—I don't think there is anything wrong in that.

1002. Do you think it was an improper thing for you to do?—No, I do not; if I did I would not have done so.

1003. Mr. LAWLESS.—Who else was examined before Mr. Robinson?—Mr. Barnes, an engineer.

1004. Mr. EXHAM.—You heard Mr. Barnes' statement; did he call your attention to Tivoli-terrace, and actually propose to change the plan that lay on the table? Do you mean to say that did not occur?—It may have.

1005. Did you hear Mr. Barnes say that your level was wrong, and that he asked you to make it right?—(No answer.)

1006. Do you say now that the proposed levels were produced before Mr. Robinson?—I think they were; but they were not lying on the table for two months; that I know.

1007. Is it not a part of your duty to look after ruinous houses?—Not to look after them, but if I see them in a dangerous condition I generally serve notices.

1008. Do you ever inspect or get any of your men to inspect the condition of houses and make a report to you?—No.

1009. Do you know are there any houses here in a dangerous condition?—I do not think there are.

1010. Do you exercise any supervision over the building of houses? Are plans submitted to you before you allow them to be built?—Plans are submitted in all cases, showing the line of street and the general elevation.

1011. Do you interfere to see that the arrangements for sewerage are provided?—Yes.

1012. Do you exercise supervision over them in every case?—Yes.

1013. Have any houses been built, for instance, within the last year, or since the report of Mr. Robinson was made, adjoining the proposed new sewers?—Yes.

1014. Were any houses built since then adjoining these new sewers—that will be dependent on them for drainage?—Not exactly.

1015. Have any houses been built within 100 feet of the new sewers that were proposed to be made with the £2,000, or the £8,000?—Yes.

1016. Did you give them the levels, so that they might make their arrangements accordingly?—I did not give it to them.

1017. Do they ask for them?—In some cases there is no necessity for each independent house to make a sewer.

1018. That is not an answer to my question. Are there any houses now being built that will require to connect with these sewers?—Yes.

1019. Have the owners of those houses been called upon to connect with the new sewer?—Not yet.

1020. Have the persons building any of these houses that you say will require to connect with the proposed new sewers called upon you to give them the levels of those sewers?—Very often they have.

1021. And in such cases have you given them?—Yes.

1022. Have you given them the levels of the proposed sewers?—No.

1023. Don't they ask for them?—No.

1024. What do you do with the houses built in 1875, after the Local Government Board passed the plans?—There are very few of them built yet.

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1025. Supposing that one of the builders of these houses asks you for the levels of these proposed sewers what will you give him?—I will give him the level of the bottom, and of the surface of the sewer.

1026. Is that ten feet or eight and a half feet?—At whatever level I propose to do the work at.

1027. What is that level—supposing I was going to build this moment?—Let me know where you are going to build and I'll tell you.

1028. Is it to be ten feet or eight and a half feet?—If you are going to build in George's-street for instance I'll tell you the depth.

1029. Do the levels of the sewers vary in different places?—Yes, from five to sixteen feet deep.

1030. Supposing you give a level at ten feet as you originally planned, and the owner of the house carries his sewer to meet one at ten feet deep, and that you then raise the depth of your sewer, what would the owner of the house do then?—(No answer.)

1031. Mr. LAWLESS.—You have not given us any idea of the time at which you propose to make these alterations?—It will come before the Commissioners.

1032. Did the Commissioners put down a sewer at Breffni-terrace, and had they to take it up again, and put down another?—Yes; there was a small piece taken up.

1033. How many feet?—I think about thirty feet. We substituted a fifteen-inch pipe there.

Mr. *Perrin*—The sewer I speak of is upon premises belonging to Mr. O'Rorke. It collected the water to such an extent that I believe the water ran into the premises adjoining—then there was another pipe of larger capacity put down.

1034. Mr. EXHAM.—Was it necessary in making these changes to alter the levels?

Mr. *Doyle*.—Not the levels upon which we started.

Mr. *Perrin*.—If the man who was building his house had been called upon to ascertain the proper level there would have been no necessity to make any change, and the surveyor ought to have seen that he carried it out properly.

Mr. Ennis.

Mr. ENNIS re-examined.

1035. *Town Clerk*.—I wish to correct one statement. You stated that in borrowing the sum for the town hall and court house before it was required there was a loss to the ratepayers of £300 per annum. That is wrong. Taking £250, the interest on the consols, from the interest, £360, at four and a half per cent. on the loans, will give you a balance of only £110.

1036. You say that the loss to the town instead of being £300 is only £110 a year?—Yes.

1037. Mr. EXHAM.—You recollect the Act of 1861. There is a clause in that Act for the retirement of the secretary and Grand Jury cess-collector?—Yes.

1038. Am I right in saying that the secretary at that time was Mr. James Murray?—Yes.

1039. Is there a resolution in the books of July, 1861, accepting his resignation?—I know there is.

1040.—He was to get two-thirds of his salary under the Act?—Yes.

1041. Was there a resolution appointing him secretary *pro tem.*?—Yes. In other words, after the bill passed, he retired upon two-thirds of his salary, but continued secretary *pro tempore*.

1042. Is it a fact that after July, 1861, he continued to get his full salary as secretary *pro tem.*, and his retiring allowance of two-thirds?—That is so. I may add it was the subject of a Chancery suit afterwards and judgment was given against the Commissioners. By an omission in the Act of 1869, however, the amount could not be recovered from the Commissioners.

1043. Mr. LAWLESS.—Who was the plaintiff in that suit?—There was a relator at the suit of the Attorney-General.

1044. Mr. EXHAM.—What became of the costs of that suit?—The costs, of course, followed the judgment, and they paid the costs.

1045. Do you recollect was there any order made about the money he received?—Judgment was given that they should refund the amount of the pension he had been paid—£166 13*s.* 4*d.*

Mr. *Kelly*.—I was one of the Commissioners on that occasion, and the judgment was to the effect that the Commissioners should make Murray pay, and in the event of his not paying then, that we were to pay.

1046. Mr. LAWLESS.—We must see that decree; there is no use in talking about the matter. The decree will speak for itself.

Mr. *Kelly*.—I know the Commissioners paid the costs.

Mr. *Ennis*.—In 1872 I called upon the relator to proceed, and he declined to proceed, which is the reason the money has not been recovered.

1047. Mr. EXHAM.—The relator could be changed with the consent of the Attorney-General.

1048. Mr. LAWLESS.—It is a mere matter of course; it was only necessary to apply to the Attorney-General of the day, because time does not stand in the way in these cases at all.

1049. Mr. EXHAM.—Is it the fact that before 1869 there was a bill got by the Commissioners for water?—No, they got only the Act of 1869. You are alluding to the Act of 1859. There was also a water Act of 1869, but the Act of 1859 was not obtained by the Commissioners; it was obtained by Messrs. Muggridge and Kane, and had nothing to do with the Commissioners.

1050. Mr. LAWLESS.—There was the Act of 1859, the 22nd Vic., 1858.

1051. Mr. EXHAM.—In the Blackrock township the Commissioners got the Vartry water in 1867.—*Witness*.—We got it about that time.

1052. When the bill of 1869 was opposed by the Commissioners had they taken any steps previously to get the Vartry water?—Yes, as soon as the Dublin Corporation were in a position to supply Kingstown negotiations were opened with them.

1053. Mr. LAWLESS.—When was that?—It was in the year 1868.

1054. Mr. EXHAM.—Had they not supplied Blackrock in 1867?—Yes.

1055. Were they not in a position to give you water in 1868?—The mains of the Corporation pass along the boundary of the Blackrock and Pembroke townships, and it was very easy to take a supply from them and distribute it in the two townships. We should be supplied from the Stillorgan reservoir, and the Corporation hesitated about supplying us. At all events, we had several deputations with the waterworks committee, and negotiations were opened. But we thought they were asking us higher than they ought, 4*d.*, and we said they were supplying Blackrock and Pembroke for 3½*d.* In the end we split on the matter of 4*d.*, and 3½*d.* I want to show that concurrently with the promotion of the measure negotiations were going on with the Corporation, and a contract was entered into for the supply of water virtually at 4½*d.* in the pound, including the cost of the pipe bringing it to the township boundary.

1056. Are you not now paying 5*d.* in the pound?—Yes; we were to give them the 3½*d.* for the water, and 1*d.* in the pound for the cost of bringing it from the Stillorgan reservoir to the boundary of our township. The Corporation petitioned against the Act of 1869, that had a clause giving 4*d.*, and they made such an effective opposition to the Bill of 1869 before the Lords' Committee, that although the Commons passed the 4*d.*, the Lords passed it for 5*d.*

1057 Mr. EXHAM.—Did not the Commissioners oppose the Bill altogether, including the supply of water to the town; in fact had not a resolution been passed by the Commissioners in October, 1868, to get water from a different place altogether?—This is what

occurred:—To bring pressure to bear on the Corporation to force them to some extent to our terms, the township engineer was told to report on an alternative supply; and he reported on an independent water supply from the Three-rock Mountain, county Dublin, called the "Three-rock Mountain Scheme."

1058. (Suggested by Mr. *M'Evoy*).—Did not the Commissioners serve notice under the Township Act to promote a Bill for the purpose?—Yes; but still what I state agrees with that. I stated already the Commissioners entered into an agreement with the Corporation.

1059. What was the date?—March or April, 1869.

1060. Mr. EXHAM.—When they entered into that agreement were they opposing the Bill of 1869, actually?—*Witness.*—They were opposing the Bill of 1869. I certainly will say that the Commissioners, in the event of the Bill being carried, would have wished that the limit of 4*d.* should have been carried also.

1061. One of the principal objects of the Bill of 1869, I understand, as promoted by outsiders—it was promoted by Lord de Vesci and others—was to get water from the Dublin Corporation; was that portion of the Bill actually opposed by the Town Commissioners?—No.

1062. Have we not had it in evidence already that every bit of it was opposed by the Commissioners?

Mr. *Reilly.*—We had another arrangement.

1063. Did you not actually oppose getting the Vartry water before the House of Commons Committee?

Mr. *Rielly.*—We did, because we had it.

1064. Mr. LAWLESS.—When was the contract made for 4½*d.*?

Mr. *Ennis.*—The contract had been signed for 3½*d.* before the Bill reached Committee.

1065. Mr. EXHAM.—And 1*d.* for bringing it to the boundary of the township; that is 4½*d.*?—Yes.

1066. Mr. *Kelly.*—We entered into an arrangement for 3½*d.* in the pound on the valuation of Kingstown, including the right of supplying shipping in the harbour; and we undertook to pay them for the mains to Kingstown, to be paid off by loan in thirty-five years. That was only to cost 1*d.* in the pound for thirty-five years. The Corporation were willing to stand to that agreement; but they said, if you bring it before Parliament we shall show you we could get more. They were right, for the Lords Committee have saddled the township with a rate of 5*d.* in the pound in perpetuity. Outsiders promoting Bills are a great injury. We may thank them for this increase of rate on the township.

1067. Mr. LAWLESS.—We cannot go into that, Mr. Kelly.

1068. Mr. EXHAM.—Mr. Ennis, what I want to know is, if the Committee of the House of Commons were informed of this arrangement of the Corporation?—Yes; and it all came out on both Committees. The Commons passed the fourpenny clause in the bill, but the Lords' Committee changed it to five pence.

1069. What was the meaning of opposing the bringing in of the water?—They had their contract signed previously. During 1868 they made their contract with the waterworks committee. I cannot say they opposed the bill because there was a water clause in it; they opposed *in globo*, not because there was a water clause in it; but the reason they opposed the water clauses was this, because, they said, the 36th and 37th clauses of the bill were most objectionable, as tending to deprive the Commissioners of control over the water supply.

Mr. *M'Evoy.*—When they had filed the petition to oppose the Bill they had not entered into any arrangement at all.

Mr. *Reilly.*—They had.

Mr. *M'Evoy.*—Well, they did not allege it in their petition.

1074. Mr. EXHAM (to Mr. *Ennis*).—Do you recollect complaints being made, other than the one we had to-day, about 250 loads of stones being in a certain store called Orpen's-gate? Do you recollect any other complaints being made in 1872 of improper dealing with reference to stones being delivered, or of certificates being improperly given?—Well, in Mr. M'Evoy's time, about 1872 or 1873, I think, there were some inquiries as to laxity with regard to certifying and paying for stones.

1071. What was the nature of these inquiries?—Well, they were not very important; something about the amount of stones not being properly charged.

1072. Do you recollect a report being made, and unanimously adopted by the board, in March, 1872?—Yes.

1073. Here is a resolution as to a "stock-book" to be kept, "in which all the movable property of the township is to be entered, with the respective values of each article." Has that been done?—That was a book for the storekeeper.

1074. Have the Commissioners since 1872 seen that this resolution (adopting the report of the committee), has been carried out?—Yes.

1075. Does he keep a book?—Yes. We do not get the new man to exactly follow the ways of the old one; but the present storekeeper is keeping the stock in the way you speak of, and I very constantly look over it.

1076. How long has he been doing that?—Since his appointment, about two and a half years ago.

1077. Because the matter we were investigating yesterday, about the removal of this asphalte, cannot have been entered in the store book, for it only turned up afterwards?—Oh, no; it was because it was in the storekeeper's record it came before the board.

1078. Mr. EXHAM (reads a second resolution, directing the surveyor to keep two books, a "labour book" and a "road-material book," in which latter he was to enter the quantity of road material received from week to week, whether paid for or not, and also the stones used). Does the surveyor keep these two books?—He does. These books have been in operation since the year 1868.

1079. If he is to enter the road material received from week to week, whether paid for or not, how could there have been that difference of 250 tons of stones certified for by him? This resolution contemplates that in the *depôt* where these stones are delivered the surveyor is to keep a road-material book, showing what stones have been delivered to the Commissioners by the contractors every week, whether in the *depôt* or on a road. If the surveyor had entered these stones in his book, I should say he should do it from knowledge of his own that 250 tons had been actually delivered into the *depôt*. Is that not so?—If I were keeping these books I should say I would debit the Commissioners with the quantity delivered by the contractor. So far as I am aware the town surveyor has such a road-material book, and keeps it.

1080. Mr. *M'Evoy* (handing in book).—This is the book established under this rule. It shows the amount under special columns. It is intended to show on one side what came in, and on the other what went out of stock, and to balance at the end of the year.

1081. Mr. EXHAM.—This appears to be a very regularly kept book.

1082. Mr. *M'Evoy.*—I want to see is that book kept in the same way still since 1874.

1083. Mr. LAWLESS.—I find a very considerable change in the style of this book since 1874.

1084. Mr. *Ennis.*—You come to the change now in the officers.

1085. Mr. EXHAM.—But I understood you to say the new man was the best man?—Oh, no.

1086. Mr. LAWLESS.—But the account is continued on a totally different system?

1087. Mr. *M'Evoy.*—I believe this book was checked by the road committee every week in 1873.

1088. *Witness.*—I had to bring this storekeeper before the Commissioners, and state I did not think he was so satisfactory as the former.

1089. Was their attention called to the change in

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the book in reference to the particular regulation requiring the book to be kept?—The resolution does not tell how the book is to be kept. The new storekeeper said he could not keep the book in that way—it would be too troublesome—and the Commissioners did not insist on his keeping it in the old way.

1090. What check have they on him at all now? (Reads)?—

"March 1st, in stock, picks, 5. March 1st, in stock, 1; 14th March, left by a boy, stating it was sent by Rooney, 1; received into store by Duff from George's-street, 6—8."

What is the meaning of this kind of entries?—It seems to be a roundabout way of making the entries only.

1091. Mr. LAWLESS.—I think it is more than that. It leaves it very difficult to find out what the state of the Commissioners' property is.

1092. Mr. EXHAM.—By that former resolution this book was to be submitted every week to some committee. The committee in previous years had everything apparently in the most perfect order, going on from day to day and year to year in a regular system, which wholly disappears from the 2nd September, 1874, to the end of 1875. For the whole of the year, from September, 1874, to August, 1875, are these the entire of the entries?—That is so.

1093. Mr. LAWLESS.—Is there a journal kept, founded on these books?—No.

1094. Or a ledger even?—Not a ledger founded on these books.

1095. Mr. EXHAM.—Here is a curious memorandum:—

"There were two 'E pipes' deposited in the yard not left into stock, Duff stating they were not the Commissioners'—only left to oblige a friend"?

—He is very particular about these things.

1096. Mr. LAWLESS.—Did the Commissioners pass any formal resolution in relation to the change in the mode of keeping the books?—No; a great deal of this is done in committee—in conference.

Mr. *M'Evoy.*—The plan formerly adopted with the ledger was to correct each account with the new estimate in the beginning of the year.

Witness.—And that plan has been acted upon up to the present date. I keep that book.

1097. Mr. EXHAM.—But you are dependent on what you get from the other book to make up the ledger?—Between this officer and the Commissioners is the town surveyor, who has to check all accounts and certify them to the Commissioners, and the Commissioners to a great extent depend on the certificate of the township engineer.

1098. Mr. EXHAM.—(Reads):—

"February 7th, 1876.—Delivered four loads of crossing-blocks for Clarence-place, 120 feet."

To whom and on whose order were those delivered?—He dare not do that unless told by the town surveyor to issue these out of store.

1099. Mr. LAWLESS.—Under whose orders does he act?—These things are carried out under the Town Commissioners. On the roads certain improvements are to be carried out, and the expenditure is managed by various committees.

1100. Mr. EXHAM.—(Reads):—

"Delivered for Crosthwaite-park, 120 feet, dressed, for Crosthwaite-park mansion, measuring, per Duff's return, Upper George's-street, 120 feet."

Who is Duff?—Duff is the foreman of the works here, directly under the town surveyor.

1101. Had Mr. Doyle authority to send up 120 feet to Crosthwaite-park?—Duff could not do it unless he had the authority of the town surveyor. The town surveyor, acting on the Town Commissioners' order, must have directed these things to be done.

1102. Is there any mode of balancing the books, so that at the end of the year you can see how the curbing stones are accounted for?—I ask Mr. Doyle to hand me in an account of all the stock belonging to the Commissioners—chiefly for the value of them—and enter them in my account.

1103. Mr. LAWLESS.—Do you depend on the accuracy of Mr. Doyle?—Yes. Of course, so far as I can, I check them myself.

1104. Mr. EXHAM.—In other places what we have had is this: We have had a statement put in by the town surveyor, beginning, "I recommend the following works to be done." That is laid before the committee, and the committee then sanction the works or not, as the case may be?—In stating what is done in other places you have stated precisely what is done here.

1105. (Suggested by Mr. *M'Evoy.*)—Suppose, by accident some of these curbing-stones were removed from stock, how can you find it out by your present system?—I should say that if any storekeeper chose to act dishonestly, no matter how he keeps his books, he could do so.

1106. Mr. EXHAM.—(Reads):—

"Delivered one three-inch metal collar to Sutton, on account of the Dublin Corporation, to Duff and Dunne."

Why should a collar be delivered to the Dublin Corporation without their paying for it?—Reading that entry, I should say a leakage occurred in our own township, and the collar was put on at the junction of the two pipes to repair the leak.

1107. Are you bound to keep the mains in repair?—Certainly.

1108. But why should it be delivered to Sutton, an officer of the Dublin Corporation?—Sutton, who is in connexion with our water-mains here, was, I suppose, at the repairing; and Dunne is the water inspector.

1109. Mr. EXHAM.—If Sutton was acting for you it would be a perfectly right thing to take this out of your store, but if it was on account of the Dublin Corporation it should have come out of the stores of the Dublin Corporation. (To Mr. *Doyle*, surveyor.)—Do you not see the distinction "on account of the Dublin Corporation"?

Mr. *Doyle.*—That would look as if we lent one.

1110. If so, should it not have been paid for?—Certainly.

1111. (To the *Town Clerk*).—Who is Robson?—He is one of the staff.

1112. Because immediately after this there is "delivered one three-inch metal thimble," not saying to whom; and then "one three-inch thimble to Robson"?—I should say that Robson would cover the two.

1113. Mr. EXHAM.—(Reads):—

"Granite service-traps continued—Amount in hand brought forward, 34; received from Mr. Sexton, 2; received from town hall from Mr. Dixon, 4; total of stock in hand, 40; delivery as account per other side, 44. Delivered to Kingstown Gas Company, 1; delivered for Mariners' Church, 1; total, 46"

What was the meaning of giving one to the Kingstown Gas Company?—That could not have been delivered unless they lodged money, and asked for a water service.

1114. If so, where is the entry of the money lodged for it?—It is not there.

1115. How could you have forty in hand, and deliver forty-six? Can you explain that?—I cannot. I should say that was exceedingly bad book-keeping.

1116. Mr. LAWLESS.—Here is a book, which you say is kept by the town surveyor, not kept in accordance with the printed columns. I perceive the columns are not filled up?

Mr. *Doyle.*—The stones are weighed in the store on coming in, and on going out we do not weigh them; they are weighed coming in, and we pay on the weight.

1117. Mr. EXHAM (to *Witness*).—This purports to be an account of everything that comes into your yard from Mr. Sexton, the contractor—not what goes out, as Mr. Doyle appears to be under the impression. "Supplied Mr. Sexton" does not mean delivered to Mr. Doyle for the Town Commissioners.

Mr. *Doyle.*—The contractor does not deliver any stones on the road: the stones are supplied into the yard by Mr. Sexton, and we deliver them with our own horses.

1118. Mr. EXHAM.—The book only shows what goes out by your own horses; and the book does not show, that I can see, what Mr. Sexton supplies. (Reading.) "Black stones, 180 loads" have gone out —equal 116 tons; but how do you know what Mr. Sexton delivered in, unless you take it by what went out?

Mr. *Doyle.*—We take them out, and do not weigh. We have a book for each description of stone.

1119. Mr. EXHAM (to Mr. *Ennis*—examining road material book).—The "total weight" is a blank, the price is not given; and the places where the stones were delivered is not specified, only the distribution being recorded?—We distribute: the contractor does not distribute.

1120. Where is the book showing the amount of stores you receive, and the amount you pay him?—The storekeeper has that.

1121. Mr. LAWLESS.—Is there a written order given to the storekeeper for the delivery of anything in store that is to be given out?—Anything that is to be given out in connexion with the water service of the township, I give an order for. I can only speak for my own department. I have also this book of receipts.

1122. (Suggested by Mr. *M'Evoy*).—When you grant stores for the water service, do you make an entry in any book?—No; I do not grant a license for opening the roads for the water service; we have no licensed plumbers, as the licensed plumbers after the construction of the waterworks ceased their connexion with this board. I direct the water inspector to make the return to me. I state and give an order for the amount of materials required for the work, and I give a receipt for the money to the applicant.

1123. What check have you on the pipes going out of stock?—Turn to the storekeeper's account, and you will find each of my orders accounted for and the quantity of materials coming in on the other side.

1124. Mr. LAWLESS.—How often does the storekeeper make a report?—He makes a weekly report to the Road and Water Committee on Wednesday morning, and a further weekly report on the Friday morning to the other committee.

1125. Mr. EXHAM.—Here I see, in pencil:—"Neal, Kennedy, M'Cann, and Byrne will account." I suppose for the sixteen picks which appear to be out. That is the last entry I can see about picks in this book?—These men got the picks and were to account for them. The storekeeper gave them in charge to these men.

1126. But that is eleven months and a week ago?—Oh, they are worn out long ago. They account for them when broken.

1127. Mr. LAWLESS.—Are the men allowed to keep their tools used for public works, or are they obliged to bring them into store?—They bring them into store every evening.

Mr. EXHAM.—This memorandum dates from the 28th April last year, and there is not an entry of a pick given in or given out since that.

1128. Mr. LAWLESS.—I find here an entry in connexion with some of the stores which shows, I think, a rather curious mode of dealing. It is recorded that:

"The town clerk reported that on the night of the 4th of January he caught a man named Storks removing a bag of bitumen from the town yard; and that he stated he had been sent for it by J. Brady for asphalte. The surveyor said he gave no direction for the removal of the bitumen, as the mixing should take place only in the town yard. He gave no order to the storekeeper from January 4th to January 5th. The storekeeper produced a return of the asphalte and showed the quantities given out, and showed there was an overdraw of bitumen of eight cwt. in the surveyor's order from 16th December, 1876, to January, 1877. The surveyor stated the quantities of bitumen in stock, and how much had been used, and from the number of yards made, there would appear to be a deficiency of about two tons of bitumen in store. The carters, Duffy, Doyle, and Brady, were severally examined as to how the removal on the night of the 4th of January took place. Brady was examined as to his letter to the Town Commissioners, and stated his statements against the town surveyor did not apply to the bitumen, but had reference to a private transaction which took place between them. The report of the storekeeper for the past three weeks was read. A letter was read from Brady as to his laying of the asphalte; also about the removal of the bag of bitumen on the night of the 4th of January by a workman of Brady's. After a full investigation of the matter referred to, it was found that Brady's complaint against the town surveyor had no reference to the asphalte referred to; and that no fraud was intended by the removal of the bitumen, but that it was an irregularity arising from the loose way the bags were given out of store to Brady. On examination it would appear the stock is correct, except about two tons of bitumen, covering, according to Brady, about thirty-three square yards—so that at least the deficiency is one ton. The following resolution was then adopted on the motion of the chairman:—'That, in view of the irregularities which have taken place in giving out the asphalte by the storekeeper, and the difficulties which exist—the storekeeper stating that he is in the market when the contractor or his men are taking the materials from the town hall yard—we strongly recommend the Board to advertise for tenders for supplying the best asphalte at so much per square yard, according to specification, to be approved of by the town surveyor and adopted by the Board.'"

Has anything been done concerning that?—*Witness.*—It is proceeding.

1129. Mr. EXHAM.—How long every day is the store-keeper away from the yard?—Well, he is from time to time there, and from time to time here. From six in the morning to six in the evening he is on duty. The market is some distance from this.

1130. The man fairly enough says:—"I can't be accountable for anything, because when I am in the market people come and take bags out of store. How can I be accountable?"

1131. Mr. LAWLESS.—Are there any of those asphalte works actually going on at present?—Not at present.

1132. Mr. EXHAM—Have there ever been any complaints made to your knowledge as to the men of the Town Commissioners—I do not say taking away a single load, but making large sales of stones?—There have not.

1133. Do you recollect the Bill of 1873?—Yes.

1134. Did that fall to the ground in consequence of proper notices not having been given?—That is so.

1135. Who paid the costs in relation to what had been so far done—because I understand it was promoted by the Town Commissioners as a body? Did they pay the costs of that out of the rate?—Oh, certainly not.

1136. Was there an injunction obtained against them to restrain them from paying any even of the preliminary expenses out of the rate?—Oh, no; there was an injunction to restrain them proceeding with the bill.

1137. Mr. LAWLESS.—Were any of the costs of promoting or opposing this bill paid out of the rates?

Mr. *Kelly.*—There were costs paid to Mr. Hassard for plans. This Board had never anything to do with adopting these plans.

Witness.—Mr. Hassard furnished a bill to the Commissioners for payment of costs, £48. The Commissioners repudiated the account. He brought us into the Court of Common Pleas. The thing was reviewed there; and he got a verdict against the Commissioners, with costs. To be strictly accurate, I remember now about the costs of the bill; I thought of Parliamentary costs alone, but we did in fact pay something in relation to that bill in the shape of costs of advertisements.

1138. Mr. LAWLESS.—How were those costs for which Mr. Hassard got judgment against you paid?—Out of the rates.

Mr. *Kelly.*—Although we never employed him at all. The jury decided on the evidence of Mr. M'Evoy that he, as chairman, of the Board, gave him authority to make the plans.

1139. Mr. EXHAM.—Did the Board ever take any action to carry out Sir John Hawkshaw's plans?—They did.

1140. What became of them. Did you adopt them or seek to carry them out?—This occurred—The proceedings in connexion with the bill in 1873 were stopped by the injunction. The Commissioners, knowing by experience how to act legally, proceeded under the clauses of the Towns Improvement Clauses Act of 1847, giving the rate-payers leave to come in by remonstrance, but they were stopped in 1873 from

KINGSTOWN. *April* 7, 1877.

Mr. Ennis.

proceeding with a bill in 1874 by the majority of the rate-payers having signed the remonstrance.

1141. Was that document ever lodged here?—It is one of the documents I keep carefully locked up in the strong room. I can let you see it at any time.

1142. The Commissioners having gone so far to show their wish and intention to carry out Sir John Hawkshaw's plans, how is it that they have now changed their mind and adopted Mr. Doyle's which Sir John Hawkshaw condemned?—He merely said the surveyor's estimate was not sufficient.

1143. Mr. EXHAM.—(Reads)—

"Now, in considering the plans I advise you to carry out, I may remark that the proposal of Mr. Doyle to utilize some drains, to construct others of smaller size, and to make two outfalls turning all the sewage into one place, is an imperfect system and would not satisfactorily dispose of the drainage of the town."

Witness.—Sir John Hawkshaw having made that report the Commissioners did not think well of acting upon it. They wished to have further inquiry on all these plans.

1144. Mr. EXHAM.—This report was made in 1873; and you had published notices in 1873 of your intention to apply for a bill in 1874 to carry out Sir John Hawkshaw's plan. Then that was stopped by remonstrance, and you proceeded to obtain the sanction of the Local Government Board to plans which Sir John Hawkshaw condemned as an imperfect scheme that would not carry out satisfactorily the drainage of the town. Is that not so?—We are trying to get the order.

1145. Mr. LAWLESS.—Sir John Hawkshaw also reports—"Mr. Doyle's laudable desire is to avoid unnecessary expense as much as possible." He, however, differs very much again with Mr. Doyle as to the advisability of the plans and the sum for which they could be carried out.

1146. Mr. EXHAM.—He says—

"I estimate the cost of an intercepting sewer from one end to the other at £50,000; and, if you take the fall at Bullock Harbour, £30,000."

Is it or not the fact that Sir John Hawkshaw, Mr. Hassard, and Mr. Palles agreed that a single intercepting sewer would be a desirable plan?—Yes; that is, a single intercepting sewer with one outfall.

1147. Is the only question at present that Mr. Doyle proposes to discharge the sewage equally at the east and west piers?—Mr. M'Evoy has asked me to state in explanation of that, that at the end of 1873 the constitution of the board was changed, and again at the beginning of 1874. Those who were the minority became the majority.

Mr. *Doyle.*—In addition to that, I may tell you the Glasthule Board of Poor Law Guardians would not allow us to discharge the sewage as proposed.

1148. Was there any and what complaint made against the surveyor in 1874, and if so, what was the resolution passed in relation to it?—There was a resolution passed at the monthly meeting, March 2nd, 1874, there was a very large attendance. The resolution was—

"Proposed by Mr. Kelly, seconded by Mr. Conroy, and resolved —'That the surveyor be called upon to resign, as he has constantly disobeyed the rules laid down by the Board for his guidance, particularly in obtaining goods without the consent of the board and in the unsatisfactory manner in which he carries out the business of the township generally."

1149. Was the matter brought before the Board by the committee in accordance with that resolution?—In March, 1874, this resolution was passed, and in that very month the inquiry was held here by Mr. Robinson. The surveyor showed great zeal in the discharge of his duty at that time, and this became a dropped resolution.

1150. There is another matter mentioned in Mr. Finlay's report. There were some rates, which Mr. Finlay, I think, says were returned as irrecoverable, payable by Mr. Sexton; and afterwards something was discovered about them?—In the summer of 1872, I think, the rate-collector in the course of his collection, came upon a house that was empty and unproductive. In his annual report he wrote it down as irrecoverable, and the house being empty during the greater part of the year, and the person being gone who would be liable to pay rates, we put it down "irrecoverable." Before the finance committee of the following year it transpired, from information a commissioner had obtained privately, that Mr. Sexton had purchased this property, and that after the rate had been wiped out he deducted from the purchase-money the amount due as if the rates had to be paid up. It having been stated before the auditor that the rates were actually stopped from the vendor by the purchaser, he said the rates should be paid. Mr. Sexton afterwards sent up the amount of the rates. When the matter was brought before the finance committee, I was directed to apply to Mr. Sexton for the rates, and he came down and said he was not liable, and did not see why he should be asked for rates for which he was not liable, but he afterwards did pay the amount. I heard an explanation of that since, which was, that the vendor owed Mr. Sexton a sum of money, and that it was really as a set-off against a private debt that he stopped it.

1151. Do you recollect when application was made by Mr. Doyle in January, 1876, for an increase of salary, was there any resolution moved by Mr. Kelly on the subject?—He gave notice he would move on March 6th—

"That, in consequence of the addition to the township by Act of Parliament, the salaries of the secretary and town surveyor be increased by £5 each."

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WEDNESDAY.—APRIL 11, 1877.

1152. A deputation of ratepayers attended at the inquiry, and made a statement complaining of the operation of the law with respect to weights and measures. They requested us to hear evidence with a view of showing that there was a defect in the law, which prevented them from having their weights and scales duly adjusted, whereby they were liable to have them seized and to be fined besides at the instance of the police. We informed them that we could not go into any inquiry on the subject, but at their urgent request we stated that we would report on our notes that they had made the application.

Mr. Doyle.

Mr. DOYLE recalled.

1153. Mr. EXHAM.—Are you aware that there should be a map of the township showing all the existing sewers?—Yes.

1154. Is there such a map?—Yes.

1155. Was it prepared by you?—Yes; from time to time.

1156. Was it made by you since you were appointed surveyor or was it continued by you so as to point out the sewers you made?—It was continued by me. I want to explain that we have not the large scale map directed by the Act of Parliament for that purpose. This (producing a map) is the only scale map we have. We have not the eighteen-inch scale that we should have.

1157. Have you or have you not a map in conformity with the provisions of the Act of Parliament?—No.

1158. Is there a map showing all the sewers existing in the town?—Yes; there is.

Mr. John Jones examined.

1159. Mr. LAWLESS.—Are you a ratepayer?—Yes, for sixteen years, in the Glasthule district.

1160. What is the nature of your complaint?—I have to complain that a sewer was run out through the wall to the sea at Burdett-avenue. The last high tide left the shore open, and it now discharges itself on the strand above high-water mark just at the wall. The late great high tide tore away the wall, and the Commissioners refuse either to build it up or to carry the sewage out beyond high-water mark. The nuisance is discharging itself under my window, and I do not know exactly what to do. The Commissioners say they are not liable. In making the opening through the wall to put the sewer through they shook it so much that the very next high tide took it away.

1161. When did that happen?—Last summer.

1162. Is the sewage now discharged above high water?—Yes; fifteen feet above high water.

1163. How far from your house?—About five or six yards.

1164. Have you represented this matter to the Commissioners?—I have written to the Board.

1165. When did you write?—About two months ago. I suppose they will produce my letter.

1166. Did you get any answer to your letter?—The Chairman, Mr. Barrett, called on me.

1167. Did you get any official answer?—No.

1168. Has anything been done to remove the cause of complaint?—No.

1169. Is the wall thrown down?—Yes, and a person went down there yesterday, and drew away a quantity of the stones in his horse and cart.

1170. Is Burdett-avenue within the township?—Yes, of course it is.

1171. Do you pay the taxes?—Yes. I am rated at £32 a year.

1172. Was this a new sewer?—Yes.

1173. When was it made?—They commenced it, I think, some time in June, 1876, and it was left unfinished, so that neither a car nor vehicle of any sort could pass down there.

1174. How long was the road left unrepaired while the sewer was being made?—It was a long time.

1175. After the sewer was completed was the road properly finished?—Well, it was.

1176. Does the sewer of your own house communicate with it?—No; I have one for my own house, three feet under it, but it does not communicate with the main sewer.

1177. Do you mean to say that they have made the sewer in Burdett-avenue three feet above your sewer?—Yes.

1178. And what do the other houses do?—It is low enough for them.

1179. What does Mr. Doyle mean by saying that every house is connected with the main sewer?—I do not know.

1180. Were you called upon to make a connecting sewer between your own house and that drain?—No, I was not.

1181. Is the sewer from your house into the sea?—Yes.

1182. And three feet lower than the main sewer?—I am told so by the landlord who built the house.

1183. How much above the level of high-water mark is the present sewer made down Burdett-avenue?—I never saw it within two feet of it.

1184. Was there anything to prevent the sewer in Burdett-avenue from being made low enough for your house?—Nothing but the expense.

1185. (To the *Town Clerk*).—Have you got Mr. Jones' letter?

1186. (To Mr. *Doyle*).—Is this place in the state that Mr. Jones' describes it to be?—The wall is broken down, and the sewage discharges itself above high-water mark.

1187. Did you make it discharge itself above high-water mark?—It always did so.

1188. Was this sewer made in 1876?—Yes, but there was an old one there before.

1189. I understood you to say that everyone was made connect their house-drains with the main sewers; Mr. Jones says that his sewer is three feet lower than the other one?—Yes, it is.

1190. In making this sewer, did you adopt the outfall of the old sewer?—Yes.

1191. Do you propose to make another sewer there?—We have applied for powers to make an intercepting sewer, which will catch it.

1192. How long was the old sewer made?—Long before my time.

1193. Do you discharge the sewage there a number of feet above high-water mark?—Yes.

1194. Do you know it is a nuisance?—We will provide for it properly hereafter.

1195. Do you know it is a nuisance?—The water washes it away at high-water. There were some of the houses there had cesspools, and we made them connect with the new sewer.

1196. How can the water wash it away at high-water if the discharge is several feet above high-water mark?—It does so sometimes.

1197. What has become of the sewage since last October? Have you turned all the cesspools into the sewer which has since been broken; and if so, where does the sewage go?—I think it goes out to sea.

1198. *Town Clerk.*—This is Mr. Jones' letter to the Town Commissioners:—

"17th February, 1877.

"To the Chairman of the Town Commissioners.

"SIR,—Allow me to call the attention of the board to the dangerous and disgraceful state of the sea-wall at the end of Burdett-avenue, which was thrown down by the late storm, in consequence of the wall being shook by opening a sewer. It appears as if no one took any notice of it. The steps going down to the sea-wall are thrown about, the coping stones are broken, and are carted away by the people; the iron railings are torn out of the stones, and thrown about the shore, and unless something is done to prevent the destruction of the wall it will be a matter of great expense before long. Hoping this will be the means of calling the attention of the Commissioners to it, and having it made right,

"I am, yours,

"JOHN JONES, Ratepayer."

1199. Mr. EXHAM (to Mr. *Doyle*).—Is that wall within the township?—Yes.

1200. Is it part of the shore wall at the sea?—Yes.

1201. Have you received any directions about it?—No; I mentioned it in the very last report. I did so in several reports, but I did not get directions to have it remedied.

The *Town Clerk.*—The Commissioners believe they are not bound to repair that wall.

Mr. *Jones.*—The Commissioners repaired that wall ten years ago.

1202. Mr. LAWLESS.—Did the Commissioners express any opinion upon the rebuilding or repairing of the sewer?

Town Clerk.—That was not brought before the Commissioners.

1203. Mr. EXHAM.—Mr. Doyle says it is the property of the Commissioners, and this gentleman says that the stones are being carted away, that the coping is broken, and that the iron rails are scattered about. If it is the property of the Commissioners, are they to allow it to remain in that condition?

Mr. *Barrett* (Chairman of the Commissioners).—My opinion is that we should not allow it to continue in that state.

KINGSTOWN.
April 11, 1877.

Mr. Doyle.

Mr. DOYLE recalled.

1204. Mr. EXHAM.—The Commissioners are bound to have, under the 13th section of the Towns Improvement Clauses Act, 1847, a map of the township on a scale of not less than sixty inches to the mile. Have you got such a map?—No. There is a map on the wall beside you of the town before we got the extended area.

1205. Is it on that scale?—No, it is not.

1206. Was that map made before you came into office?—It was.

1207. Did you ever make application to the Commissioners for powers to carry out the Act of Parliament with regard to the map?—I did not.

1208. Why did you not?—I told them I could not comply with the terms of the law as regarded the extended township.

1209. Why could you not?—Because it was not published; the Ordnance map was not published.

1210. The Act of Parliament does not say anything about that. What it does say is this (reads):—

"The Commissioners shall, as soon as conveniently may be after the passing of said Act (that is, the Act of 1847), procure or cause to be made a survey and map of the district on a scale of not less than sixty inches to the mile."

They are to have the map made by some competent person, and you, as surveyor, could have made it. Do you know that clause of the Act?—Yes.

1211. Why, then, did you not ask for authority to carry out the provisions of that Act, so that the ratepayers could see what sewers were made?—I did not do it.

1212. Did you ever ask for authority to have it done?—Shortly after the passing of the Extension Act the subject of having a map came up, and I was directed to make one, but I objected to doing it, because I did not think I was the person to do it.

1213. When did you get orders to do it?—I think about five years ago.

1214. The Act of Parliament was passed in the year 1847, and no complete map has been made yet?—That is so.

1215. Did you ever see a report made by Mr. Pallas in 1867, when he was town surveyor?—Yes.

1216. Do you know that he called attention of the Commissioners to the fact that there was no map of the Kingstown sewerage?—I think so.

1217. Therefore the Commissioners were apprised so far back as 1867 that the Act of Parliament was not complied with, and that there was no means of ascertaining the levels, and so on?—That is so.

1218. Mr. LAWLESS.—Was Mr. Pallas at that time surveyor to the township?—He was called upon to produce a map and scheme of sewerage at that time, and he was appointed surveyor shortly afterwards.

1219. Mr. EXHAM.—How often have you been at this Letterkenny railway? Have they not their office in Londonderry?—Yes.

1220. How often have you been away at Londonderry about this railway?—I think I was not away more than twice.

1221. And how long on these occasions?—Two days at the most.

1222. And the days going and coming?—No, two days, including the travelling.

1223. Am I right in saying that on the 10th or 12th March last tenders were opened or received for the construction of this railway on plans prepared by you?—Yes, you are.

1224. Have you an office in Londonderry?—No.

1225. Where were the parties to communicate with you?—They called here in Kingstown.

1226. This railway is being constructed under a renewed Act of last year?—Yes, there is no contract yet entered into.

1227. Are they not going to expend £70,000 within a year and a half?—They hope to do so.

1228. Is that work to be carried out under your supervision?—That is not settled yet.

1229. Have you applied to be appointed engineer to construct these works?—I am trying to better my position. If I do so I'll give up the township.

1230. I only want to know if it is your intention to try and carry on both?—I was always a railway engineer, and it is more suited to my tastes.

1231. Mr. LAWLESS.—Have you ever applied to the Commissioners for leave to attend to that Letterkenny business?—I did not mention it.

1232. Mr. EXHAM.—I understood you to say on last Saturday that during the pendency of the works in the township by Messrs. Edmundson's firm, Mr. Wigham, one of the members of that firm put his name to a bill of exchange for your benefit for £30, and which you afterwards took up?—I said certainly that he gave me an accommodation bill, but he merely gave me the money, and I gave him an I O U for it.

1233. Did Mr. Wigham give you money on your I O U?—Yes.

1234. During the pendency of the works?—Yes, and it was paid by me.

1235. Mr. LAWLESS.—How much was it? I think it was £30; whatever it was I paid it.

1236. Mr. EXHAM.—Did you apply to Mr. Wigham for that purpose?—Yes, Mr. Wigham and I were intimate, and I thought I might intrude myself on him for the time being.

1237. Was it to be a loan for any length of time?—It was an I O U.

1238. How far had the works then progressed?—They had progressed very far at the time.

1239. Were you giving certificates to his firm from time to time for the work?—Yes.

1240. Was it to be a loan for a month, or for a year or two years?—I returned the money the moment I could. I told him it would be a very short time. It was not an accommodation bill. I made a mistake in saying so.

1241. I observed a letter in the paper yesterday morning in which Mr. Wigham, of the firm of Edmundson and Company, said:—

"Our attention having been called to a statement by Mr. Doyle, town surveyor, in which he said that he had allowed Messrs. Edmundson in 1871 to substitute one description of hydrant stone for another, we think it right to say that we had no wish to make this substitution, but Mr. Doyle in the exercise of the discretion vested in him under our contract requested us to do so; and although we were not called upon to make any deduction in consequence of this exchange, we submitted to a deduction from our account rather than get into a law-suit with the Commissioners. We also observe that Mr. Doyle is reported to have said that he had received an accommodation bill for £30 from Mr. Wigham, a partner in our firm. It is scarcely necessary for us to say that this statement is utterly untrue, neither Mr. Wigham on his own behalf, nor we as a firm, having ever had any bill transactions of any kind whatever with Mr. Doyle."

Was it at your own request that they substituted one kind of stone for another?—I beg to say that statement is utterly untrue.

1242. Do you state that it was not at your request it was done?—I do. It was not.

1243. Did they put them in without your knowledge?—No. But it is perfectly well known that the quantity of Dalkey granite could not be got, and we substituted mountain granite instead.

1244. Was it then a mutual arrangement?—They asked me was it all right, and I said "Yes."

1245. Did they do it with your sanction?—Yes.

1246. But not at your suggestion?—No.

1247. What was the nature of the difficulty in getting Dalkey granite?—They were to be stones three feet six inches square, and there were such a vast number—240 odd—required in such a hurry, that they could not be got in time.

1248. Was it not a curious thing then to put it in the contract?—Well, it was a curious thing, but it did not seem so at the time.

Mr. JOHN R. WIGHAM examined.

1249. Mr. EXHAM.—You are a partner of the firm of Edmundson and Company?—Yes. I am the person who had charge of these works at Kingstown. I attend here to-day in consequence of what I saw in the papers—a report of Mr. Doyle's evidence, in which he stated that I had passed an accommodation bill, or given an accommodation bill to him. Now, it was particularly unpleasant to have a statement of this kind made; and it is a statement which is not only utterly untrue, but peculiarly inapplicable, because I never accepted a bill in my life, and all the transactions of Edmundson and Company for the past thirty years were cash transactions. They never, as a firm, accepted a bill during that period of thirty years, and I never had any such transaction with Mr. Doyle.

1250. That is admitted by him now to be a fact?—With regard to the stones. In the same newspaper report of the evidence given here, there is an account about these stones, from which it would seem as if an inference might be drawn that Messrs. Edmundson had derived some benefit from the liberty given by Mr. Doyle to supply smaller stones, and that we might do this in a corrupt and collusory kind of way, in connexion with this bill that he spoke of. I think it right to say in the outset, that I never gave or received any favour from Mr. Doyle except this. Mr. Doyle called on me one day, apparently in great distress and embarrassment, and asked me for some money, saying to me, "If you oblige me with £40 I will give you an I O U, and pay you before Monday." I did not like to be hard on a man in distress, and gave him a cheque for the money; but it was not paid as promised on Monday; it was not paid for a long time, although it was applied for again and again, till my patience was exhausted, and it had to be sought for through our solicitor, and even he was not able to get it for some time, but it was ultimately paid. It took three years to collect the debt, which was not paid until January, 1876.

1251. The debt was £40, and I see from the memorandum you produce that it ran up to £52 12*s.* 8*d.*, including the costs. Was interest not charged on it?—No. Mr. Doyle has said that the statement of Messrs. Edmundson in the letter in the paper as to the stone being substituted at his request is untrue, but he says it was done with his sanction. I am prepared to show that the statement of my firm that these stones were supplied at his request was perfectly correct, and is not untrue. I submitted a tender to the Kingstown Commissioners on the part of my firm for supplying these waterworks at Kingstown. It was not a bulk sum; the items were given in detail—so much for pipes and so much for various other items. I was furnished, as well as other contractors, with a copy of the specification; I filled in the price and sent in the tender which was accepted. I was sent for to attend the Board, and my tender being then and there accepted by the Commissioners, we had some pleasant interchange of courtesy about it. I had to initial the different items in the specification, and when I came to the clause about the stones I found the word "Dalkey," which was not in the original tender.

1252. Was it not in the original printed one?—No; it was not in the form supplied to us, but when I came to initial the copy of that printed form which the Commissioners had, the word Dalkey was in it. I asked what it was for, and Mr. Doyle said it was a matter of very little consequence, that Dalkey was the best granite, and that I would like to give the best material. "But," said he, "I know personally that there will be no difficulty in getting this stone." On this assurance I allowed the word "Dalkey" to remain, and I initialed it, and it is in the contract. The work commenced; and very shortly after, Mr. Doyle said to me (I used to go out to the place frequently about various matters)—"With regard to this Dalkey stone, I'll save you all trouble about it. I'll get the stone for you, and you will have no trouble. I happen to know a most respectable man in Dalkey, who will supply them about as cheaply as any other person." I said to him, "I have already taken tenders for supplying these stones, and I have the prices fixed at which I was intending to enter into a contract for them." And he replied to that by saying, "I'll undertake that the gentleman I refer to will sell you the stones at the same price as you will get them from any other person at." I then agreed to his arrangement. The work was allowed to progress for some time, when I got a letter from Mr. Doyle.

1253. Did he name the individual from whom he was to get the stones?—Yes; Mr. Cunningham. That letter from Mr. Doyle requested me to pay £15 to Mr. Cunningham, on account of some stones delivered and some not delivered. The letter is as follows:—

"January 15th, 1870, Kingstown Commissioners' Office,
"Harrymount.

"To Messrs. Edmundson & Company.

"GENTLEMEN,—The bearer, Mr. John Cunningham, the contractor for hydrant blocks, would feel much indebted if you would kindly advance him, on account of his contract, £15. He has some twelve blocks delivered, and he has in hands some twenty more ready for delivering, and which I'll engage in a week will be on the ground. Your compliance with this request will very much oblige me, and be of great service to him.

"I am yours,

"F. A. DOYLE."

And here is the receipt for the money—

"Received from Messrs. Edmundson and Company, £15, on account of hydrant stones. John Cunningham, Dublin, 16th July, 1870."

And then there is this postcript—

"These stones are 12*s.* each. John Cunningham."

1254. You say that the word "Dalkey" was not the form in which you tendered?

Town Clerk.—The Town Commissioners told Mr. Doyle to make that alteration.

Witness.—The entry about the stones being at 12*s.* was made by Mr. Cunningham, because I said, "My understanding with Mr. Doyle is, that you are to charge me the same rate as I could get the stones from other parties for; it was on that understanding I agreed to do this." He was quite satisfied when I told him the price. At the time this money was paid, I had no idea that the stones were not the full size—the price of course is the full one that we were to pay and did pay for the sized stones in the contract.

1255. Do you mean to say that you paid this man Cunningham for the stones at the full price on Mr. Doyle's certificate?—Certainly; for every one of them.

1256. As if they were three feet six square?—Yes.

1257. Did Mr. Doyle after that refuse to give you a certificate of their being the full size?—Yes; shortly after I paid this money to Mr. Cunningham, my foreman informed me they were not the size. I went at once to Mr. Doyle, and told him so, and he said they would do perfectly well; that there was no possibility of getting Dalkey granite stones of that size, that anyhow he was satisfied with them, and that ought to be enough for me; and then I said if he was satisfied of course I was satisfied. Shortly after that I received another letter from Mr. Doyle to pay for a further delivery of stones.

1258. After being aware of the fact that the other stones were not the full size?—Yes.

1259. Did you receive offers from other persons to supply full size stones at the same price?—Yes.

1260. Could you have got the full-sized stones without any difficulty?—There might be some difficulty. I believe there is something in that; but I could have got them.

KINGSTOWN. *April* 11, 1877.

Mr. John R. Wigham.

1261. What is the date of the second letter you received?—I'll read it. (Reads):—

"August 13th, 1870,
"Kingstown Commissioners' Office,
"Harrymount, Kingstown.

"DEAR SIR,—The bearer, Mr. Cunningham, has delivered sixty large blocks for hydrants; and as he wants money, will you kindly let him have the amount, deducting the former payment.

"Yours, &c.,
"F. A. DOYLE."

And here is the account:—

"Messrs. Edmundson and Co. to John Cunningham, sixty hydrant stones, £36; by cash, £15; balance, £21."

And it is receipted thus—"Paid, £21." Here again is the account in full:—

"14th November, 1870, Messrs. Edmundson and Co., Capel-street, to John Cunningham.—To delivering 131 hydrant stones at Kingstown, at 12*s*., £78 12*s*.

That was at the three feet six square, the original price.

"Deduct sixty paid before, £36; balance, £42 12*s*. Paid. Certified as correct. F. A. DOYLE, C.E."

I have only to say now that I trust you will see the stones were got at his request.

1262. After that were you made take off a certain portion of your account, on the ground that that was an incorrect certificate?—Yes.

1263. How much was taken off?—£50; they wanted to deduct £70 and I objected, but rather than have a regular fight we took off £50. £50 is but a small item in so large an account.

1264. You mean on the pipe-laying and everything?—Yes; our contract was for £9,000. We paid, however, for the stones as if they were the full size.

Mr. Doyle.

1265. Mr. *Doyle*.—At the time we entered into these contracts the word "Dalkey" was agreed on by a resolution of the Commissioners. The Messrs. Edmundson accepted the contract with the word "Dalkey" in it. After some time I brought over this man Cunningham and he agreed to deliver the blocks. Mr. Wigham and I were walking over the works one day and I drew his attention to the blocks, and said, "That is not the size; how does this come?" He said he really did not know; and I then said they were small and not large enough, and he must take something off, and he replied, "Yes."

1266. When was this?—At the commencement of the works in 1870. It happened early in the morning. He promised that if the same thing occurred again he would give the full reduction. I merely gave him a certificate that the stone was on the ground.

1267. Did you not give him a certificate that there was £78 worth on the ground? Did you not certify for them as contract stones?—I was not to know anything about the price.

1268. I am not asking you anything about the price; but if you refer to the letter of August, 1870, you will find that you certified for sixty "large" blocks?—They were "large" blocks. I wish to be put on my oath about this matter. A man may be poor and not have money, but he may be honourable.

1269. Was it before or after the date of your letter of 13th August, 1870, that you had this conversation with Mr. Wigham, and called his attention to the size of the blocks?—I'll refer to my notes and see.

1270. Had you any contract or agreement with Mr. Cunningham about those stones?—Certainly not; I merely introduced him to Mr. Wigham as a stone contractor.

1271. What did you mean by using the words "large stone" in the letter?—They are large blocks. Three feet square would be large.

1272. Did you not mean to certify that they were blocks equal to contract?—No.

1273. Your own specification specifies exactly what they are to be. Did you measure them before you gave the certificate?—There were very few of them down at the time, and I drew the attention of Mr. Wigham to them.

1274. Why did you recommend Mr. Cunningham to Mr. Wigham?—He is a well known quarryman in Dalkey, and he is very well able to do this work. He has done work for the Dublin Corporation.

Mr. *Wigham*.—I adhere to my statement that it was I called attention to the smallness of the stones.

1275. Did Cunningham allow your firm to deduct anything from his account?—No; we have his receipt for the full amount.

Mr. Doyle.

Mr. DOYLE recalled.

1276. Mr. EXHAM.—Do you know Willmount-avenue?—Yes.

1277. Do you know the cottage occupied by Mr. William Read?—Yes.

1278. Do you know how that avenue is sewered?—There is no sewer in it.

1279. At all?—No.

1280. How is it drained?—It is private ground, and we have no liberty to go into it. We have a water main, but there is no gas main in it. The houses are just beside the sea, so of course they have nothing to do but run the sewer out through the rampart wall.

1281. Do you know the sewer from Mr. Read's cottage in Willmount-avenue?—I do, well.

1282. Is it run through the rampart wall?—It is.

1283. Through the wall and not against it?—Not against it.

1284. Are you quite positive about that?—It is not open to the sea. There are crevices through the wall, which the sewage goes through underneath.

1285. Does the sewage ooze through underneath?—Yes; but the pipe does not show. You cannot see it.

1286. Is it a sewer or pipe under the care of the Commissioners?—No.

1287. Why do you say it is not?—They cannot go in there as it is private ground, unless the attention of the sanitary authority was drawn to it.

1288. Was the attention of the sanitary authority drawn to it?—There was some dispute about the place between Mr. Read and some other person; they had some law over it.

1289. Was it Miss Williams?—Yes.

1290. Has Mr. Read ever applied to you, as town surveyor, with reference to this place?—Yes, and I have gone there to look at the place.

1291. Have you communicated the state of affairs there to the Commissioners?—No.

1292. Have you asked for instructions concerning it?—No.

1293. Have you communicated with the sanitary authority concerning it?—The executive sanitary officer has looked after it.

1294. Mr. Ennis?—No, it was Mr. Craig, the sub-sanitary officer.

1295. Has the sub-sanitary officer made any report about it?—Yes; he has compelled the sewer to be opened, and laid down afresh.

1296. Does not the sewer remain in the very same state still? Does it not terminate on the inside of the rampart wall?—It does.

1297. Do you call that a sufficient system of drainage for the houses?—I do not. It is my impression that the work there should be properly done, and Miss Williams has promised to do it.

1298. Were there any directions given about the work being properly done?—No.

1299. Did you ever receive any instructions from the Commissioners about it?—No, never.

1300. Is it in the Glasthule drainage district?—Yes.

1301. Were there any proceedings taken against Mr. Read and Miss Williams?—I believe the sub-sanitary officer took proceedings against them both.

1302. What was the result, do you know—It was that there was a concession made on both sides, and the pipes were laid down afresh.

1303. The *Town Clerk.*—I have found the resolution with reference to the map of the sewers. (Reads):—

"4th September, 1876. Resolved—'That the town surveyor be and is hereby directed to complete the map of the township as intended by the Kingstown Extension Act, 1874, and in accordance with section 34 of the 10 & 11 Vic.; the Commissioners considering that this work is included in the duties of the office of town surveyor.'"

1304. Mr. EXHAM (to Mr. *Doyle*).—Has anything been done since that time?—No; it was a very bad season. I intend to apply to the Commissioners to furnish me with instructions to carry out the survey.

1305. Why have you not made the application before this?—The winter time is a bad time to do it. I have just now to say a few words with respect to the charges brought against me. One was about the hydrant stones, and another was that I certified for a quantity of stones, and trusted the man to deliver the rest. Now, I say that the man (Neale) did deliver the required number of tons of stones, and I produced my notes before the inquiry, but they would not be taken in evidence by the committee.

1306. Did the Commissioners refuse to take your notes as evidence?—Yes; I was told that they made the thing worse. Here are the notes which I offered to lay before them at the time. (Notes produced.)

1307. Did you explain the notes?—Yes.

1308. You heard the explanation about the quarry?—Yes; that is a very different thing.

1309. Do you say that Neale actually delivered the correct number of tons?—I will swear it.

1310. How was it that Neale never made them pay him?—I do not know; he got £20. There was another complaint made against me with reference to the stop-cock—that I certified for it. The fact is I looked over all these things, and certified for them as I found them. We had a water inspector, and if he saw it off at any time he would have reported it to me, but he did not, and of course I had no evidence about it. In 1873, Mr. M'Evoy was chairman. There was a very particular bit of sewer to be made in a place called Edgar's-avenue. Mr. M'Evoy came with me and saw the work necessary to be done. We were connecting private houses, and he ordered me to do it at once for fear the man would change his mind, and I did so. When the thing came to be paid for the Commissioners refused to pay it. I applied to Mr. M'Evoy, and he wrote to Mr. Ennis and said he had told me to do it, but said he thought I had got the order. I could not have got the order for three weeks, but I did the work by the order of Mr. M'Evoy.

1311. Was that the only reason they had for saying what they did?—I was really unaware what the other irregularities were. I have been here for eight years, and during that time party spirit ran very high amongst the Commissioners, and it was very hard to keep out of difficulty with them, but I do not know of anything else.

1312. *Town Clerk.*—I may say with reference to Tilley's matter that I find there was £9 lodged in 1871. Mr. Doyle was to hand in the value of certain articles to be disposed of, and he did hand in £9. The money referred to was paid by Mr. Doyle for Mr. Tilley in February, 1871.

1313. Do you consider Mr. Tilley's money was part of the £9?—I do.

1314. (Suggested by Mr. *M'Evoy*).—How do you know it was included in the £9? You said before it was not paid?—I think I can trust my memory about it.

1315. Mr. *Doyle.*—There was a time here when we had an inspector. He was a favourite of Mr. M'Evoy's. I was annoyed out of my life by that gentleman. He acted as a kind of detective.

1316. You say an inspector. What do you mean by that?—I say he was appointed inspector.

1317. Did he hold any office under the Commissioners?—He was store clerk, head ganger, and everything of that kind.

1318. What was his name?—Byrne.

1319. Has he any office at present?—No; he was dismissed.

Mr. *M'Evoy.*—He was dismissed by me in June, 1872.

1320. Did you complain of anything in the conduct of Byrne?—Yes. He was a spy set to watch my movements, and make reports to the chairman. We commenced to make a sewer in Upper George's-street——

1321. When?—In 1873, I think. Immediately when the aperture was made to commence this sewer, I found a man named Brady there, as he said, by Mr. M'Evoy's direction.

1322. What do you mean?—He was there to watch every movement of mine, and to give information to Mr. M'Evoy.

1323. Did he say so?—He did; and he remained there till I called the police, and had him removed.

1324. Was Mr. M'Evoy then the chairman of the board?—I think he was.

1325. Did he place this man Byrne there to report to him how the work was being done?—Yes.

1326. Was it for the purpose of seeing that the proper materials were used?—I really could not say. He reported that there was a bit of stone in the sewer, and that it would not work.

1327. Was he put there to see how the work was done?—To interfere with my movements.

1328. Did he interfere with your movements?—No.

1329. Was Mr. M'Evoy's object to see that the work was properly done?—We had not actually commenced the work at the time.

1330. Was it after that you opened the sewer?—We opened it for the purpose of beginning before that.

1331. Suppose any ratepayer in the township chose to employ a competent man—say a clerk of works, or a man that he believes to be competent—to stand there from day to day, to see what materials are used, and that the sewer is properly built, would he not be justified in doing so?—He must not go amongst my men.

1332. If any large ratepayer, who had an interest in seeing the money of the town properly expended, said to a man, "I'll give you a couple of guineas a week to go there and take a note of everything you consider wrong," do you, as town surveyor, think you would be justified in giving the man so employed in charge of the police?—I consider that once I take charge of the ground no one has a right to enter it.

1333. Do you mean to say that no ratepayer has a right to go there and inspect the work?—He may, if he comes in a civil way.

1334. Do you not think the position of the town surveyor is that of a servant to the Town Commissioners, and not their master, and that he is also through them, in a sense, the servant of the ratepayers?—Yes.

1335. Would not the proper course for you, as town surveyor, if you considered you had a cause of complaint against a Commissioner or a ratepayer for interfering with you in the proper discharge of your duty, be to bring it before the Commissioners, and ask their instructions as to how you should act?—So I say also; and I was told to turn him off the ground.

1336. Who directed you to turn him off the ground?—No contractor will allow any one on his ground. He has full possession of it during the time the work is in progress, and I was in the position of a contractor.

1337. You were? Why do you say that?—Certainly, because we were doing the work ourselves.

1338. Do you not think every ratepayer in the town, as an employer in one sense, as it was the ratepayers' money was paying for this work, had a right to go there?—I was the contractor, as it were, doing the work for a certain sum of money.

1339. Do you not think the ratepayers have a right to see that the work is properly done?—But this was a very peculiar thing, for it was done by the chairman of the Town Commissioners.

1340. Was no one to overlook your work? Were

KINGSTOWN. *April* 11, 1877.

Mr. Doyle.

you to be contractor and inspector both?—Yes, because I was carrying out the work.

1341. Is it, then, your notion that no one was to supervise your work or look after it?—No one.

1342. Is there a sewer being constructed at the Sandycove-road?—Yes; it has been constructed.

1343. When did you survey the works there?—I often did.

1344. When did you survey them last?—I think on Monday last.

1345. Has there been any plan upon which is set out the dimensions of the pipes along that road, and to what point they are to be conducted?—Yes.

1346. Will you be good enough to refer to it?—They are in the contract plan.

1347. Will you let me see those plans?

Mr. *Perrin*.—We complain with respect to the dimension of the pipe sewers. It is the pipe now being laid along the main road, and at one point it goes to join and connect with a larger one—a brick one, two feet larger, I think, than the new pipe sewer.

1348. Mr. EXHAM (to Mr. *Doyle*).—Have you any plan or specification showing the distance that the fifteen-inch pipe was to go along the road?—Yes.

1349. Before you laid down your plan for the fifteen-inch pipe did you make yourself acquainted with the quantity of sewers that you intended to discharge into it?—I estimated that there were a certain number along the road.

1350. Did you, as a matter of business, learn what sewers were to be made provision for?—To be sure I did.

1351. Are there not two sewers on that road coming into that pipe afterwards, and are not the dimensions of one of them eighteen inches?—I am not aware of that.

1352. Are there not sewers from several houses along that road of greater capacity than the sewer being now made?—I am not aware of that fact.

1353. Was it not necessary to know that before you laid down the size and levels of that pipe?—I think not. If a house has too large a sewer you are not to continue that.

1354. Do you know Lawson-terrace?—Yes.

1355. Do you know the houses opposite to it?—Yes.

1356. Are the works now at the gate opposite that?—Yes.

1357. Are you laying a nine-inch pipe there, and giving it a perpendicular drop of five feet into your new sewer as a continuation of an eighteen-inch pipe that was insufficient for the requirements of Lawson-terrace alone. Is that the fact?—I have not seen it. We have an inspector there on the ground. He could tell you.

1358. Has that man, up to the present moment, stated that to you?—No.

1359. Were plans made by you for the new sewerage where that is the character of the works to be executed—namely, that connexions were to be made from a larger into a smaller pipe of nine or twelve inches?—They won't be made any larger at any rate; that is what has been planned.

1360. Is that so?—The others may be too large.

1361. As a matter of fact has the mouth of that pipe sewer at Lawson-terrace been open to view for more than a week—I mean the one down Lawson-terrace?—They are only up to it, and I say that a nine-inch pipe is quite sufficient.

1362. Are you aware of another sewer within a very few yards of that one, and of the same dimensions, that is to be connected with the sewer you are making?—No; I am not.

1363. When did you survey it?—I surveyed and laid down the levels; we have an inspector there.

1364. Has he any tracings with reference to this work?—He has.

1365. Do you know whether any old eighteen-inch sewers are there or not?—There are old rubble sewers.

1366. Then they are there?—Yes.

1367. Did you make yourself acquainted with the state of the existing sewers in the district before you laid your plan for this sewer?—I did not examine them.

1368. Did you think it necessary to ascertain the real amount of work to be done to carry off the sewage?—I certainly did that.

1369. Are you aware that that comes from a very large district, and that they are pumping out quarries into it?—Yes.

1370. Are you making provision for taking it away?—Yes.

1371. Mr. LAWLESS.—Mr. Pallas, in his report, a copy of which was published in the newspapers of the day, says, that in many of the streets and nearly all the courts and lanes, there is no provision made for drainage, and that where there are sewers there was a deposit of sewage mud in them, and that some were nearly choked up. Have you opened and examined them?—No.

1372. Do you know if they have ever been complained of?—Yes; many of them.

1373. Have the complaints been attended to and remedied?—I have seen a great many of them, and there is no deposit in them. At the time that report was made we had not the Vartry water, and of course more or less deposit lodged in them. Since we got the Vartry water we have them well flushed, and now even the old sewers are doing pretty well.

1374. Were those choked up sewers ever cleaned?—I do not know. The points are not marked. As a rule, we do not clean any sewers.

1375. How then are you able to speak as to the condition of the sewers?—I am.

1376. And that they are in a fair condition?—Yes.

1377. Mr. Pallas at that time stated that the sewers were opened and examined, and many of them were found to be completely choked up, and you say you did not examine them to see if they are cleaned out since?—No. At that time there was not a sufficient supply of water to flush them.

1378. When they were putting down the pipe in Lawson-terrace did you get the mouth of the other sewer cleaned out?—It is not my business to see about that. It is the duty of the inspector.

1379. Who is the inspector?—Mr. Milligan.

1380. The man who is clerk of the works?—Yes.

1381. Mr. *Perrin*.—When I went there my tenant pointed out to me the manner in which this connexion was being made. I asked did they clean out the mouth of the sewer coming into it. "No," they said, "the poor men would be poisoned with the stench coming down." I got one man to try, and he said the sewer was full, and we had to give him a glass of whisky to revive him after his experiment. So, you see, the whole sewage will be choked up just opposite to our door.

1382. Mr. LAWLESS (to Mr. *Doyle*).—Did you lay down any plan of the levels on which that pipe sewer was to be laid down?—Yes.

1383. Did you give instructions about the levels of the sewer at Lawson-terrace?—Yes.

1384. Has the clerk of works the section?—Yes.

1385. Can you tell what the fall is there?—I have a book on it to which I can refer.

1386. Did you take the levels yourself and put down sight-pegs to indicate the levels to the men?—The inspector did so.

1387. Should not that be done by the engineer?—I do it whenever there is any necessity for it.

1388. Is there not always a necessity for doing it?—Not at all.

1389. Will you produce the section showing the levels?—Of course. I'll bring you in the book.

1390. Mr. EXHAM.—Will you undertake to say that in all the sewers now being constructed—which are open and plain to be seen—that the water, or sewage stuff, is flowing freely through, and that there is no deposit in them?—There cannot be any deposit; there may be some water lying at some places.

Mr. Doyle.

1391. Is it stagnant or offensive?—The works are not finished yet, and, of course, there may be a little bit of mortar causing a partial stoppage of the water.

1392. Do you pretend that the water and sewage stuff is running through that pipe at Lawson-terrace?—I dare say not.

Mr. *Perrin.*—I'll undertake to say that the sewer is half full now.

1393. Mr. EXHAM (to Mr. *Doyle.*)—How do you manage to join pipes that have to be submerged in water in order to put them in their position?—You do them as well as you can. You must only have recourse to the very best means to do them.

1394. What was the very best means you had recourse to if you were laying them in water, as Mr. Perrin says?—Well, the inspector will tell you that.

1395. Are you not the proper person to explain it?—I might be in another part of the town when it was required to be done.

1396. Did you see half a dozen of these pipes put down?—(No answer.)

1397. What is the fall there?—The inclination of the sewer there would be one foot in 375.

1398. Mr. LAWLESS.—What will the total length of that sewer be when completed?—The whole line of sewer will be, I think, about 2,200 feet.

1399. What number of sewers and of what size is to be discharged into this pipe?—(No answer.)

1400. Do you go on with the new work and connect the old sewers and pipes with the new one as you meet them by accident? If there are two 18-inch sewers, as we are told there are, which you have now made to discharge into a 9-inch sewer, is it your opinion that that sewer will be able to carry away the sewage from those others?—The 18-inch sewers are quite too large.

1401. Assuming that these 18-inch sewers were considered necessary at the time they were made, and that they are there, do you consider that a 12-inch pipe is sufficient to carry off the sewage from the 18-inch sewers?—The 12-inch pipe we have laid is quite sufficient for that purpose.

1402. Will it be sufficient to carry away surface water in case of floods?—Such waters must get off the best way they can.

1403. Mr. Pallas at the time reported that the sewers he suggested would not be sufficient except another sewer was provided for carrying away the surface water and that provision was also made for taking away heavy rain-falls, and his sewers were a great deal larger than yours?—I say they were smaller, and I do not consider Mr. Pallas an authority on the subject.

1404. Let us see the specification for making this sewer?—Yes. (Specification produced).

1405. What kind of bricks are to be used?—The best county Dublin grey stock brick.

1406. When did you inspect the works going on at that place?—Well, I am daily inspecting; unless something interferes I am daily at the works.

1407. I can understand that as the ordinary duty of any man in your position?—I was there, I think, on Monday.

1408. Were you not there since?—No.

1409. Were they then building a man-hole?—Yes; I think they are up to a man-hole now.

1410. Is the lower portion of the man-hole actually constructed?—I am not aware.

1411. Do you get reports from your inspector?—No.

1412. Does he not give you a daily report?—No; I am at the works nearly every day.

1413. Are you then able to say if the lower portion of the man-hole is completed?—I'll see that when I go round.

1414. Do you know what kind of bricks are now used in the man-hole?—I have not seen them.

1415. Mr. EXHAM (bricks produced).—Do you see those bricks? Are they best county Dublin grey stock bricks?—Yes.

1416. Do you mean to say those are the kind of bricks they are building with?—Yes; one of them is a Boghall brick.

1417. Is that half brick a best county Dublin grey stock brick?—Yes.

1418. Where did you get them?—At M'Cormick's, Kill-o'-the-Grange.

1419. Is that a best county Dublin grey stock brick such as is referred to in the specification?—There is a difference of opinion about which sort of brick is the best.

1420. Suppose I had you employed as my architect, and that you put in the contract that you were to be supplied with the best county Dublin grey stock brick, would you order those off the ground?—No, I would pass them.

1421. Where do these bricks come from (pointing to some of the specimens)?—From Boghall.

1422. Where is Boghall?—In the county Wicklow.

1423. Is that according to the specification?—It is quite as good—better in fact.

1424. Every moment that you certify to the contractor, as you are bound to do, are you not certifying to an untruth?—No; they are quite as good.

1425. You admit they are not best county Dublin grey stock brick, no matter whether they are as good or not. You have a contract which provides that the contractor is to use a certain kind of brick, and you give him a certificate, on which money has been paid, that the works certified for have been executed according to the contract, while the bricks are not of the kind provided for in the specification. Was your certificate true?—Yes.

1426. If the brick used is got from Wicklow, and you certify that it is best county Dublin grey stock brick, I cannot see how it is true in that particular. You certify that it is done in accordance with your specification?—And to my satisfaction.

1427. Have you any power to vary the contract and specification?—Yes.

1428. Where is there any such power in the contract?—(No answer.)

1429. Suppose it was to be made of fire-brick and cement, would you have the power, according to your opinion, to allow the work to be done with Boghall brick?—That is a different matter.

1430. Are best county Dublin grey stock brick and Boghall brick not very different?—They are.

1431. Recollect what the contractor tenders to do—

"I hereby offer, tender, and agree to construct sewer and other works in accordance with the plans and specification, and to the entire satisfaction of the surveyor."

So that he must execute the works according to the plan and specification, and to your entire satisfaction. "Entire satisfaction" is additional. Do you consider you have power to vary the plan and specification, and allow a different class of bricks to be used?—(No answer.)

Mr. PETER MILLIGAN examined.

Mr. Peter Milligan.

1432. Mr. EXHAM.—Are you the clerk of works?—Yes.

1433. Did you ever see the specification?—Yes.

1434. Do you know that you should not allow any brick except the best county Dublin grey stock brick to be used?—I do. I notified the matter to the surveyor, and he said the bricks were good bricks; but, "At the same time," said he, "we will go according to the specification in the main sewers." I'll prove that the Boghall bricks are as good as the others; and this is the only man-hole built with them.

1435. You did your duty in informing the surveyor of the matter. What is the difference in price to the contractor between the two kinds of brick?—I dare say those are £2 2*s.* or £2 4*s.* at Boghall, but I do not know the price of the others.

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Mr. Peter Milligan.

1436. Are the best county Dublin grey stock brick or the Boghall bricks the cheapest?—The Boghall are the dearest; the cost of carriage makes them dearer.

1437. Do you say that these (the bricks produced) are fair specimens of the bricks used?—I'll bring you worse ones.

1438. How are the pipes jointed?—The collared pipes with staunching clay, and some with cement; the patent pipes are not jointed with anything; they do not admit of it.

1439. Have they been matched and fitted in the channel?—They could not go into one another if they were not.

1440. By whose direction do you use these materials for the pipes?—I first had an understanding with Mr. Doyle.

1441. From whom did you receive your directions?—From the specification in the first instance.

1442. Did you receive directions from Mr. Doyle?—Of course; he is the engineer over me.

1443. You say that cement was used for some of these pipes?—The tops of the pipes are generally joined with staunching clay, and the rest with cement.

Mr. EXHAM.—I was under the impression that Mr. Doyle said he did not allow any cement to be used. I think he said that no engineer would use it.

Mr. *Doyle*.—I did say that.

1444. Mr. EXHAM.—And yet he says he is using cement.

Peter Milligan.—A very small bit.

1445. Mr. EXHAM.—Did you not get the specification?—Yes.

1446. Did you read it?—Yes.

1447. Are you carrying it out?—No; I could not get the materials, because they are not in the country.

1448. Did you report that fact to Mr. Doyle?—Mr. Doyle saw it.

1449. What sort of pipes are you using in the sewer?—Collar pipes.

1450. Do you know the difference between socket pipes and collar pipes? Do you know what a socket pipe is?—I called them that.

1451. Are these pipes known as socket pipes? Did you ever hear of a socket pipe?—Yes; there are ten ways of calling them.

1452. Do you know what a socket pipe is in the trade?—Of course I do know.

1453. This is the document prepared by the engineer under whom you are working; I ask you do you know as clerk of works what a socket pipe is?—Yes.

1454. Are the pipes used there socket pipes?—They are sockets and saddles both.

1455. Have they an internal diameter of the size required?—Yes.

1456. Do you know Jennings' patent pipe with a junction on the saddle?—I believe there is such a thing.

1457. Have you got any of them?—Not one.

1458. Have you reported that that part of the specification is not carried out by the contractor?—I do not think I did.

1459. Why? Were you told to let it go on?—No.

1460. Did you let it go on, though he was not complying with contract?—I did.

1461. Then Jennings' patent pipe is not laid opposite each place where it ought to be?—No. The junction is on the side; a different pipe is used.

1462. Did you get at the time you began a plan and section of each new sewer to work by?—I had them always to call upon if I wanted them, but I never got them.

1463. Did Mr. Doyle ever furnish you as clerk of works with a plan and section in order that you might go by them?—He gave me the specification.

1464. Was that the only guide you had?—Yes.

1465. Did he ever give you any level pegs?—Yes; he laid down pegs, and gave me the inclination.

1466. Do you mean to say that he laid down any level pegs?—He showed me the levels.

1467. How far apart were they?—Some 100 or 150 feet apart.

1468. You say he showed them to you?—I would not know anything about them if he did not show them to me.

1469. (To Mr. *Doyle*).—I understood you to say that you did not lay down any level pegs?—I have done so frequently.

1470. Has the present contractor for the work any specification or written instructions as to the depth to which he is to go?—He has the specification and plans.

1471. Are the levels marked on the plan?—They are.

1472. Mr. LAWLESS.—Has the contractor a plan showing the levels to which he is to work?—He has a tracing from the plan and also the specification.

1473. Has he a plan showing the levels on which he is to work?—Certainly.

1474. Will you show me one of those for Lawson-terrace?—Yes. (Produced).

1475. Has the contractor an exact tracing of this?—Yes.

1476. How much is the depth at Lawson-terrace?—Seven feet six inches.

1477. How many ventilators are there on Glenageary-road, and how many on Sandycove-road?—Three on Sandycove-road and two on Glenageary-road; we are not up to that yet.

1478. Are the pipes that are used along that road all run into one another?—Yes.

1479. Are they of the form indicated?—Yes; they are all of that form.

1480. Is the Glenageary-road sewer finished yet?—It is finished with the exception of some small things.

1481. On the 2nd of April last, your report says:—"the sewer in Glenageary-road is now finished;" now you state it is not finished?—I think about £120 would pay for the small things that require to be done yet. The work is finished but there are some odds and ends to be put in.

1482. Is it part of the contractor's work to put those in?—Yes.

1483. Why then do you certify for him before he has finished; you say "I have certified for payment"?—That is not for the full payment.

Mr. Simon Creagh.

Mr. SIMON CREAGH examined.

1484. Mr. LAWLESS.—Are you a ratepayer?—Yes. I can say that those (pointing to the bricks last produced and stated by Messrs. Doyle and Milligan to be good) do not represent the description or quality of brick used. They are superior to the general run of the bricks used in the sewers. Before this inquiry was held I remarked from my own observation that the bricks used were of a very inferior description—quite black and some of them broken, and it appears to me that sewers constructed of such bricks could not be of a lasting character.

Mr. Ennis.

Mr. ENNIS re-called.

1485. Mr. EXHAM.—Was the want of a proper map showing the existing sewers ever brought before the board?—I brought the matter up when we got the Kingstown Extension Act, but I always thought that map complied with the terms of the section, and I only heard to-day that it does not.

1486. It does not show the levels or anything, and is not on a proper scale. Did you not know that?—In the year 1867 Mr. Pallas got a sum of money voted to take up the entire town and show the sewers. The surveyor has a small map but not one of the proper size.

1487. He says he has not corrected it since?—Yes, that is so.

1488. Was there a map of the sewers made by Mr. Pallas?—There was a complete plan made by Mr. Pallas.

1489. Of what?—Of the internal sewerage of the town.

1490. Why was it not continued since?—I cannot tell.

1491. Were there complaints made against any other officer of the township in 1871 or 1872, except Mr. Doyle?—No; I do not think so.

1492. Was any minute or report of the board made against any of the officers in the year 1871 or 1872?—Only in connexion with those made with reference to Mr. Doyle, which you heard of before, so far as I recollect.

Mr. *M'Evoy.*—The storekeeper was appointed at £1 a week and dismissed in June, 1872, and I had to bring a subsequent storekeeper before the board and he was dismissed also.

1493. Other than the complaint about Neale were any complaints lodged about stones?

Town Clerk.—Yes. I remember a case in 1868 where a contractor was delivering Shankill stone. I was walking with two Commissioners and in one lot we did not think there was a ton. We sent it up to the market and it only weighed 15 cwt. A system of tallying the stone has been adopted since.

1494. Was there a report made by a special committee of the Town Commissioners on the 24th January, 1872, and adopted on 5th February?—Yes—the one I mentioned the other day about the alteration in the mode of keeping the books.

1495. Suggested by Mr. *M'Evoy.*—Was it not adopted in consequence of the trouble they had previously about stores?

Town Clerk.—Yes; it was done for the purpose of correcting those things.

1496. Mr. LAWLESS.—So far as you are aware, have the recommendations of the committee which were adopted by the board been carried out since then?—Decidedly; we have since kept in the groove we got into then.

1497. Was there in 1872 any effort made by the Town Commissioners to carry out the Public Health Act of 1866?—Yes; we commenced to do that in 1871.

1498. Did you appoint a staff then for the purpose of looking after the sanitary condition of the town?—Yes.

1499. Did you increase the staff?—Yes; we then appointed an additional police sergeant to act as sub-sanitary officer.

1500. When was that?—It was at the very first meeting of the Public Health Committee on the 2nd May, 1871.

1501. Did you form a Public Health Committee in that year for the first time?—Yes; under the Sanitary Act of 1866.

1502. Did they endeavour to carry out as well as they could the provision of that Act?—Yes; and devoted a great deal of time to it. I was directed to apply to the Commissioners of Police on behalf of the committee for the assistance of some police to assist in carrying out the Act and we got a sergeant.

1503. You paid his salary?—We paid his full salary.

1504. Have you since continued the same course, or did you continue it up to 1874?—Until 1874. We kept the police sergeant till 1874, and then dispensed with him.

1505. Did you ever, or the board so far as you know, find that any of the officers threw difficulties in the way of carrying out the instructions of the Commissioners from time to time?—I should say not.

1506. Did any of the officers of the Commissioners give evidence against the sanitary officers of the Commissioners in the police court?—I cannot charge my memory with that now. Having dispensed with the police sergeant in 1874, we found it necessary to appoint another police officer so that we have now one. We thought in 1874 that one man would be able to do the work.

1507. When was the police sergeant dismissed?—Early in 1874, before the Act of that year was passed.

1508. On what grounds was the man dismissed?—He was appointed full sergeant, and that, of course, increased his pay.

1509. Did they then appoint another man in his place?—No. The reason we dismissed him was because we thought at the time that one man would be sufficient.

1510. When again did you appoint a police sergeant as one of your sub-sanitary officers?—In September, 1876.

1511. Do you believe, from your knowledge of the feelings of the ratepayers generally, that they think this building unsuitable for the purposes of a town hall?—I believe the vast majority of the ratepayers are in favour of having a more respectable building.

1512. With regard to the court-house—how far have prisoners to be brought to the present court-house?—It would be only for a civil bill court-house we would want it.

1513. What was the date of the borrowing of the £1,700 that was raised—the balance of the £3,000?—November 14, 1876.

1514. The Act of Parliament says that in raising money you are to state for what purpose you require it. For what purpose was it stated that the £1,700 was required?—It was stated to be required under the Kingstown Extension Act.

1515. Mr. LAWLESS.—This Act increases the borrowing powers of the Commissioners under the Act of 1869, and the Act incorporated therewith, by £3,000 in addition to £16,000?—Yes; that is £16,000 under the Act of 1869, and £3,000 additional under the Extension Act, 1874.

1516. And says that the moneys borrowed shall be applied for the purpose for which they are so borrowed?—Yes.

1517. I think you mentioned that it was under the 56th section of the Act of 1869, and the 28th section of the Act of 1871?—Yes; it was under the provisions of the 28th section that we applied for the £8,000; but we borrowed the £1,300 for pipe-laying in the transferred area, and the £1,700 for general purposes, chiefly to pay Sharkey's costs under our Act of 1874.

1518. "Such money" (reading 28th section, Act 1871) "shall not be borrowed until the estimate of the amount required is laid before the Commissioners nor until the expiration of six weeks after public notice has been given in the public newspapers of the purpose for which same is to be applied." Was that done? Yes; the solicitor did that.

1519. For what purpose did he state the money was to be borrowed?—I daresay he kept a copy of the papers; that was carried out.

1520. Do you remember what he stated in the newspaper notice was the purpose for which it was to be applied?—Everything required by the 28th section was done by Mr. Lalor, our solicitor. He conducted the proceedings under that section.

1521. Was there an estimate in the first place of the moneys required by the Commissioners as a body?—Yes.

1522. Was public notice given of the amount proposed to be borrowed?—Not for the £1,700, but there was for the other sums.

1523. How did they give that notice?—By advertisement.

1524. And the purpose for which that is to be applied?—Yes.

1525. Have you got the papers containing the advertisement?—I have not.

1526. "Secondly," (reading) "such moneys shall not be borrowed except for permanent works, nor without the sanction of the Chief Secretary"?—I'll take a note and get you all the documents with reference to this matter.

1527. Are the people here allowed to keep manure collected in their yards?—We constantly make them clean out their yards.

1528. Mr. Craig is one of your sub-sanitary officers?—Yes, one of the two.

KINGSTOWN. *April* 11, 1877. Mr. Ennis.

1529. Who is the other?—The acting-sergeant I spoke to you of.

1530. Does Mr. Craig give his entire time to the business?—So far as I am aware he does, but I heard he collects rents for some parties. I asked him did that interfere with his duties as sub-sanitary officer, and he said he collected the rents in the evenings.

1531. Has he any other business? We were informed that he is deputy county cess collector?—He may collect some of the county cess. I am aware that he did so two years ago. I am not sure of that now.

1532. How much is his salary?—£1 a week, and £6 10*s.* a year besides; we pay Duffy's salary to the police authorities.

1533. Did not Mr. Craig for a long time only get 10*s.* a week?—Yes.

1534. The question is whether in a place like Kingstown you would not want his services altogether? What is Mr. Craig's position exactly?—As nuisance inspector he has £1 a week, and then we gave him as sub-sanitary officer an increase of £6 10*s.* per annum, making in all £58 10*s.* a year.

1535. Does he act as agent for any owners of property in Kingstown?—I should say to a very trifling extent—for one or two.

1536. We are anxious to know whether to your knowledge he acts as agent for any of the poorer class of houses in the town which it would be his duty as sanitary officer to inspect?—I am only aware of one case—a case where a clergyman is trustee for some property—Mr. Craig collects the rents of it.

1537. Besides that he is deputy county cess collector?—I could not say that he is so for the last two years.

1538. Do these extra occupations—receiving rents, and so on, interfere with his efficiency as sub-sanitary officer?—I should say not.

1539. Do you think that his position as agent for owners of small houses affects his willingness as sub-sanitary officer to interfere with those houses?—I do not think it would interfere with it.

1540. Do you think his being barony cess collector would interfere with the proper discharge of his sanitary duties?—Yes; it would take him outside the town, but he is only a sort of assistant I think.

1541. With regard to the people being allowed to keep manure in their yards, have you had reports made by your sub-sanitary officers with regard to it?—Every week. I have a good many reports about having manure removed.

1542. Do the sub-sanitary officers to your knowledge go about from house to house and make inspections?—To my knowledge they do that thoroughly.

1543. Because on Saturday when Mr. Exham and I were leaving here we saw round the first turn to your left a large quantity of as bad manure as possibly could be, being taken through a dwelling-house from a very small yard, and placed on a cart opposite the door; from the quantity we saw that collection must have been going on for a long time?—They have to take the entire town and inspect every house, whether it belongs to rich or poor.

1544. How often do they do that?—They are constantly doing it.

1545. I presume there is a sanitary committee?—Yes; and to show what they do, you will find that on 13th September, 1876, it was directed that the following summary of sanitary business for the past month be placed before the next monthly meeting of the Board:—

"One hundred and twenty houses and yards inspected; 36 notices to abate nuisances were served; 29 nuisances were abated; 12 nuisances pending abatement; 11 summonses served, and 11 dwellings lime-washed."

1546. How often does this committee meet?—At least once a month; frequently four times a month.

1547. Have you any means of knowing how long before that had those houses been inspected?—We have a weekly inspection of every place suspected.

1548. Does the sub-sanitary officer report to the sanitary officer?—They are in constant communication with the committee, and according to their instructions they have to report to the medical officer of their district. I take directions from the committee and carry them out.

1549. Is any report made to you as to whether the recommendations are carried out?—At the monthly meeting we go into what has been done, and a report is made monthly.

1550. Do you keep that recorded in any book?—We do not keep a record of it, but I intend to get a copy of the form approved of by the Local Government Board and keep it. The book we used to have before the Public Health Act, was the same as that referred to by you the other day.

1551. What about the wells that used to be in the town?—They are all shut up.

1552. Is there a fever hospital here?—I do not think there is a fever hospital. There is the Rathdown Hospital which is a county hospital, and it is a fever hospital.

1553. Have you sufficient hospital accommodation according to your experience, for the poor of the town?—Yes; St. Michael's Hospital.

1554. Is there any mortuary in the town?—Not a public mortuary, but there is one in connexion with the hospital.

1555. Have the Town Commissioners a mortuary establishment, or morgue, in any part of the town?—No.

1556. Have you any disinfecting apparatus in the town provided by the Town Commissioners?—No; we have not, but we compel parties to use disinfectants when necessary.

1557. Are you aware that the Public Health Act says you are to provide disinfecting apparatus?—They very frequently do disinfect at the cost of the rates.

1558. Under the 24th section you are to provide a suitable conveyance for the removal of sick people to the hospital?—That we have.

1559. Did you ever obtain an order under the 26th section for the removal of sick people to the hospital?—We never had any difficulty in getting the people removed, so that we never had occasion to proceed under that section.

1560. Have you known any case of infectious disease where the dead body was kept in a room where other persons were?—Yes; in one case, but I took proceedings, and the body was buried the very day I heard of it.

1561. Where are the bodies of drowned persons put?—A house belonging to the coastguards is used as a morgue.

1562. Do you put in force the provisions of the Sanitary Acts with regard to vessels in the harbour when there are sick people on board?—Yes; it was done in a case of cholera that occurred some years ago.

1563. So far as your experience goes do you think the sanitary condition of the the town is good?—I do indeed.

1564. Is there a place called Cross-avenue?—Yes.

1565. Do you think the sanitary condition is good about there?—So long as the houses remain the sanitary condition of that district is as well maintained as it possibly could be—having regard to the bad class of houses they are; some having no yards, too narrow entrances, and so on. We cannot send men and carts up those lanes, and have to get them scavenged by men with brooms.

1566. Are there any sewers in those places?—Yes. Owing to the formation of Kingstown we do not require much flushing; there is a rapid fall in every direction.

1567. Do you water or wash out the lanes with a hose or anything of that kind?—We scavenge them; we send the scavengers through them.

1568. Are they ever washed out by a hose? I suppose the watering carts could go up them?—No; we leave a little open channel down the lane for the surface water, and that drains them very well.

1569. Taking a dry summer for instance, have you a hose for washing them from the hydrants?—We have a capital hose for that purpose, but whether it is used for that I do not know.

1570. Is there overcrowding in the houses in those lanes, or in any portion of the town? Has there been any report from the sanitary officer to you on the matter?—We have seven or eight registered lodging-houses.

1571. Have you ever had any complaints made as to the number of people living or sleeping in the same room, so as to cause overcrowding and want of sufficient air and ventilation?—I cannot say that any formal complaints have ever been made here with respect to that.

1572. Have the sub-sanitary officers made any report on that subject?—I cannot say that they have.

1573. Is the Common Lodging-house Act in force here?—Yes.

1574. Are the rules and regulations sent in to the people?—Yes; a copy has been sent to each of them, and they give us very little trouble.

1575. Do you look after the bake-houses?—We have only two now, and they are of so respectable a character that we have found nothing to complain of.

1576. Have you calculated the rate of mortality of the township to see how you stand comparatively?—I have.

Mr. M'Evoy handed in a return by which he made out the number in Kingstown to be as follows, for the last six years:—In 1871, 341; 1872, 255; 1873, 266; 1874, 307; 1875, 312; and 1876, 312. There is a great increase.

Witness.—I find there has been a general increase in London and other places that I compared with ours. In January, 1876, the death-rate in Dublin was twenty-nine, and in Kingstown eighteen per thousand of the population.

1577. Are there any public slaughter-houses here?—We have no public slaughter-houses; but we have registered slaughter-houses, that give us some trouble, because we have to inspect them weekly.

1578. How many are there?—About eight or nine.

1579. Are they well looked after?—We take care to look after them thoroughly, because we are aware of the danger that is likely to result, if it is not done.

1580. Do the Commissioners look after the throwing out of nuisances in the street?—Yes; and they try to prevent it.

1581. Mr. *Perrin.*—I have been in the habit of going up the Fortyfoot-road, and it is really disgusting to see the quantity of filthy stuff there. I directed the attention of the police to it—brought a policeman back to where I saw the nuisance, and he told me he understood the Town Commissioners gave permission to have it thrown into the streets—that it would be taken away at night.

Witness.—We never gave permission to do that.

1582. Mr. LAWLESS.—Is there a want of accommodation at the rere of the houses there?—Yes; in places where we found an accumulation of refuse of any kind we took care to have it removed; but finding we had some difficulty in carrying out our intentions, we compel them to remove it, or we do it ourselves and charge them 5*s.*

1583. How long, or how many removals does that 5*s.* pay for?—Only for one removal.

1584. Have the houses from which that removal is made privies or ashpits?—They are very dirty people, and throw it out of their front doors.

1585. Do you know whether those houses have privies or not?—They have been marked by the police, and I have set them to watch them.

1586. Have the Commissioners here, as the sanitary authority, done anything to provide sanitary accommodation for houses where such does not already exist?—We have.

1587. Has it been done?—Yes; in many cases new privies have been constructed, and old ones put in proper order.

1588. I understand Mr. Perrin to say that this throwing out of filth comes from the better class of houses?—No; he mentioned a respectable locality, of course, but there may be a poor class of houses near it. It is one of the best parts of Kingstown.

Mr. *Perrin.*—It seems to be the universal practice down Wellington-street; in Patrick-street there are houses that have no rere accommodation.

1589. Mr. LAWLESS (to *Town Clerk*).—Are there houses in Patrick-street without any rere accommodation?—There was a case there where we had to get a privy and water-closet constructed.

1590. I am informed that there is no accommodation in the world there; that the nuisance night after night is thrown on the main road; and that you would be afraid to walk there. Is there any means there, any space, for having proper accommodation constructed?—No.

1591. Mr. EXHAM.—Why then do you not take proceedings to have them closed up as unfit for human habitation?—In some cases we have done so.

1592. If they have no accommodation, and have no means of making accommodation, the Act of Parliament says you can take proceedings to have them closed up as being unfit for habitation?—We made one of these houses into a water-closet for the use of the rest of them.

Mr. *Perrin.*—A great deal of all this arises from the privilege given to the shops to turn out their nuisances into the streets.

1593. Mr. EXHAM (to *Town Clerk*).—Has Mr. Craig or Mr. Duffy made reports about the great number of houses which are without accommodation, and means of providing accommodation? Have you ever received a report from either of the sub-sanitary officers as to their condition?—Yes, in the case of Baymount-court and also of Mulgrave-street, and we dealt with them.

1594. Were they closed up?—In two cases they were closed up.

Mr. NUGENT examined.

Mr. Nugent.

1595. Mr. LAWLESS.—You have to complain of the sanitary condition of some houses?—Yes.

1596. How many houses do you refer to?—From what I know of the locality there are five or six, but there may be more.

1597. (To the *Town Clerk*).—Are there more districts in the same condition?—There are places in the town where the houses are so constructed that privies or ashpits cannot be made.

1598. Should you not then proceed to cause them to be closed up? What are the sub-sanitary officers doing up to this time not to report these places, if it be the fact they have not reported them?

Mr. *Barrett* (chairman).—I never knew of any report being made by them.

1599. (To the *Town Clerk*).—Can you point out any report relating to this place called Patrick-street?—No, I cannot.

1600. I find here a report having regard to the other matter we were dealing with, the drainage. (Reads):—

"3rd March, 1876. As to the defective drainage of Glenageary-road, and the necessity for having a main drain constructed in one place?"

Yes, and we did so. I know the house there from which we got the complaint.

1601. Mr. EXHAM.—These poor class of people won't make complaints, and neither, of course, will the landlords. The landlord will squeeze what rent he can out of the tenants, and they simply wish not to be disturbed, but allowed to remain in the condition they are in. The police don't interfere, because they cannot catch them, and the only remedy is by your enforcing the Act of Parliament, and saying, "if the proper accommodation is not provided, they are not fit to be inhabited, and you must close them."

Town Clerk.—Since my attention has been called to the matter, I'll have it attended to.

KINGSTOWN.
April 11, 1877.

Mr. John Henry.

Mr. JOHN HENRY examined.

1602. Mr. LAWLESS.—What is it you wish to say, Mr. Henry?—A number of years ago I applied to Mr. Wise about sixteen houses in my neighbourhood; there was no ventilation.

1603. Were those your own houses?—No; every house of mine has a privy and ashpit. Mr. Wise inspected them, and said he would see that they were provided with privies and ashpits, but he did not do so.

1604. Where are those houses?—On Perrin's road. I also want to call your attention to a slaughter-house at the end of the road; it is not licensed, and it is a great nuisance. I got twenty-one names signed to a petition about it and Colonel Lake sent a remonstrance.

1605. When was that?—It is some years ago.

1606. Is the slaughter-house there now?—Yes.

1607. And unlicensed?—Yes.

1608. Where is it?—At the corner of Adelaide-road.

1609. Who is owner of it?—A butcher named Farrell. The blood from the slaughter-house runs out on the footpath.

1610. (To the *Town Clerk*).—Is there a butcher's shop or slaughter-house at that place?—Yes.

1611. And is Farrell the owner of it?—Yes.

1612. Is it registered?—I believe it is not. We sought to prevent him from having the slaughter-house but we could not, because he was in the position occupied by those who had slaughter-houses before the adoption of the Act. We did not like to register him, it not being a fit place to have a slaughter-house.

1613. Do your people inspect it?—The sub-sanitary officer inspects it now, and makes him keep it clean and remove the offal and refuse every week.

Mr. *Henry*.—The cause of complaint is there still.

1614. (To Mr. *Henry*).—Have you seen the blood there lately?—Yes; and I have called attention to it lately.

Town Clerk.—It is one of those we watch very closely.

1615. Mr. EXHAM (to Mr. *Henry*).—Did you say that he boils down offal for pigs there?—Yes; I positively declare that sometimes I have to hold my nose on account of the smell.

Mr. *Kelly* (a Town Commissioner).—I remember that we took the opinion of the doctor, and he said it was not a fit place for a slaughter-house.

1616. Mr. EXHAM.—You know as well as anyone else, that if what Mr. Henry says is correct, he could be indicted for causing a nuisance?

Mr. *Kelly*.—We have been very active about it.

Town Clerk.—So far as Mr. Henry's cause of complaint would arise from the defective sanitary arrangements we remedied it as far as we could, but if the nuisance exists there he could take an action against the man.

Mr. Craig.

1617. Mr. EXHAM (to Mr. *Craig*, sub-sanitary officer).—Do you know this place?—I do.

1618. Where is it?—At Adelaide-road

1619. Mr. Henry says the blood from the slaughter-house can be seen coming out into the road, and that Farrell boils the offal for pigs on those premises?—I visited that place and got it cleansed every week, the offal removed, and the slaughter-house washed out. I was there on Friday morning last.

1620. Has he pigs there?—Yes.

1621. In the yard?—Yes.

1622. How near the public pathway?—It is alongside of it.

1623. Mr. LAWLESS.—I find here Mr. Henry, of Adelaide-road, mentioned as having nuisance at No. 10, Eden-row; the yard in a filthy state, and the want of proper privy and ashpit accommodation for the tenants?

Mr. *Henry*.—They had a good privy, but it was pulled down and I caused a new one to be made. The tenant tore off the roof of the privy, and it was used for firewood.

1624. Mr. LAWLESS.—I remark here a great many reports by Mr. Craig?

Town Clerk.—Yes; we have divided the town into two districts. We give the larger one to the sanitary sergeant, and the other to Mr. Craig.

1625. Have you ever had any report about the sewer leading down Crofton-avenue?—We have dealt with that place.

1626. Mr. EXHAM.—There are a number of houses in Upper George's-street reported on 13th January last. What did you do before that? Were you ever in any of those places before?

Mr. *Craig*.—Perhaps the week before.

1627. That could hardly be, because you say the yards are in a filthy state.

1628. Mr. LAWLESS.—In 1874 the yard at the rere of Mrs. Hanlon's property was in want of a connecting drain. Was that made?—It was.

1629. I see here a butcher named Sheridan reported. Has he a licence?—We treat him in the way we treat Farrell. Farrell and he have a privilege—that is, they were not interfered with.

1630. You reported him as having a large heap of manure at Sandycove-road?—I served a notice on him to have the slaughter-house cleaned out; he did so, but he brought the manure from the slaughter-house to a field at Sandycove-road, and we had to notice him to get him to take it out of that.

1631. Was the case of Mr. Toole, in Toole's-lane, which I see reported here, attended to?—Yes; you will see it indorsed on the back of the notice.

1632. You had to issue a summons in that case?—Yes.

1633. There seems to be a nuisance down in Wellington-street, which we saw; it is as if something was oozing from a privy or ashpit through the wall into the street?—It is from the water-pipe.

1634. Was it examined?—Yes; there was a complaint made about it, and Sergeant Duffy went and examined it.

1635. Mr. EXHAM.—Has anyone been looking after the Sallynoggin district?—Yes.

1636. What has been done with regard to it?—A number of parties were brought up, and the magistrate gave them a month to do what was required.

1637. What has been done there since 1874?—It only came into our township since 1st January, 1875.

1638. James Ritchie is reported here, on the 27th January last, for having his yard in a filthy state, &c.?—When it came to the proper time he was summoned, and an order was made to abate the nuisance.

1639. Nothing appears to have been done with regard to Sallynoggin until very shortly before we came here?—Yes; but, as you see, it is only one year a part of our township.

1640. Was it not part of the township brought in under the Act of 1874?—Yes; but the Act did not come into operation till the 1st January, 1875.

1641. But why did you delay attending to it during the whole of 1875 and 1876?—(No answer.)

April 12, 1877.

Mr. Doyle recalled.

1642. Mr. Lawless.—Do you propose to alter the levels of the sewer to be made in Lower George's-street?—Yes.

1643. Is that to lighten the expense of making the sewer?—It will lighten it in this way——

1644. Is it with that object?—Certainly it is.

1645. What is the length of that sewer?—I think it is about 300 feet.

1646. Do you propose to alter the level of any other sewer?—I do not.

1647. Will you be able to lighten the expense of any other sewer?—The tenders will tell that, I presume.

1648. What was the tender for George's-street?—£1,400.

1649. And you estimated it at £900 odd?—Yes.

1650. That being so, do you now wish to qualify your answer the other day as to the efficiency of the work?—No. I do not want to qualify it.

1651. My recollection is that you admitted that by making that alteration the work would not be so efficient?—If reduced to any extent it would not be so efficient.

1652. But even in altering it to the extent of 300 feet?—That would not alter its efficiency in the slightest.

1653. Of your knowledge did any of the contractors ask for larger prices in consequence of their belief that the work was to be made through rock?—They thought it was to be rock all through.

1654. How did you find that out?—They told me afterwards.

1655. What contracts were those?—For Upper and Lower George's-street.

1656. Who was the contractor?—There are several contractors—Mr. Long, Mr. Dickson, and Mr. John Pluck.

1657. They told you, and you believed their statement to be true?—Yes.

1658. Upon that belief did they fix their prices?—Yes. The contracts have not been accepted as yet. In consequence of the tenders being so high they were not accepted, and the contract is open yet.

Mr. William Craig examined.

1659. Mr. Exham.—Do you collect rents for some people in the town?—I do.

1660. For how many persons?—I think for four persons.

1661. Are they owners of any of the small houses in the town?—They are.

1662. Are there any of those for which you collect the rent without accommodation?—No.

1663. Are any of the persons for whom you collect the rents the owners of any houses in the town which have no accommodation?—They are not.

1664. Are they the owners of any houses in the town which have insufficient accommodation?—We might improve them from time to time.

1665. Have they been improved so that they are all right now?—Some of them are being improved. There was one of the houses fell; it is built now, and the Commissioners were paid 5*s*. for taking away the contents of the dust-pit which is now in progress of being improved; that is the only one.

1666. Have you anything to do with Maher's-court?—No; I do not collect any rents out of it.

1667. Mr. Lawless.—What are the districts in Kingstown for which you collect rents?—Between York-street and Mulgrave-street.

1668. How came you to make a declaration for remission of rates of houses in Maher's-court?—I made no declaration.

1669. Do you collect rents for any gentleman who is a member of the Town Commissioners?—No; I do not. Certainly not.

1670. Do you know whether any of the Town Commissioners own house property throughout the town?—A good many of them do.

1671. Do they own any of this small description of property?—No, I think not; I do not think they own any weekly tenements, except one or two.

1672. Do any of them, to your knowledge, own any property in which there is not sufficient accommodation in the way of privies or water-closets?—One of them does. We made some improvement lately in Patrick-street; we did not consider the sanitary state of the place good, and we made some alterations.

1673. Did it remain in that state from 1874 until then?—Yes; except when the dust-pit would be filled up, and was cleaned out. We made a water-closet in it now.

1674. When was that done?—It is not completely finished yet.

1675. Is it being done?—Yes.

1676. Is one of the Commissioners the proprietor of that place?—Yes.

1677. Do you know of any property of any other Commissioners, the houses on which are not sufficiently provided with privy or ash-pit accommodation?—There is a range of houses on the other side of Patrick-street which have no reres.

1678. Are they the property of a Commissioner?—No, they are not.

1679. You say those houses have no reres at all?—No, they have not.

1680. Have you reported the condition of this place?—I have always; I served a notice a few days ago on the gentlemen who are the joint owners of the premises.

1681. Do you collect rents outside the township for anyone?—No, I have mentioned the only places.

1682. Do you collect county cess?—Yes; when I got this situation I had that collection.

1683. How far does the barony extend?—I only collect as far as Stradbrook, and up to Killiney and Pembroke.

1684. That must take up a good deal of your time?—Three hours any day would be enough.

1685. Do you collect as deputy?—Yes.

1686. Those collections are made twice in the year?—Yes; the salary I have from the Commissioners would be of very little use to me. I collect the county cess with the full knowledge of the Commissioners.

1687. Were you deputy cess collector when you were appointed sub-sanitary officer?—Yes, but at that time I also had Dalkey to collect.

1688. Do you make your reports to the doctor?—Yes, always.

1689. In certain cases do you serve notices yourself, without reporting to the doctor?—Yes; verbal, not written notices.

1690. Do you find the present system with regard to procuring the abatement of nuisances, efficient?—The system is very bad.

1691. Are you not bound to serve written notices under the Act, and not to give verbal notices?—If a yard is dirty it would not be right to bring the doctor without asking if they would abate it.

1692. Do you know that to make the thing effectual you must serve a written notice, and specify the time within which they must remove the nuisance?—I do.

1693. Do you know a place in the rere of 9, Wellington-street?—I went down there last night, and saw it was perfectly clean. I also called Mr. Reilly to inspect it, when he was going home. It is perfectly clean.

1694. It is said there is a privy inside, and it seems as if there was something oozing from that through the wall?—You will find it is not sewage stuff.

1695. On the 2nd April, you got 5*s*. for cleaning it?—Yes; and it was cleaned on the day following.

KINGSTOWN. *April* 12, 1877.

Mr. William Craig.

1696. Does the privy come up against the wall?—No; the dust-pit comes up to the wall. The privy does not come near it at all. The dust-pit is between the privy and the wall.

1697. On the left-hand side of Susan-place are there not a number of small cottages requiring accommodation?—There is a privy and ash-pit there. There are no reres to those cottages, but there is one privy common to all of them.

1698. Do you yourself own any property in the town?—I own the house I live in.

1699. Do you own any houses in Paradise-row?—No.

1700. How do you come to make a declaration for exempting the houses from the payment of the rates? Is this declaration of the 12th December in your handwriting (handing document to witness)?—I did that for the Rev. Canon M'Cabe.

1701. Were you his agent?—I was.

1702. At that time?—Yes; and still. It is a property left in trust to him for the poor of the parish by a gentleman who died.

1703. And was this house unoccupied?—It was, and is unoccupied still.

1704. Do you know anything about Maher's-court?—I know that the court, with the exception of two houses, has been unoccupied for nearly three years.

1705. Are you the agent for the houses in Maher's-court?—No; not now.

1706. Were you?—I was, sometime previous.

1707. How many years ago?—Three or four years.

1708. Is that your signature to that declaration (handing document to witness)?—It is.

1709. It is a declaration made by you for the purpose of exempting Maher's-court from the payment of the rates?—I think I did that for Mr. Redmond.

1710. You are not the agent for the property?—No; but I am acquainted with the place, and many a time I made the declaration for Mr. Redmond.

1711. How did you know but Mr. Redmond had that place let?—The houses are unoccupied still. Mr. Redmond is the rate collector.

1712. Was it to oblige Mr. Redmond you made the declaration this year for No. 117 in that street?—It was.

1713. Do the Commissioners, in order to exempt persons from paying the rates, require evidence by some other person that the place is unoccupied?—The house was unoccupied then and is so still. My making that declaration might be an irregularity, but there is no fraud.

1714. It is strange to find a person in no way connected with the premises, either as owner or agent, make the declaration. The landlord may have been letting it and getting rent for it from persons who do not want to pay the rates?—I would know if it was let.

1715. We have had an instance here of making declarations. Would you have made a declaration if Mr. Crosthwaite had asked you to do it?—No; because I knew he was living here.

1716. Were those premises in Maher's-court shut up altogether?—Yes; they were.

1717. Why do you say in the declaration, "unoccupied, save by a caretaker"?—There is no caretaker in it at all.

1718. Are the premises of the Rev. Canon M'Cabe in a proper sanitary condition?—Yes; there are two excellent privies in them.

1719. Have you ever had occasion to serve notices under the Sanitary Acts on premises for which you were agent?—Yes. If Canon M'Cabe's required to be cleansed I would serve a notice on him. When he gave me instructions I would pay the Commissioners and have the stuff carted away.

1720. Is Maher's-court unoccupied altogether?—There are only two persons living in it.

1721. In what sort of condition is the court?—I may have served notices on the persons to have it cleansed.

1722. Is there proper sewerage there?—There is.

1723. Do you ever flush these lanes?—That court has been flushed.

1724. Are the lanes through the town as a rule flushed? We were told there were some into which the carts could not enter?—I have them brushed quite clean, and if I see they require it I serve notice, and the men are sent in again and sweep them.

1725. I heard Mr. Doyle say that he had nothing to do with these lanes?—I get that done.

1726. Do you know the new sewer in Upper George's-street?—I do.

1727. Have you served the owners of the houses adjacent to that sewer with notices to make connecting drains?—What part of it?

1728. All along the new sewer?—There was an old sewer there previous to the construction of the new one, and they had all connexions with it. They also made connexions on the construction of the new sewer.

1729. Do you say all the houses are connected with the new sewer?—I do not know, but they are supposed to be connected.

1730. Is it not in your department to see if every house is properly connected with it?—When a new sewer is constructed, and the surveyor informs me that any houses require to be connected, I serve notice on them and see that they do it.

1731. Do you serve notice on persons to construct connecting drains only when you are called upon to do it by the surveyor?—When a new sewer is made I consult with the surveyor, and get the names of the persons, and make a report to the doctor. He then reports to the committee, and when that has been done I serve notices on the people in the usual way.

1732. Can you say if the houses on the north side of Upper George's-street now have connecting drains with the main sewer?—I cannot say; I do not hear any complaints in that neighbourhood.

1733. Don't mind about complaints. Is it not your business, under the Public Health Act, to see that they are connected?—It is; but, you see, supposing I inspect the reres of those houses, and that I do not find any nuisance existing, I cannot say whether they require it or not.

1734. Have you got in the Commissioners' office any map or plan to enable you to ascertain whether or not any particular house in Kingstown is connected with the main drains?—I don't know; I do not look at any plans.

1735. Have you ever seen such a thing for your guidance?—No.

1736. The Act of Parliament does not say there must be a nuisance existing before you compel the people to connect?—Sure there must be a nuisance before I can act. I am sanitary inspector for some time, and I never saw a sewer wanted for that part of George's-street.

1737. Do you consider it your duty, suppose you know there is a house not connected with the main sewer, to cause a connexion to be made?—Certainly I do. To the best of my belief these are all connected with the Fortyfoot-road sewer from the lane at the rere.

1738. Are there any written instructions or directions given to you by the Commissioners?—There is nothing written out.

1739. Is there a by-law?—Yes. I have to attend daily and examine whatever nuisances are complained of.

1740. These (referring to by-laws) are before the Sanitary Act. Are they the only instructions you ever got?—Yes, except such as I receive from time to time. I got instructions enough.

1741. Were there any by-laws made since those of 1870?—No.

1742. Can you say is there overcrowding in the poorer class of houses in the town?—You mean the lodging-houses?

1743. No; but where a number of families perhaps

live in the same house, how many persons may there be in a small room? Have you ever measured any rooms in that class of houses to see the space given to each person?—Not except in the nightly lodging-houses. Where the place is not a common lodging-house I think we have no right to interfere with it in that respect.

1744. Do you know whether or not the houses of the poorer class are occupied by a large number of people?—I think not. The poorer class of people have nearly all left Kingstown. There is no employment here now for people of the labouring class except a little on the jetty from the Harbour Commissioners. Some time ago, when I was in the police, we had a good deal of trouble with them, but at the present time there is no overcrowding.

1745. Do you inspect the common lodging houses regularly?—Yes, and we disqualified a good many of them. We have a new class of lodging houses now.

1746. Have you by-laws for their regulation under the Act of Parliament?—Yes.

1747. Are copies of those sent to the lodging houses?—Yes.

1748. Do you see that they are carried out?—Yes.

1749. Have you looked at that slaughter house of Farrell's since it was referred to here?—I was there the other day. It is very few cattle he can slaughter in it; he has only a few sheep. Sometimes I inspect it twice a week.

1750. Was Farrell prosecuted?—I brought him sometime ago before the magistrates, but he got a privilege, and the Commissioners did not persevere in the prosecution.

1751. How did the magistrates deal with it?—The Commissioners withdrew the summons.

1752. It has been stated to us that Farrell's slaughter house, situated as it is, is a nuisance from its position?—It would be a nuisance the same as others, if neglected.

1753. But the others are registered, and you say you exercise supervision over them, and this one is not registered?—I know that summonses were taken out, and that the matter dropped, and I know nothing more about it. There were three persons summoned—Murphy, Sheridan, and Farrell.

1754. Do you know about Sandycove harbour as to whether the pipes are emptied there at high-water mark, instead of being carried down to low water, and whether there have been any complaints made as to the stench; also, if the coping is broken, and the iron pipes are scattered about the harbour; and how long it has been in that condition? First of all, is that place in your district?—Yes. The wall has fallen recently, and of course it is in an unfinished state.

Mr. William Craig.

1755. Were the pipes, to your knowledge, last summer, continued from above high-water mark to low-water mark?—They were.

1756. They were not scattered about?—No.

1757. How many of these drainage pipes are there leading into Sandycove harbour?—There are a great many.

1758. Are the pipes large enough to do the work efficiently?—No; I consider they are very insufficient.

1759. In the heat of the summer last year was the sewage lying on the strand in a state as if it was boiling?—I inspected the place nearly every week, and on some occasions there was a good deal of what you describe, and on others there was none at all. It will be always so unless the pipes are run down the whole way.

1760. Was it caused by the pipe not running out far enough?—Yes.

1761. When were those pipes laid?—They are a long time laid in Sandycove harbour. They were repaired there several times.

1762. Did they hold together for a week after they were repaired?—They did.

1763. Did they for a fortnight?—They did.

1764. Is the point at which they discharge near a bathing place?—It is quite close to two bathing places.

1765. Have you ever reported a nuisance caused by a slaughter house in Mulgrave-street?—Yes.

1766. When did you report it?—It has not been used as a slaughter house for more than two years. There was no slaughtering carried on in it since Mr. Fleming went to America.

1767. In what condition is the place now?—There is a dust pit in it now, which has been cleaned out recently.

1768. Have you had occasion to report it recently?—I had.

1769. When?—Not long ago; but not as a slaughter house.

1770. What was the nature of your report?—That the privy and ashpit required to be cleaned.

Mr. JOHN BUCKLEY examined.

Mr. John Buckley.

1771. Mr. LAWLESS.—You are a ratepayer, Mr. Buckley, and wish to give some evidence, I believe?—I wish to say that I expended £17 6*s.* 8*d.* on a sewer in Upper George's-street. There was nothing but a loose rubble sewer there, and when there came a heavy rain-fall it flooded the basement of my house. The sewer was so defective that it drained into my house, instead of going into the main sewer.

1772. When was that old sewer made?—It has never been interfered with at all; that is what I complain of.

1773. Is there a sewer in George's-street, opposite your house?—Yes.

1774. Have you more than one house there?—I have four.

1775. Are those houses connected with the main sewer?—I am not aware.

1776. Do you mean to say that you had to divert the sewer that runs from Northumberland-avenue to George's-street in order to prevent it from going into your houses?—Yes.

1777. When was that done?—Some eighteen months ago.

1778. Were you ever called upon to make connecting drains from your houses in George's-street to the main sewer?—Never.

1779. And you cannot say whether there are connecting drains or not?—There are not.

Mr. *Doyle*.—Mr. Buckley's premises consist of three houses, and the one outlet to the main sewer does for all.

1780. (To Mr. *Doyle*).—Are those houses connected with the main sewer in Northumberland-avenue or George's-street?—In George's-street.

1781. Mr. *Buckley*.—At my expense.

1782. Mr. EXHAM.—Oh, of course.

1783. Mr. *Buckley*.—I have frequently urged at the Board that something should be done as regards Northumberland-avenue, but I never heard of anything being done.

The *Town Clerk*.—There are tenders for it before the Board, which have not yet passed into contract.

1784. Mr. EXHAM (to Mr. *Buckley*).—How long have you been complaining about Northumberland-avenue?—For nearly nine years I have complained of it. I was so disgusted with the conduct of the parties on the Board that I resigned. I could not get anything done.

Mr. WILLIAM REID examined.

Mr. William Reid.

1785. Mr. LAWLESS.—In relation to what part of the township do you wish to give evidence?—To Willmount-avenue. I am owner of the south side of it.

1786. Do you reside there?—Yes, in the summer months. I constructed a sewer there from my house to the sea. In September last year I found there was a stoppage in it, and I caused it to be opened on my own premises. I may say that a lady, my neighbour, continued the sewer down to the very sea wall.

1787. Is your cottage to the seaward of her place?—

KINGSTOWN. *April* 12, 1877.

Mr. William Reid.

Her land is to the seaward of my cottage. There are a couple of old stables between my place and the sea. I had this sewer opened on my own premises, and I found a lot of stuff in it and a bad smell, and I then reported it to the Commissioners. Dr. Newland, the medical gentleman here, saw it, and after a good deal of trouble indeed, we got the sewer, as I thought settled, but it became stopped again, and the stoppage was caused by Miss Williams, who was the landlady. When her sewer was opened—in fact the pipe had to be broken—(the surveyor saw it himself) we found that there was an obstruction placed in the nine-inch pipe, and that caused the stoppage.

1788. Is this sewer, of which you complain, entirely on private property?—It is entirely on private property. This sewer ultimately comes through a sort of barrier of stones in the sea wall, and after a great deal of trouble (in which I had to get this lady summoned) it was closed, but I was told by the surveyor, Mr. Doyle, and I think also by Mr. Craig, that it would not be all right unless the mouth of the sewer was brought through the sea wall, that the stuff could not have egress. In my absence it was closed (I believe by the lady), and I believe also that the mouth of that sewer has not since been opened through the sea wall. I heard that Mr. Doyle stated yesterday that it was.

1789. He stated that the stuff percolated through the wall?—I cannot understand how, if the mouth of a nine-inch pipe is against the wall it can do that. The only proper course is to open it through the wall.

1790. How far is this from the main sewer?—The main sewer is in the centre of the street at Sandycove.

1791. Therefore it is a considerable distance from this place?—Yes.

1792. Is there a cesspool on Miss Williams' property, into which the drainage of her houses should go?—There is not.

1793. Is there no cesspool at all?—I think not.

1794. You do not know?—I am satisfied there is not.

1795. Would it not be the duty of the sanitary authority if she were within a certain distance of the main drain to compel her to connect her premises with it, or to make a proper cesspool?—The pipe should be run through the wall.

1796. The Commissioners have power to direct this lady to run it out through the wall, and if she does not comply with the notice at the end of the time specified therein, the Commissioners, through Mr. Doyle, can do it themselves, and charge her with the cost?—I actually offered to put the pipe through the wall at my own expense.

1797. To whom did you make that offer?—To the landlady, and I think Mr. Doyle is aware of that fact.

1798. Mr. LAWLESS (to Mr. *Craig*).—Is this in your district?—It is.

1799. When was the summons served on Miss Williams?—The pipes have been laid down the second time by Mr. Dickson the contractor.

1800. Have you got copies of the notices served upon Miss Williams?—No.

1801. Mr. EXHAM.—Do you as sub-sanitary officer consider that the work there was properly carried out?—I considered it was properly carried out then.

1802. Although it was not carried out through the wall?—It was put out through the wall.

1803. Did you hear both Mr. Reid and Mr. Perrin say that it was not; and Mr. Doyle admitted yesterday that it was not?—It was made that way for the purpose of protecting it against the sand which used to get into the pipe and choke it up.

1804. Do you say that the pipe is carried out through the wall?—Yes. There is a battery of stone against the wall on the outside.

Mr. *Perrin*.—The place happens to be beside my own house. It was given in charge to the surveyor, and the question is, has it been carried through the wall. It is easy to settle the matter, by just looking at it.

1805. Mr. EXHAM (to Mr. *Craig*).—When did you see it last?—I do not think I have seen it for the last month or more. When I saw it the repairs had not been long finished, and Mr. Reid said it was done to his satisfaction.

Mr. *Reid*.—I told you distinctly that there was a stoppage at the mouth—at what you called the battery wall. I showed you the stoppage.

1806. Mr. LAWLESS (to Mr. *Craig*).—Did you see this pipe put down?—I did.

1807. Did you see that it actually goes through the rampart wall?—Yes.

1808. Through it?—Yes.

1809. Could you see the opening of the pipe on the other side of the wall—supposing you were standing on the shore at low water could you see the pipe?—No.

1810. Then what is there built against it which prevents you from seeing it?—A loose battery of stone.

1811. How thick is that?—I could not say.

1812. Is it a mortar wall?—It is a masonry built wall.

Mr. *Reid*.—My belief is that the pipe is below the foundation of the wall.

1813. Mr. LAWLESS (to Mr. *Craig*).—Do you consider this an efficient piece of drainage?—It worked right well then. It was finished completely, and it carried away the nuisance from his place.

1814. Do you know the condition of it now?—At present I do not; this gentleman never made a complaint to me about it since, so that I felt satisfied it was all right.

Mr. *Reid*.—I did make a complaint, and called your attention to the way in which it was done.

1815. Mr. LAWLESS (to Mr. *Reid*).—Were you there at the time this work was being done; at the time this pipe was put in?—I was there up to the time the sewer was covered, but I did not see it covered.

1816. Were you aware that the pipe was not put through the wall?—I was satisfied of it.

1817. Did you know it at that time?—I did.

1818. Did you require the surveyor to do it?—I did, and I offered to pay the cost of doing it. I made the offer in the presence of Mr. Doyle and Mr. Craig.

1819. Did you require Mr. Doyle, or any of the officers of the Commissioners, to carry out that sewer through the battery wall?—Yes; Mr. Doyle said it was to be done.

1820. Did Mr. Doyle state to you that it would be done?—He did, and afterwards said it was properly done; but I found it was not, as it was not carried through the wall; the result is, that after a year or so the sewage will be coming back to my cottage again.

1821. In what state is it now?—I have not been there since October last.

Mr. Edward Roche.

Mr. EDWARD ROCHE examined.

1822. Mr. LAWLESS.—Are you a Town Commissioner?—Yes.

1823. How long have you been a Town Commissioner?—Three years.

1824. What is your trade or profession?—I am a builder.

1825. Do you carry on that business in Kingstown?—Yes.

1826. Are you an owner of property in Kingstown?—Yes, a large owner.

1827. Do you know this place in Willmount-avenue, the property of Mr. Reid?—I do.

1828. Do you know where the pipe sewer runs down through Miss Williams' property to the sea wall?—Yes.

1829. Are you aware of Miss Williams having been summoned?—Yes. Miss Williams' place is on the left-hand side of Mr. Reid's house, and there was a dispute between them about the sewer, and I looked after the matter as a friend on behalf of Miss Williams.

1830. Were you there when Mr. Doyle, or the people under him, were working at this sewer?—Miss Williams employed the men herself; the Commissioners had nothing to do with it. The pipes were laid

Mr. Edward Roche.

to the main wall at the sea, and there is a hole in the wall there through which the pipe passes. Outside that wall there is a battery for breaking the force of the sea; it is totally a dry wall, and the sewage passes from the mason wall into it, and then goes away. We will take up that pipe sewer next the wall, and show that there is no sewage in it. Miss Williams does not wish to make a hole through the battery wall, lest it might affect its efficiency as a protection against the storms. She got it erected for the purpose of protecting her property against the force of the sea.

1831. Is it your opinion that the pipe sewer in its present state—passing through these walls, is an efficient one?—It is.

1832. Mr. EXHAM.—Is there a space between the mason wall and the battery?—The battery is up against the wall, and is composed entirely of dry stone. Whatever passes through the mason wall trinkles down this place.

1833. Is there any space between the two structures?—There is not.

1834. Must it not stop the flow of the sewage?—No.

1835. Of what sort of stone is the battery composed?—Of rubble stone.

1836. Are they large stones?—Not very large.

1837. What use can they be as a protection wall if they are not large?—I myself saw it, and I am quite satisfied that there is aperture enough to take the sewage away. There are only two cottages connected with this sewer.

1838. You say Mr. Read wanted her to carry the pipe through the battery, and you did not do it?—My superintendent said it did not require to be done.

1839. And it was not done?—No; we will open that portion of the sewer and show that there is no nuisance.

1840. Why did Miss Williams refuse Mr. Read's offer to do it at his own expense?—She was afraid that if there was a hole made through the battery it would spoil it as a rampart against the sea.

1841. Did you advise her to that effect?—I did not advise her.

1842. If the battery is sufficient to protect her masonry wall against the sea, is it not also sufficient to prevent the sewage from passing out of the pipe?—No, it is not.

1843. Were you present when the sewer was opened?—I was.

1844. Did you see any obstruction in it?—Miss Williams put down something for the purpose of stopping his sewer, because he did the same to hers.

Mr. *Read.*—I offered to remove that, if she opened the sewer, so as to have a perfect run into the sea.

Mr. CRAIG recalled.

Mr Craig

1845. Mr. LAWLESS.—Was Fleming's nuisance abated after the service of a summons upon him?—Yes.

1846. On the 4th March, 1876, you had to report Mr. Fleming, Upper George's-street, for having a privy and ashpit in a filthy state, and you say there was a summons served on him, and the nuisance was then abated?—Yes.

1847. I find that on the 1st September, 1876, you had to report the same place?—Yes, and also the slaughter-house.

1848. So I see, the slaughter-house and yard and dust-pit were in a filthy state?—Yes.

1849. Was this place used as a slaughter-house at that time?—No; the door was shut up, and a dust-pit made of it.

Mr. GEORGE PERRIN examined.

Mr. George Perrin.

1850. Mr. LAWLESS.—Do you wish to make any statement with regard to Willmount-avenue?—Yes, I saw the place that is spoken of.

1851. Will you describe the state of it at that time?—A nine-inch pipe had been laid some few years ago, commencing at the sea wall and passing inland through Miss Williams' stable, and through Mr. Read's premises. It was placed exactly as the present pipe is laid. After the lapse of some time, of course, the nuisance flooded back upon Mr. Read's premises, and the state of things there at the present moment is such as I have already described. We could not induce Miss Williams at the time to continue the pipe through the sea wall; some dispute arose about other parts, and when Mr. Read opened the sewer on his premises, he found it full of nuisance.

1852. Did you see the nine-inch pipe put down in October last?—I saw it about that time.

1853. Before it was covered?—Yes; it goes into an opening made through a light eighteen-inch wall, and on the outside of this wall is a rampart wall, the face of which is pointed with mortar.

1854. When was that done?—Since the storm that has been referred to. Instead of the sewage going away rapidly, it finds its way into this stone wall.

1855. Does that state of things, to your own knowledge, constitute a nuisance there now?—I do not know that there is a nuisance there now. Mr. Read, by my advice, brought the matter under the notice of the Commissioners. The summons was brought after a long time, at the suit of the Commissioners, through their officers, against Miss Williams; and as I understand the order was that the nuisance should be abated within a given time. I told Mr. Read that if he left the matter in the hands of the authorities, they would insist that it should be done properly. It has been done in the way described to you, and the question is whether or not there is any obligation on the Commissioners to have the matter set right.

Mr. *Doyle.*—It was brought under my notice, and it appeared to be a regular quarrel between these parties. However, the nuisance was stopped, and I never heard anything more of the matter till Mr. Read said something about it.

1856. Did you know at the time that the pipe did not go through the sea wall altogether?—Of course I did, for there was a rampart wall. I did not think it my duty to see that that was done.

1857. Mr. Perrin said that the outside wall was pointed with mortar?—He is quite right. It has been mortared here and there. There are a number of apertures along the shore.

Mr. PATRICK DUFFY examined.

Mr. Patrick Duffy.

1858. Mr. EXHAM.—Are you an acting sergeant in the Dublin Metropolitan Police?—Yes.

1859. Are you also sub-sanitary officer here?—Yes, and inspector under the Food and Drug Adulteration Act, 1875.

1860. What district of Kingstown have you charge of?—The West ward and Monkstown ward.

1861. Did you receive any paper of instructions from the Commissioners as to your duties?—No; except the by-laws.

1862. What are your duties as sub-sanitary officer?—To see that all yards, privies, and ashpits in the two wards are regularly cleansed.

1863. How often do you inspect the places in your district?—About once a fortnight—in some cases more frequently.

1864. Do you say that you inspect all the houses in your district once a fortnight?—Yes, in any locality where I believe a nuisance exists.

1865. To whom do you make your reports?—To Dr. O'Flaherty, the sanitary officer of my district of the town.

1866. Do you ever act without waiting to report to

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Mr. Patrick Duffy.

the doctor?—If I can frighten the people into abating a nuisance by speaking to them I do so always.

1867. Do you ever serve notices on them yourself without the authority of the doctor?—No.

1868. Don't you ever serve notices to abate nuisances until you receive an order to do so from the Commissioners?—Not until I get an order from the doctor approved of by the Commissioners.

1869. Is this part of the town (George's-street) in the West ward?—Yes.

1870. It is in your district?—Yes.

1871. What is the condition, generally speaking, of the houses of the poorer class of people in the West ward? Are they sufficiently provided with privy and ashpit accommodation, or are there many of them without privies?—There are a few without privies.

1872. Are there some?—There are.

1873. Are those houses built in such a way that they could be supplied with privies?—No.

1874. Do you refer to the construction of the houses altogether?—Some houses in the neighbourhood would require to be pulled down and rebuilt in order to construct privies for them.

1875. Are there no means at present of making such accommodation?—No.

1876. Are there any houses in your district for which privy accommodation could be provided, and which have not yet got it?—There are.

1877. Are they reported by you?—Yes, and in some cases an order of the magistrates was issued.

1878. Have you got your report-book?—Yes. In No. 8, Lower George's-street a new privy and ashpit are to be built by the order of the magistrates.

1879. When was that order made?—I think on the 2nd April, 1877.

1880. Was it one of the houses which had not accommodation, but in which it could be made?—Yes.

1881. How long before the date of that order were you acquainted with the condition of that place?—That was the first time I saw it, so far as the privy accommodation was concerned.

1882. Did you never inspect it before?—I did. I was only appointed in September last, I was chiefly directing my attention to getting places cleaned before I went into the question of privy accommodation.

1883. Whom did you succeed as sub-sanitary officer in this West ward?—Mr. Craig had the whole township before I was appointed.

1884. Do you know whether or not that particular place had ever been reported to the Town Commissioners before?—I am not aware.

1885. Were there any other houses in which you required the parties to build privies?—Yes.

1886. You need not mention the houses. In how many cases did you get that done?—About eleven cases.

1887. When were they done?—Mostly this year.

1888. Are you able to say whether in your district the houses within the necessary distance of the main sewers, all have connecting drains with the main sewers?—I am not acquainted with the sewerage of the township; provided a place is clean and that the water passes away from it, I do not think it necessary to report. If the sewer was choked up we would make inquiries from Mr. Doyle.

1889. Have you always got satisfactory information from Mr. Doyle in reference to such matters?—Yes; some houses in Monkstown-avenue, I believe, are not connected.

1890. Are they a good class of houses?—They are new houses.

1891. Are they inhabited?—Yes.

1892. Have you reported them?—Yes.

1893. When?—A few days ago when I saw the water flowing into the street.

1894. Did you report that those houses were not connected with the main sewer?—Yes.

1895. Is there a main sewer in Monkstown-avenue?—It does not come to these houses.

1896. Is there a main sewer within 100 feet of them?—There is not; the stables are not within 200 feet of it.

1897. Have you gone into the interior of the houses and examined the water-closets, and so on?—I have.

1898. Have you made a house-to-house examination?—Not exactly; in the poorer class of houses I have.

1899. Was there anything done about those houses since you reported them?—The notices are not served.

1900. Was there any order made by the Commissioners upon it?—The doctor's report is not in yet.

1901. Mr. LAWLESS.—Is Monkstown-avenue a part brought into the township by the Extension Act?—Yes; I think so.

1902. Mr. EXHAM.—Is De Vesci-terrace in your district?—Yes.

1903. Do you know the houses in the hollow there?—I do.

1904. Do you know where their water-closets drain into?—No.

1905. Do you know anything about the existing drainage there?—No; I have no knowledge of the drainage or how it runs.

1906. Do you find that your reports to the Commissioners, or rather to the doctors, are promptly acted on by the Commissioners?—Yes.

1907. Are the doctor's recommendations to the Commissioners carried out to your satisfaction?—Yes, except that owing to the present system under the Act there is a very long delay between the time when the nuisance is first reported by us, and when steps are taken to force the parties to abate it.

1908. Do you find there is any delay on the part of the Commissioners in taking proceedings?—No.

1909. Do you look after the removal of manure heaps from back yards?—Yes.

1910. How long do you allow a manure heap to accumulate?—If a man does not pay attention to the Commissioners' summons or the magistrate's order, then I summon him for disobedience; still, of course, the nuisance remains, and I have to again report to the doctor.

1911. Does the nuisance continue there every day?—Yes; although he may have been fined 10*s.* by the magistrate. For instance, in a number of cases persons, in the present year, have been fined for disobeying the magistrate's order, and in two of those cases the nuisance remains to the present day.

1912. Are there any slaughter-houses in your district?—Four.

1913. What condition are they in?—Very good.

1914. Are they registered?—Yes.

1915. Have you any lodging-houses?—Seven.

1916. Are they all registered?—They are reported on by the doctor as being fit to be registered.

1917. But are they actually registered?—I think not; there are no regulations posted in them.

1918. Ought you not to look after that. Are they kept in proper order?—I brought the matter under the doctor's notice, and he certified they are in a condition to be registered as "common lodging-houses"; and I see that they are kept in that state, or very near it—as near as I can.

Mr. *Barrett.*—We abolished all the old lodging-houses entirely.

1919. Mr. EXHAM (to *Witness*).—As far as your experience goes, is there any overcrowding in the poorer class of houses? Are there too many inhabitants in one room, for instance?—No.

1920. Do you allow pigs to be kept in the rooms?—No.

1921. Are nuisances thrown out in the streets?—Yes.

1922. Is that done to any extent (I mean by nuisance human filth)?—Yes, at the lower end of Patrick-street—night soil.

1923. Cannot you put an end to that?—There is no privy on one side; and the inhabitants are too lazy to go to the other one, although they have all the ways for it.

1924. Is there no space in that street to make proper accommodation in the houses?—There is no rere to these houses whatever.

Mr. *Barrett.*—There could be water-closets constructed.

1925. Who is the owner of these houses in Patrick-street?—They are partners. There is one of the Commissioners a partner in some of them.

1926. Why do you not summon the owners for not having proper accommodation?—So I did; and the order is served, and they are in course of erection.

1927. Is that for all the houses, or only for one?—It is for seven houses.

Mr. Patrick Duffy.

Mr. WILLIAM CRAIG recalled.

Mr. William Craig.

1928. Mr. LAWLESS.—I see here a notice:—

"The sewer choked on said premises at said place, causing a nuisance to the adjoining premises, and causing nuisance to flow in said place."

Was there any adjudication made by the magistrate on this?—A preliminary order was made. You see by the book of notices the time he gave.

1929. It appears to me that, if this summons was served again for the premises being choked, the case could be sustained of causing a nuisance to the inhabitants.

Mr. GEORGE S. B. TINCLER examined.

Mr. George S. B. Tincler.

1930. Mr. EXHAM.—Do you reside at Sandycove?—I do, and have property there; and my father has very considerable property there; and, in stating what I am going to state, I appear on behalf of several other ratepayers as well as myself.

1931. What do you complain of?—Some two or three years ago, to the best of my recollection, there was an alteration made in the sewer that runs down into Sandycove Harbour. There is a slip at the end of Sandycove-avenue which runs into the harbour. The sewer is of masonry down to the end of the slip, and from that it was intended originally to have carried it by iron pipes down to low water mark. For the last two years these pipes, instead of doing their duty are spread about the harbour.

1932. Was it intended to lay these iron pipes? Was that intention carried out?—They were originally laid down, but it was impossible to carry out this intention for the pipes were not large enough. There was a great fall there, and the pipes would never have been large enough to carry off the sewerage. Although not an architect I can tell that; for the masonry work all burst alongside the slip.

1933. Were the pipes actually laid?—They were, but in no way fastened to the bed of the harbour, as it were.

1934. Were they even jointed together?—No, and I do not think there were even flanges to them. I do know, however, that (whether from being repeatedly moved about by the tide or not), they were either broken, or at all events there are no flanges on them now.

1935. Are they now displaced?—The pipes are now lying all about the harbour. They are not in a straight line. The consequence is that at low water, especially in the summer time, the whole escapement of this sewer covers the bed of the harbour. A few years ago the harbour had a nice sandy bottom, and now it is a nuisance to the whole neighbourhood. When the tide is out the people cannot walk there on account of the smell. You go up to your ankles in filth now there.

1936. Does that filth come out of the sewer?—Certainly.

1937. Is the present outlet from the sewer alongside the slip?—Just alongside the slip, because it comes out from the very end of the sewer.

1938. Does it run all over the place from the end of the sewer at the slip?—Yes, and it has made the place actually rotten.

1939. Have you ever drawn the attention of the Commissioners to this?—My father has, and there have been several complaints made about it to them.

1940. Have you got any redress?—Not at all. It is in the summer it ought to be remedied; the winter does not much matter. Then, I might mention, people keep boats there. I once kept a small yacht there; and if you go to "ground" boats there the pipes smash them.

1941. Were these pipes within a well-defined mark, so that a man could avoid them in mooring his boat?—No. Then, I daresay you are aware there is one of the largest bathing places in Ireland at one side of the small harbour, and a ladies' bathing place at the other.

1942. Are these injured by the sewer, to your own knowledge?—They are. Around Sandycove Point there is a very strong tide, and if you bathe at the first of the ebb, you will have the whole of this stuff from the harbour. The harbour is a peculiar one, and comes right around from the rocks. There are complaints from the woman in the ladies' bathing place that it first comes round to her.

1943. Are you able to say, from your own knowledge, whether it affects the gentlemen's bathing place?—I came here to-day at the request of several to bring it before you.

1944. Is there any other matter you wish to mention?—Nothing, except that there are other gentlemen who can give you evidence as to the state of the harbour.

1945. Is Sandycove within the Township?—Yes, within the Glasthule ward. I would now ask Mr. Coppinger to be examined.

1646. Mr. LAWLESS.—I do not think your statement requires confirmation.

Mr. ALFRED COPPINGER examined.

Mr Alfred Coppinger.

1947. Mr. LAWLESS.—Do you live near Sandycove Harbour?—I live just outside the ladies' baths.

1948. Have you heard Mr. Tincler describing the state of this place?—I have; and it is perfectly true. The sewage at present is coming out at the side of the slip, and in summer it makes a most frightful smell.

1949. Does it cause a nuisance to the ladies' and gentlemen's bathing places?—I have been in the forty-foot hole, and I have seen sewage filth floating there; and I have also heard from my wife that she has gone to her bathing place, but could not bathe there, on account of the smell. The smell is simply frightful. I have heard a number of gentlemen say that in going down to the forty-foot hole, they have to run by the harbour to escape the smell.

1950. Mr. EXHAM.—Can you say of your own knowledge how long that has been the case?—I am only living there four years.

1951. Was the water pure when you went there?—It was always very much in the same state it is now. The pipes are laid on the bed of the harbour; and when a strong breeze blows north, into the harbour, the pipes are broken up again, and make more dirt.

1952. What kind of pipes are they?—Iron pipes.

1953. Are there flanges to them?—I think there are. But the piping runs out beyond the pier, and it is always broken there, when the wind comes in heavy from the north-west.

1954. Mr. LAWLESS.—Are those pipes serviceable now?—Not in the slightest.

1955. How long have they been in that state?—Since the big storm which carried away the ladies' baths.

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Mr. Perrin.

Mr. PERRIN examined.

1956. Mr. LAWLESS.—How long do you know this place at Sandycove?—All my life.

1957. Is it in the condition described by Mr. Tincler and Mr. Coppinger?—I saw it yesterday, and those gentlemen have described it most accurately.

1958. Do you remember it when it was pure?—I do; but that was before such a population as there is now existed; and I saw the pipes put down. There is a sewer originally made by the county, which runs down Sandycove-avenue. It terminates at the slip. The slip goes down to the harbour, and at the end of the slip there has been a masonry sewer covered over with flags. It is almost a foot square, and the fall is very rapid at that point. Of course as the population increased, the nuisance was the greater, more particularly as a place called Breffni-terrace was built on the edge of the main road that ran down to the spot.

1959. Was the sewer of that terrace added?—It was, and was lying there until a few days ago, when it was interrupted by the sewerage about which you have heard so much along the road. Some years ago the Commissioners went about making this sewer deposit its matter at low-water mark—the original sewer deposited its matter at high-water mark. They put down pipes of about six-inch bore, and these are attached to a sewer of twelve-inch capacity at a very rapid fall; and in my humble judgment, the outlet ought to have been larger as it went out instead of being diminished. They had the ordinary flanges at the joints. They appeared to be about ten feet in length—metal pipes. In the natural course of things, these pipes, not being of sufficient capacity, got choked up—not merely from the nuisance coming in, but from the imperfect manner in which they were jointed.

1960. How long ago is it since these pipes were laid down?—I think about six years.

Mr. *Tincler*.—I think not so long ago.

Witness.—It does not matter. The pipes were laid out towards the centre of the harbour, which was near low-water mark. From time to time, on account of their insufficient capacity, as also from their not being properly jointed, all the oozings of the sewage matter through the joints made the place as bad as if there had been no sewer.

1961. Was there only one line of six-inch pipes laid to dispose of the entire sewage?—Only one.

1962. Do you know the state of the stone sewer down to the slip?—It has a very good and very rapid fall, having the inclination of the slip itself, and was covered with large stones; but they seem to have been removed of late, and the whole thing is now exposed up to the level of the main road.

1963. Have the covering stones been replaced?—No; and as to the pipes, I saw the men at the time, who were what we call labouring men; they disjointed them with crowbars, and cleaned out what was in them. They merely pushed them into their position again, so they are not water-tight now.

1964. Was it necessary after these pipes were laid down to disjoint them in order to relieve them?—Yes; they became choked up.

1965. Mr. EXHAM.—Were there not stakes put down to keep them in their position when first fixed?—Nothing whatever to keep them in their position; they were neither bedded in stone nor leaded together—nothing of the kind. They were moved, as I described, with bars, and pushed back again in the rudest manner.

1966. Have you seen the harbour in the summer in the condition described by these gentlemen?—Yes; and it is a very great resort.

Mr. *Tincler*.—I suppose four hundred people bathe there every morning.

1967. Is that nuisance caused by the sewage?—Yes; it is most offensive in summer weather.

1968. Can you from your own knowledge say it is a nuisance to the ladies' and gentlemen's bathing places?—There is no doubt about it, to my own knowledge.

1969. Can you see the sewerage escaping from the sewer?—You see it on the bottom of the harbour, when the tide is out.

1970. I mean at the bathing-place, can you see filthy stuff floating on the water?

Mr. *Tincler*.—On a summer's morning you can see a sort of scum floating on the water.

Witness.—I have not personally seen it, for I am not much of a bather.

Mr. Doyle.

Mr. DOYLE recalled.

1971. Mr. LAWLESS.—Do you wish to explain about the sewer at Sandycove?—Yes. Very shortly after I came here, in 1868 or 1869, our attention was drawn to the miserable state of that harbour, and the intolerable smell from the sewer discharging into it at high-water mark.

1972. Was that the old county sewer?—Yes. I prepared plans, and they consisted of a sewer of masonry running to the end of the slip, and a six-inch pipe from that out to low-water mark. It is made with cement and covered with heavy flags, and the pipes which connect with it are the same as the water-pipes here. They are what is commonly called "turned and bored" and do not require cement; they require only to be driven, and the more the rust gets into them the faster they become. They cannot be disturbed by any sea, and no man asks to disturb them. I have been living on the ground.

1973. Mr. EXHAM.—Are they in working order?—Not at present, the silting up of the sand is so much.

1974. Are they now in the line in which they were originally fixed?—No.

1975. What disturbed them?—I sent men down to clear them out. In the winter these tremendous floods clear them out; but before this the intolerable stench that arose there was such that everyone was crying out against it.

1976. That appears to have been caused from the sewege flowing out at the slip in the harbour, and it seems to be exactly the same now from these iron pipes not being in position?—Nothing of the kind. If these pipes get disconnected, the whole sewage of course spreads over the harbour.

1977. Are they not disconnected now?—They are, by the late gale silting up the sand.

1978. Did you not hear what Mr. Tincler and Mr. Coppinger said, that last summer they saw the pipes scattered about?—That was the time we were cleaning them.

1979. Mr. *Tincler*.—Would you ask Mr. Doyle, does not the sewage sometimes empty out at the slip, and not at the pipes at all?

1980. Mr. LAWLESS.—What is the diameter of these pipes?—Six inches.

1981. Mr. EXHAM.—Mr. Perrin says they are all broken?—There may be some holes in them. Some of the flanges are broken; some of them have holes in them.

Mr. *Coppinger*.—I have seen the matter spouting out of the joints at low water.

1982. Mr. EXHAM (to Mr. *Doyle*).—Do you not think it a proper thing to secure them by stakes, or something of the kind?—Not at all.

1983. Do you not think that the sea has some action on them?—Not at all.

1984. Did you ever see blocks of stone two or three tons weight tossed up by the sea?—Yes.

1985. Do you mean to say the sea cannot have the same effect on the pipes?—No.

Mr. *Tincler*.—I venture to say, if you go down there now, you will see them lying all about the bottom of the harbour.

1986. Mr. LAWLESS.—At all events, you admit, Mr. Doyle, these pipes in the harbour are not in a position to do their work?—They are not.

1987. How long are they in that state?—About a fortnight, I think.

1988. Mr. EXHAM.—Do you mean to say that what has been asserted by two gentlemen, who said they saw the pipes displaced in the summer and the stuff spreading over the place, is not the fact?—It is the perfect fact, but the pipes were only displaced for the purpose of being cleared.

1989. How long were they displaced?—This must be done between tides.

1990. Did you not hear those gentlemen say these pipes were scattered all over the harbour, so that if they anchored a boat she would be injured?—They were not scattered over the harbour.

1991. Are you prepared to contradict from your own eye-sight, what they say they saw?—I do not know what they saw.

1992. Have those pipes ever been displaced by the action of the sea?—Never, to my knowledge.

1993. Have you ever had occasion to have them replaced?—No. I broke them open, and replaced them with our own workmen.

1994. If they are so firmly fixed by the rust, how do you open them?—Oh, they are not joined. Any practical man knows that.

1995. Do you think it was right to put a six-inch pipe to carry off the sewage of a twelve-inch sewer like the county sewer?—If I had the slightest idea it would have been silted up, I would not have done so; but these things arise in other places besides Kingstown or Sandycove.

1996. Did you think it for the last six years defective in that respect?—No; but I found to my cost I was mistaken in my views.

1997. When did you find out that first?—Within the last few years, I found the sewer silts up.

1998. Did you take any steps to alter the condition of things?—I did not, except to keep the pipes free.

1999. Although you did not see the pipes scattered about the harbour last year, did you see the sewage coming from these pipes and spreading over the harbour in the way described, when the tide was out?—I did.

2000. Did you perceive the abominable smell from it?—Yes.

2001. And have you any doubt that came from the sewage?—No; but I think that with precaution we will now be able to keep the sewer clear.

2002. Mr. *Perrin.*—With your permission, gentlemen, I would refer to another sewer. There is a sewer the Commissioners constructed as a continuation of Samuels' river—the Glasthule river. There is a stream that goes down and discharges itself at that point, which is the outfall for a very large water-shed—all the districts about here supply it. It was open where the stream ran through it, until it came to the rampart wall of Mr. Samuels at this outfall. Through this wall there was made a wide arch about six feet by seven feet. Through this arched passage the water used to rush, and it is subject to great floodings from time to time. Within the last eight or ten years the Commissioners thought proper to construct a sewer for the purpose of conveying that stream to low-water mark. I am not aware exactly at what cost, or whether they had a contractor or not. Its dimensions are about three feet wide by two deep; and so different is it in proportion to the arched passage which was originally used at the outlet, that a man could nearly walk between the top of the sewer and the crown of the arch.

2003. Mr. LAWLESS.—Was not the arch built up?—No. That sewer was made of rough masonry. The rocks seem to have been cut away to form a passage down to low-water mark. It was built in the most imperfect manner, in many places the covering stones not having more than from four to six inches bearing on the other side of the wall. The consequence was floodings occurred. I heard from reliable information that the water actually went over Mr. Samuels' parapet wall, but I did not see this happen.

2004. Do you mean the fresh water?—Yes; the river and the sewage stuff both ran over the rampart wall at the time of floods, being unable to get vent through the sewer for want of a sufficient outfall. Last year when it was proposed to ask a Provisional Order for an intercepting sewer, I went down to the place and noticed its condition. The covering stones of the sewer, for about fifteen to twenty feet from the mouth of the arch, were stripped off—some of them lying down in the sewer itself, and impeding the free departure of the nuisance.

2005. Do you mean inside or outside the arch?—I am speaking entirely of the outside—seaward. They built a little of the arch, and it has since been covered in a good way back towards Mr. Henry's. The seaweed was collected in this sewer, and, of course the smell from it and the nuisance were fully equal to what they must have been originally before that outfall sewer was made.

2006. Was that between high and low-water mark?—Yes.

2007. Is the sewer sufficient now?—I went there three or four days ago, and saw that a few of the covering stones had been roughly put into their position, but a great deal more of it was broken.

2008. Do you mean more than you had seen broken before?—Not at the part where it was first stripped; they seem to have covered this in a rough way. The sewer is not staunch—it is not water-tight.

2009. Is that the condition of the sewer now?—It is; and all down to low-water mark, walking along it, you can notice the nuisance going out through it.

2010. Does it even carry the sewage stuff off?—Oh, the water rushes along it.

2011. Is it a rapid stream?—Very rapid stream; I remember a man being drowned there.

2012. Were the defects you have mentioned caused from the sewer not being properly made or from its not being of sufficient capacity?—From both. There are people and children in the habit of bathing convenient to this place, and in summer time the smell is highly offensive, because the sewage pouring out of that sewer lodges in the crevices of the rock, and is caught up by the sea-weed, and when the action of the sun comes on it they might as well have nothing there in the shape of an outfall sewer.

2013. Does the sewage escape from it before it reaches its proper destination?—Oh, yes; it begins immediately after leaving the main sewer. The Commissioners more recently covered the river landwards. The stuff of this sewer covers the public road.

2014. Is it inside of the high road?—Oh, yes; the river goes under the road to the one formerly arched over by the county.

2015. Is it all covered between the high road and the sea?—It is, and inland also. I understand proceedings were instituted at the suit of the occupier of Seafield, Mr. Samuels, against the Commissioners for nuisance, and they were obliged in consequence to cover over the portion of sewer that runs through his place. I have not been to the mouth of the river inland since they covered it in; but I have been on the road, and saw all the places about there flooded—from what cause I cannot tell, but I have seen the flood in a place it could not possibly have been in had the sewer been as it originally was.

2016. Can you state whether this place was liable to be flooded before this outfall sewer was made?—It could not be, because it was a very large open space before. The stream as it passed through Mr. Samuels' place was a very large affair.

2017. Does that stream receive the sewerage of a considerable district?—Yes, of a very large district. I think it has been added to by sewers made by the Town Commissioners.

Mr. *Doyle.*—The reverse of that.

2018 (To Mr. *Perrin*).—You say that this sewer was insufficient for the purpose of carrying off the sewerage?—Manifestly so.

2019. Do you consider the present state of that sewer constitutes a nuisance in that place?—Most assuredly. I have had friends down there from time to time, and on a summer evening they, as well as I have found the smell is most offensive; and, although it has been stated here that the sewerage has been

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Mr. Perrin.

diminished, I may tell you as a matter of fact that so far as a nuisance goes it has been added to.

2020. In what way?—Because the sewerage that used to run out from Windsor-terrace has been carried along this range of houses, and all the contents are going into that stream; and, therefore, there has been an increase of nuisance although there has been a decrease of water, for the other was inland—county district.

2021. Is that all you wish to state about that sewer?—Yes.

2022. Mr. *Kelly*.—Mr. Perrin stated that the Glasthule river over the bridge was flooded, and that he never saw it flooded before. I ask him now, as an old inhabitant and resident of that place, if he saw it fifty times flooded?

Mr. *Perrin*.—I only saw it once.

2023. Mr. *Kelly*.—Well, I saw it fifty times flooded.

Mr. John Reilly.

Mr. JOHN REILLY examined.

2024. Mr. LAWLESS.—Do you wish to give any evidence?—I am a Town Commissioner. I live upon the spot, and know all about this sewer.

2025. What do you wish to state about the sewer?—Mr. Perrin contradicted me in saying there was a bridge built over that river. I say there is a bridge, and that it is a county bridge, built over the river he is alluding to; and I say it was for the river, and not for the sewer at all it was built. I am aware it burst several times in that direction. I am aware it has had a great deal more coming into it for a long day than Mr. Perrin knows anything about. It has portion of the sewer from Crosthwaite-park, and the river from the railway, and the sewer from Adelaide-road on the bridge on the high road—but this was a bridge built at the south of the river, which was in the habit of bursting sometimes in an hour's time. There are two bridges. This one is in the rampart, and was taken by Mr. Samuels into his ground without the consent of the people. What I want to convey is that this sewer was built to take the river water that came down there, and was for many a long day as pure as it could be anywhere.

2026. Do you mean to say that the sewer that was built some years ago is the sewer Mr. Perrin alludes to?—Yes.

2027. Was that built for the purpose of taking away pure water?—The sea-weed on the strand used to make a stench, and it was built for the purpose at the time; and it answered its purpose for a good while, but at the late storm it was blown to pieces.

2028. In what year?—This year. That storm blew away part of the railway.

Mr. *Perrin*.—That is not what I am referring to at all: I said a year ago.

Witness.—There was no such thing as a great flood a year ago.

2029. Mr. LAWLESS.—Mr. Perrin was describing the state of the sewer a year ago.

Witness.—The state of the sewer a year ago, or a little less, was this:—It leaked at the top, and the sewerage was never able to go back because it was so open—but it was done on purpose.

2030. Was it originally built without a covering on the top, or had the covering become displaced?—At Mr. Samuels' place it was built with a covering; but it never was finished down towards the sea, and it was not necessary I think. We are mending the portion at Mr. Samuels' at the present moment. The storm blew it up in January. But the water came down through it very freely, unless there was a very extraordinary tide. There might have been a stench when the tide was out, but if there was it was very little. It was Mr. Samuels and myself concocted the idea of having the place built; because there used to be bathing there, and we built the wall at last.

2031. You say there was a bridge built there by the county. Was there ever a public road there?—There was—I have seen it there; and Mr. Samuels enclosed it in his grounds.

2032. Enclosed the public road?—Enclosed the public road. It was built by the county. I have seen gentlemen force their way through Mr. Samuels' grounds in spite of him. In my opinion the sewer wants to be "topped." There is a contract already made for it.

2033. Is there any proposition to enlarge the outfall of this sewer?—There is. We are making it two or three feet wider. We are arching the top of it.

2034. Is there a tender actually accepted for it and are the drawings all prepared for it?—Yes. The real damage done was in last January.

2035. Does that come under the head of any of what you call the Glasthule drainage?—No; under none of the contracts under this loan.

2036. Mr. EXHAM.—If you pay for this damage out of the rate, you are in this dilemma—that all you show is surplus of £36. Even putting every single thing to the road rate you can possibly do—the entire of Mr. Doyle's salary, and everything that way—you have only £36 of margin to carry you on to next year.

Witness.—We can charge *ad libitum* for sewerage.

2037. Mr. EXHAM.—You have not calculated for it at all events.

Witness.—We will do it next year.

2038. Mr. LAWLESS.—Do you propose to do it without borrowing?—Yes.

2039. Mr. *Perrin*.—Mr. Reilly has said it is intended to cover over that sewer. I would ask, is it intended to make good the side walls?

Witness.—They are good.

Mr. *Perrin*.—I say they are not.

Mr. *Doyle*.—Where it is necessary to repair the side walls it is provided for in the specification.

2040. Mr. *Perrin*.—Are the side walls built what we call "dry"?—They are not; the front of them for six inches in is of cement, the back of the wall is what you call "loose rubble."

2041. Do you mean to say it is staunch?

2042. Mr. LAWLESS (to Mr. *Doyle*).—Is it part of your specification that the sewer is to be made staunch?—Yes.

The inquiry was then adjourned to the following morning.

April 13, 1877.

Mr. Doyle.

APRIL 13, 1877.

Mr. DOYLE re-examined.

2043. Mr. EXHAM.—I think you told us the other day that this is the map tracing, a copy of which you gave to Mr. Robinson, the Local Government Board Inspector?—Yes, to the best of my opinion it is.

2044. Does that map show the exact plan of the contemplated sewerage?—Yes, by this map it is shown.

2045. Does it show the proposed new sewer?—It does.

2046. Where and how?—In red and blue lines, the blue lines for the pipes.

2047. Is this sewer (pointing to a sewer on map), indicated on the map intended to be a brick sewer?—Yes.

2048. All brick, the whole extent of the sewer brick, is that what you intend to convey, Mr. Doyle?—There is only 300 yards of the sewer intended to be laid between the points which I have shown you.

2049. Mr. LAWLESS.—The maps furnished now to us and heretofore to the Local Government Board, show that the sewer was to be laid as far as, and up to Bullock.

2050. Mr. EXHAM.—Show us on the plan one inch of pipe sewer that extends as far as that—Bullock?—(No answer).

2051. Do you mean to say, Mr. Doyle—now this is very important, and please don't misunderstand me—as far as the sewers are made up to the present, are they constructed in strict conformity with the plan you laid before the Local Government Board Inspector?—Yes, but I found it necessary to make some variations.

2052. Why you said before that the work was not done according to the original plans, because you could not make them within the estimates?—With some slight variations the work was done in strict conformity with the plans shown to the Local Government Board Inspector, Mr. Robinson.

2053. We have the plans and estimates here. Did you not say that the efficiency of the work would not be impaired by your variations?—I did say so, and I say now that the work can be done the way I intend in an equally efficient manner.

2054. Then you did depart from the plans?—Yes.

2055. From the map before us?—Yes, but slightly.

2056. There is no size of pipe put down on this map. What was the size you used?—Pipes 18-inch and 15-inch. I used them by increasing the fall.

2057. You increased the fall. Show us on the plan where you provided for an increased fall?

(The plans were produced and the witness pointed out the falls, and the respects in which the plans had been altered).

2058. Why did you alter the plans?—I would not have altered them if I thought I was not right.

2059. Why did you represent another kind of plan to the Local Government Board? (No answer.)

2060. Did you do so?—I have done so.

2061. You did?—Of course I did.

2062. Did you not show the other plans as the plans which you intended to carry out—the original plans?—Yes, with whatever variations I thought proper.

2063. Did you show them to any resident or ratepayer of Kingstown, as the plans which were going to be worked out?—I did.

2064. Did the Local Government Inspector or the Board know that the plans were altered?—That I don't know.

2065. Were the sections in connexion with those plans laid on the table here for over two months?—My impression this moment is they were.

2066. Were they as a matter of fact?—Speaking at this time I think they were—the plan was laid on the table, but I don't think the sections were.

2067. Will the fifteen or the eighteen-inch pipe be sufficient to provide for the discharge of the sewerage even with the fall so increased?—Yes, I think so.

2068. Do you mean to say you had to increase the fall?—As I understand you, Mr. Exham, I can't say I had, because I gave no section at the time to the Local Government Board Inspector. The plans and the sections are very different things. When sections are not taken accurately, we have what we call "fly" levels.

2069. Will you show me on the plan what outfall you put for this sixty-three feet of sewer? This plan so far as I can see, does not provide for any outlet at all?—It does, I think, sir.

2070. I beg your pardon, Mr. Doyle, it does not. Show it to me in the plans—there is I see, an old sewer marked.

2071. *Witness.*—That is not in our township.

2072. Well then, there is no outfall shown on the plan. I don't see it, in any case.

2073. Mr. LAWLESS.—Nor I, nor I believe anyone.

2074. *Witness.*—We only went in for doing what we had power to do.

2075. Was it more or less expensive to put in a pipe through the length shown there (on the plan), or to make a sewer three feet by two?—On that point I say the latter would be far more expensive.

2076. For the 300 yards?—I only calculated on the brick sewer for 300 yards.

2077. Mr. LAWLESS.—Why did you not show the pipes on the plans?—Because at that particular time it was intended only to sewer from Sandycove-road to the head of Albert-road.

2078. I don't see that is a reason, Mr. Doyle?—I calculated on 300 yards, and as a matter of fact I find now that was the distance done.

2079. Mr. EXHAM.—You contemplated making a brick sewer along a certain distance of the district which was to be sewered. What provision did your plan make for the remainder, after you had got through your 300 yards?—(No answer.)

2080. Show me your estimate from Sandycove-avenue to Breffni-road? (Estimate produced.)

2081. How much did you expend on that—on the works between Sandycove-avenue and Breffni-road?—£450.

2082. Mr. LAWLESS.—On looking at the estimate you have just handed in, I don't find any estimate for this particular piece of work?—The estimate represents the whole thing.

2083. Yes, but you know you cannot tell us that 300 yards, the part done, comprises or makes up the 600 yards, the entire space to be done?—Mr. Robinson, the Local Government Inspector, was quite satisfied with it. And there is this remarkable fact which I will mention, the sum expended on the Glasthule system only exceeded the estimated cost by a few pounds.

2084. Did you furnish to Mr. Robinson the plans on which in fact you carried out the work?—No, not these plans.

2085. Mr. EXHAM.—If I was asked the question, I am satisfied what was expended on the part of the system you have named is what is shown on the estimate, but that is not the point?—In the preparation of these plans providing for the work by an eighteen-inch or fifteen-inch pipe, I had the advice and assistance of Mr. Banks, of the Local Government Board, and he said there was no necessity whatever to make sections.

2086. Did Mr. Banks, or any other human being tell you that after you got from the Local Government Board a Provisional Order, and founded on it an Act of Parliament, on the faith of, and to carry out a particular plan, you were to be at liberty to substitute a fifteen-inch or an eighteen-inch pipe, instead of making a sewer three feet by two, as shown on the plan?—No; but if we got £10,000 to lay out in drainage, the Town Commissioners could change the plans so as best to meet the requirements of the case.

2087. Is that your view? Show me any power under the Act of Parliament to do such a thing?—(No answer.)

2088. Did you get any orders from the Town Commissioners to make these changes?—I did not. I considered the matter from a professional point of view, and I only thought of having the work done in a proper way.

2089. Did you tell the Town Commissioners you were going to make these changes?—No; I did not.

2090. Did you put any pipes in at a lower level than they are at Breffni-road?—No; I did not.

2091. You say an eighteen or a fifteen-inch pipe is just as good as a three feet by two sewer provided you alter the fall?—Yes; generally.

2092. Did you, Mr. Doyle, alter the fall—increase it I mean?—Yes.

2093. How much?—I did not measure the falls accurately, but of course they would be regulated according to the work to be done. As a professional man I cannot answer off-hand. I cannot speak accurately without going over the ground.

2094. Was it in order to compensate for the smallness of the pipe-sewer, that you gave a greater fall?—Yes.

2095. What fall did you give?—I gave a great fall.

2096. Did you prepare any sections?—I made no sections in this case.

2097. Show me the working plans and sections you gave the men for the purpose of making the sewers of which we speak, or show us any working plans or

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sections you showed to Mr. Robinson?—I showed him the eighteen-inch pipe and the twelve-inch pipe.

2098. Before you showed him those sizes, did you make any calculation to enable you to see at what cost the drainage could be effected by the three feet by two brick sewer level?—I have been doing a great deal of work for the Commissioners, and my plan for this work I laid before Mr. Forsyth, the Board of Public Works engineer in 1868. He examined it, and was satisfied with it in every respect.

2099. Mr. *Perrin.*—May I suggest one question for you to ask Mr. Doyle. I will take one point, at Bullock Harbour where the water begins to discharge itself from the sewer there, and the question is, was the fall or the height you intended from the surface for the sewer there as high as the present high outfall sewer?—The fall at the outfall there is about four feet. It is not more than four feet under the surface.

2100. Mr. EXHAM.—Have you not something there to indicate what it is?—No.

2101. Do you intend the level of your new sewer to meet the level of the old outlet?—I do.

2102. Then how can you lower your sewer?—Excuse me, you don't perfectly understand me. Cannot I make ventilators—cannot I increase the excavation?

2103. We have asked you to tell us to what extent you have done that?—I don't know that. I cannot answer that question, because I don't know the extent exactly. If you allow me to look over the plans I will be able to tell you all about it.

2104. Cannot you tell us the fall approximately?—In every 375 feet there is a foot in the rise, or half a foot.

2105. A foot or half a foot. Can you not go nearer than that—you know there is a great difference in six inches of a fall in 375 feet?—You ask me these professional questions, and I want to answer you professionally.

2106. What I asked you was not a professional question—it was a matter of fact, namely, the difference of level between the sewers as originally planned and intended by you, and the substituted one. Is the present pipe on the old level, that is, on the level of the old sewer?—Yes.

2107. Have you not lowered it then?—No, I have not.

2108. Then you put yourself in this dilemma—you say an eighteen or a fifteen-inch pipe is as good as the three feet by two brick sewer, provided you altered the level in order to give it a better fall; you say you have not altered the level; therefore your conclusion as to the efficiency of the substituted sewer will not hold good on your own statement. Explain this if you can?—(No answer.)

2109. Please point us out on the plan where the outfall is marked at Bullock Harbour? (The witness pointed out the outfall.)

2110. Do you mean to say that in constructing that sewer as you have done, by means of an eighteen or a fifteen-inch pipe, there is anything like as good a means of sewerage provided for the people of Kingstown, who expect their town to be properly drained, as there would be by the three feet by two feet sewer?—The circumstances of the case have been altered.

2111. Mr. *Perrin.*—I deny that.

2112. Mr. EXHAM.—On that plan of yours (now produced), you have not put the size of any of the sewers or pipes. Is there any mention in any of your plans or estimates of this 300 yards?—I think so.

2113. You think so, but was there in fact?—I think so.

2114. Then show it?—We got £2,000 to lay out on sewerage, and we did so.

2115. Yes, precisely so. You got a certain sum of money to do a certain kind of work, but so far as we see, you did not do most material parts of it, but did other work.

2116. Mr. LAWLESS.—Do you mean to say that the prescribed system of sewerage was omitted from the estimate, or a certain portion of it?—I put in the 300 yards with the intention of having it sewered.

2117. But the 300 yards does not describe 600 yards; 300 yards is not mentioned in the estimate at all. Is that what you mean to say?—Yes.

2118. How then, Mr. Doyle, would the proposed system of drainage be perfect?—If it was not altogether perfect, my aim was to render it healthy.

2119. And was it healthy?—Yes, so far as it went.

2120. Would you have us believe that there was intentionally omitted from that plan a portion of the proposed work of drainage?—We only went in to borrow £10,000, and that was what we contemplated at the time.

2121. Mr. EXHAM.—Was not the brick sewer shown in the estimates furnished?—Yes.

2122. Did you give the full particulars, and show the points at which the pipes were all to be laid down?—Yes.

2123. Why did you put in a pipe instead of a sewer afterwards?—Because I thought it was best.

2124. Did you do it?—Yes, it is perfectly true.

2125. Suppose an Act of Parliament passed, giving power to make a railway, do you think, as an engineer, you would have a right to go one inch outside the limit of deviation given by the Act of Parliament?—Well no, except in case of an authorized agreement.

2126. We asked you if you got any authority from the Town Commissioners, and you say you got no authority?—I gave that evidence.

2127. Mr. LAWLESS.—Was the plan sent to the Local Government Board, as prepared by you?—Yes.

2128. From what?—Prepared from the plans that were lying on the table.

2129. Plans with levels?—We had no plans with the levels marked on them.

2130. Mr. EXHAM.—I understood you to say that the books, with the contract plans, were lying on the table?—Yes.

2131. Did you submit the plans to the Commissioners before you commenced to work them out?—I did.

2132. Did you tell them that you were going to change them when you came practically to apply them?—No.

2133. Mr. *Miles Kelly.*—The Commissioners imagined all along that the work carried out was carried out according to the plans laid before Mr. Robinson, and we knew nothing, nor heard nothing of alterations made in the plans by Mr. Doyle, or anyone else.

2134. Mr. EXHAM.—So far as we see at present there appears to be no evidence to contradict your statement.

2135. Mr. William Samuels, a ratepayer, residing in Glasthule-road, informed the Commission that he had paid 3*s.* 6*d.* a foot for a pipe leading to his house from the main sewer, and as he considered that price too high, he wished to know the contract price.

2136. Mr. LAWLESS.—Who was the contractor?—A Mr. Dickson.

2137. Mr. *M'Evoy.*—There were tenders here from Mr. Doherty and others to do such work at 1*s.* 6*d.*, and one at 1*s.* 2*d.* a foot.

2138. Mr. EXHAM.—So I see. The Act of Parliament in such a case calls upon you, Mr. Samuels, to do the work, and failing to do it the Town Commissioners can do it at your expense, charging what is fair and proper.

2139. Mr. *Samuels.*—I paid it, of course, only I considered the price too great.

2140. Mr. *Perrin.*—Was it done per schedule?

2141. Mr. EXHAM.—I see it was, and it was an unfortunate thing for Mr. Samuels to have to pay so much, when he could have got it done for 1*s.* 6*d.* or 1*s.* 2*d.*

2142. Mr. *Sexton*, contractor.—The work could not be done for any such money. Mr. Doherty's contract is misunderstood.

Mr. *Reilly.*—It is a trick of the trade.

2143. Mr. EXHAM.—We will see that just now. Mr. Doyle, do you know Mulgrave-avenue?—Yes.

2144. Is there sewerage work doing now there?—

Yes, there was some done there in 1868, and there is some doing there now.

2145. Sewers?—Yes.

2146. Pipes?—No, there are no pipes there, it is a brick sewer. We do not lay pipes on concrete, unless the bottom is not exactly safe.

2147. I thought the specification requires the contrary?—No, it does not.

2148. Mr. Samuels asked to be allowed to state as a matter of justice to himself, that a statement made by Mr. John Reilly, Town Commissioner, on the previous day, to the effect that his (Mr. Samuels') late father had appropriated a certain road, which was public property, was wholly untrue.

2149. Mr. Reilly said he persisted in his statement.

2150. Mr. LAWLESS.—The matter arose incidentally, but we have not anything to say to it.

Dr. JEREMIAH O'FLAHERTY examined.

2151. Mr. LAWLESS.—Are you one of the sanitary officers of this town, doctor?—Yes, since the Act came into operation.

2152. You know Kingstown well?—Yes, I knew the town for many years prior to the passing of the Sanitary Act.

2153. Have you lived here for a considerable time?—Yes, since the year 1855.

2154. What is the sanitary condition of the houses of the poorer classes in Kingstown?—The sanitary accommodation is defective by reason of the structures.

2155. Do you mean to say that the structures or houses are not sufficiently large to afford the accommodation required?—Yes, because the accommodation for the poor consists generally of cabins and ground floors, and when the weather is bad the ground floors are mud floors.

2156. Are these old or recently constructed houses that you speak of?—I think they are old—yes, old. I believe I know all the old houses in the town.

2157. Do you receive reports from the sub-sanitary officer?—Yes; he reports to me on the improper condition of dwellings.

2158. Is it Mr. Duffy or Mr. Craig who reports to you?—Mr. Duffy, as the sub-sanitary officer, reports to me, and then I in turn report the matter to the Commissioners.

2159. Are you satisfied of the vigilance and activity of Duffy?—Yes. I believe he is a very efficient and attentive man.

2160. He reports to you, I think, you said?—Yes.

2161. Has he had occasion to report the same places more than once? I want to see the effect of his reports?—Well, yes; I have got reports nearly every three months of the same premises. When there is a filthy ashpit or a filthy privy in a place, on the report of the sub-sanitary officer it is cleaned out. In a little while the same condition of things exists again, and then he reports to me again, and so on.

2162. Have you got reports from Mr. Duffy on the want of suitable accommodation, and has that been supplied?—Not in every case.

2163. In any case?—Oh, yes.

2164. After the first report?—Often not until after frequent reports.

2165. You see the distinction, because the place, after being supplied with accommodation, or cleaned out, as the case might be, might get into the same state again from the dirty habits of the people?—Yes, that often happens.

2166. Do you attend the sanitary committee when your reports are brought before them?—No; attendance in the way you describe does not come within my duties. The consulting sanitary officer attends.

2167. Who is he?—Dr. Colgan.

2168. Do you find your reports acted upon promptly and satisfactorily by the Commissioners?—Well, to know that does not come exactly in my way, because I don't see whether they are or not.

2169. Are the houses of the poor people here sufficiently looked after with regard to cleanliness?—No, I don't think they are. I think the dwellings of the poor very defective. Many of them are without yards, and have merely mud floors, so that in wet weather the floors are turned into a state of mud, and perhaps two or three pigs, a goat, and a donkey are kept.

2170. In the houses?—No, not in the houses, but in the yards.

2171. In those cases in which pigs or other animals are kept are they kept close to the dwellings?—Yes; they are immediately outside the back-door.

2172. Is that so close as to be injurious to health?—Yes, I think so.

2173. When a state of things like that exists, is it looked after by the sanitary officers sufficiently?—Yes; so far as I can see, I think they look after it.

2174. Mr. EXHAM.—Why don't they get rid of the animals altogether, at least why don't they remove them from dangerous proximity to the dwellings of the people?—That is not for me to say.

2175. Is the proximity dangerous?—That is my opinion.

2176. From your knowledge of the place at present, does this represent the state of certain portions of Kingstown? I read from a little book entitled "A Statistical Inquiry into the Sanitary Condition of Kingstown, by the late Charles Haliday, Esq., M.R.I.A.; edited and illustrated with some preliminary observations on the connexion between the sanitary defects of Kingstown and the recent epidemic of cholera, by Dr. Thomas More Madden." It was written in 1866 or 1867, and this is one passage:—

> "In the majority of the houses, courts, and lanes inhabitated by the poor of Kingstown, sewerage is utterly neglected, public decency is outraged, and the public health injured by the deficiency of latrines and sewers, by the accumulation of filth in the houses and their vicinity, and by the pestilential effluvia thus generated."

Is that true, Dr. O'Flaherty?—Yes; I believe it was quite true at the time that report was made, but it is not so now.

2177. Is it not true in any respect now? If not, tell us what has been done since?—All the places to which that report refers are now provided with proper drainage.

2178. Efficient drainage?—They are provided with surface drainage.

2179. All the places referred to?—The majority of them.

2180. Are the majority of these places provided with proper latrines or privies?—They are; and the better parts of the town have been sewered since the publication of Mr. Haliday's report.

2181. Will the poor people get the benefit of the sewerage?—Well, not as much as persons residing in the better parts of the town and in the outlying districts.

2182. Do you know Mulgrave-street?—Yes.

2183. How are the people in Mulgrave-street off for sewerage?—Not well, I think; because not much has been done in the way of sewerage there, but, I believe, there is a main sewer there.

2184. Have connecting drains been made there?—My belief is they have not.

2185. No connecting sewer from the houses to the main sewer?—I think not.

2186. Then what use is the main sewer to the poor people in Mulgrave-street?—Not much.

2187. Do you ever remember having said, Dr. O'Flaherty, that nothing in the way of keeping the houses of the poor in anything like a good sanitary condition could be done until the houses were connected with the main sewers by intercepting sewers?—I have said so.

2188. Has it been done?—It has not been done.

2189. Would it be a proper thing to do?—Most certainly.

2190. I see Mr. Haliday calls attention to the high death-rate which you had here during the last cholera epidemic. It was, he says, more than double that of

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Dublin, in proportion to the population. Is that a fact?—I don't know exactly.

2191. Do you recollect it?—Oh, yes; and the cholera was certainly very virulent at the time.

2192. What was the death-rate?—I don't know.

2193. Mr. LAWLESS.—Were the deaths from cholera more numerous at the time in Kingstown than in Dublin, considering the populations?—I don't know, but it was high with us.

2194. Mr. EXHAM.—Do you attribute the high death-rate at the time to the defective sewerage and the dirty state of the houses of the poorer classes?—No, I do not, sir; because the cholera was quite as bad in the better parts of Kingstown, where there was every sanitary appliance.

2195. Were the better parts sewered then?—Whether they were perfectly sewered or not I don't know, but I know that they were partially sewered.

2196. (Suggested by Mr. Barrett, chairman of Town Commissioners).—Do you think that cholera is propagated by cesspools, bad sewerage, and such like?—I do not think any disease is engendered by filth. It is nursed by it, but not engendered originally by it.

2197. Is the general condition of the poorer parts of the town better now than when it was described by Mr. Halliday in this report?—I think it is; and the introduction of the Vartry water has made a great improvement in the condition of the poorer residents of Kingstown. Before its introduction the poor people were obliged to use great economy in their use of water. They had to make a bucket of water do a great deal, and they had to have it delivered to them at their doors by means of a donkey. Now, they have good water in abundance—I may say in their very doors.

2198. Do you think the Town Commissioners make sufficient use of the supply of Vartry water?—Well, yes, I think they supply it very liberally, and in the town it is always running from fountains. The want of a proper connexion with the main sewers is perhaps the greatest sanitary want in Kingstown.

2199. Is that your opinion?—It is, sir.

2200. Is it a want so urgent that it should be at once supplied?—It is, sir.

2201. Would the existence of that want account for the high death-rate?—I would not say that.

2202. Do you say the system of sewerage carried out in the better parts of the town is no benefit to the poorer residents?—Yes, I say so.

2203. Here is another passage. Tell me what you think about it. (Reading from same book):—

"Here they have a comparatively small town, a town which may be walked over from one end to another within an hour, a fashionable watering place, the summer resort of invalids seeking health, and the permanent residence of some of the wealthy citizens of Dublin, and yet in connexion with the principal streets, and almost in the very centre of the town, we find upwards of 100 courts and lanes in a most abominable state of filth and neglect, mostly unpaved, without sewers or drains, without privies or ashpits, without any water supply, without even a pump, and without gas lamps or other lights; they are at night involved in darkness, and become the receptacle of filth of all kinds; and yet as they contain nearly 800 houses or cottages, inhabited by 4,000 or 5,000 human beings, they are the dwellings of about one-third of the entire population of Kingstown."

Is that true, Dr. O'Flaherty?—It was, I believe, at the time.

2204. Is it still true?—I don't think it is. At that time the majority of the houses inhabited by the lower orders were lodging-houses or poor cabins, with a few feet of frontage, and there were no sewage drains provided for these dwellings. The consequence was that the people had to dispose of their accumulations in the most convenient, if not in the best manner.

2205. Do you know a place called M'Cormick's-court?—Yes.

2206. Hear what Mr. Haliday says about it. (Reading from same book):—

"M'Cormick's-court, with what is appropriately termed 'Pig-bank,' containing twenty-four houses and cottages, with earthen floors, generally below the level of the court, which is unpaved and undrained, and in a most filthy state; there is no light at night, no water supply, no pump, no sewer in this court. The twenty-four cottages have not any yards attached to them, they have one ash-pit common to all, and one place called a privy for the hundred men, women and children living within this enclosure."

Does that state of things still exist?—I think not.

2207. Mr. LAWLESS.—Is the place still inhabited?

2208. Mr. *Miles Kelly* (Commissioner).—The place has been thrown down.

2209. *Witness.*—There is still a place called "Pig Bank," but it is made up of cottage dwellings, and houses with up-stairs.

2210. Mr. EXHAM.—Do you know a place called Gough's-court?—Yes, the site of it. The houses which were there have been pulled down.

2211. What about Baymount-court which is described here (in same book) as a wretched, filthy place?—Pulled down also, at least the greater part of it.

2212. Is it as bad as it was ten years ago. Mr. Haliday says as to the cottages in it:—

"There is no rere whatsoever, nor have they the slighest provision for preserving decency and cleanliness."

I believe the sewerage there to be very defective.

2213. Mr. *Doyle.*—We are making sewers there, and there are traps outside to carry matter away.

2214. Hear this again from Mr. Haliday's book:—

"Baymount-court, having one large house, No. 19, in front to the street, and behind it twenty smaller houses or cottages, with earthen floors, necessarily damp, as being mostly below the level of the court which is unpaved and undrained, and flooded during heavy rain. To these cottages there is no rere whatever, nor have they the slightest provision for preserving decency and cleanliness. They have no privies, no ashpits, no receptacle whatever for filth, which is accumulated within doors until nightfall, and as I am told, creates an intolerable stench. There are no gas lamps or other lights in this court. It has no water supply, no pump, no sewer, and yet it is the dwelling-place of upwards of 100 human beings, paying from 1*s.* 6*d.* to 2*s.* 6*d.* per week for single rooms, twelve to fourteen feet square, in which whole families—men, women and children—eat, drink, and sleep. Adjoining Baymount-avenue is Gough's-court, having in front to Cumberland-street, the houses Nos. 22 and 23, and behind them twenty-one smaller cottages or houses of the same kind, and in the same state as those in Baymount-court. They have no privies, but they have two ashpits common to all, into which much of the filth is cast, rendering them a sickening nuisance. There is no sewer, no drain, pavement or flagging, no water supply, no pump, no gas or other light at night in this court, which likewise contains upwards of 100 inhabitants."

Are matters as bad there now?—No, certainly not.

2215. Mr. *Doyle.*—There is a sewer there and privy accommodation.

2216. Mr. EXHAM.—How many privies are there for the twenty-one houses?—I think there is one.

2217. One, Mr. Doyle?—Yes.

2218. Can you say, Mr. Doyle, what is the length of Baymount-court?—Yes, about 122 feet. We have put there a twelve-inch pipe, and we can clean out the privy accommodation by turning the water into it.

2219. Dr. *O'Flaherty.*—There are two rows of cottages there, single dwellings with no back door, and with scarcely a window in them.

2220. How many human beings live there?—Perhaps five or six in every house.

2221. Do you know Cod's-court?—Yes; it opens into George's-street.

2222. Listen to what Mr. Haliday writes about it:—

"To these specimens of the disgusting, filthy, and neglected state in which you will find a large portion of your township and its inhabitants, I will here only add one more from the long list which shall be appended to this letter, and I select this case because it is one of a dwelling-place in the middle of the principal street in the town, in the same street with your town hall, and being close to the residences of some members of your Board, and it is one which can be inspected at any moment without trouble. The case is that of Cod's-court, opening into George's-street, and open to the view of every person passing through that street. This court, which is not quite eight feet wide, contains five houses and three cottages, without any rere whatever. It is without pavement or flagging, without sewer or drain, without water or gas, without privy or ashpit, and like some of the other dwelling-places of the labouring classes in Kingstown, it is without a receptacle for filth or offal, except the centre of the court, into which all is cast after nightfall, having been retained within doors during the day, tainting the atmosphere of those wretched apartments in which, as in almost all other cases, whole families eat, drink, and sleep. Nor is it easy to prevent this filth from accumulating, the court being so narrow that scavengers can only use a handcart in their efforts to

cleanse it. It is but just, however, to the owner of the cottages to add that after a delay of many years, he says he is *now* about to build a privy and ashpit for the three cottages; but the five houses and their unfortunate inmates are to remain in their present condition."

What has been done in Cod's-court since?—I think that court is now sewered, lighted, and watered.

2223. What about the houses?—The houses are not in a good state.

2224. Are there as many people living there now as then?—I don't know.

2225. Mr. *Doyle.*—All the houses there are in tip-top order. Within the past few years they have been both sewered, watered, and lighted, and have now perfect accommodation.

2226. Mr. EXHAM.—Have they privies?—They have one privy.

2227. I find in Mr. Haliday's pamphlet:—

"Albert-court, having twenty-four cottages, with one ashpit and one privy in common and adjoining it."

Do you know that place?—Yes; Albert-court is a large area in which the dwellings are built around against the walls. They have no back-doors, nothing but a front before them into which they throw everything. These houses are better than the average houses of the poor, because they have wooden floors, and three or four of them have two stories, and the rest of them only one.

2228. What is their present condition?

Mr. *Miles Kelly.*—They are good residences. Another residence place of the poor, which is in good condition is Pim's-court.

2229. Dr. *O'Flaherty.*—Yes. I believe there is sufficient cubic measurement in all the houses there (Pim's-court), I know. The roofs are water-tight, but not air-tight.

2230. Mr. *M'Evoy.*—So much the better.

2231. Were these improvements made by the Town Commissioners?—No; by the landlords.

2232. Is it your opinion, Doctor, that there is still a great deal that has not been done?—There is still a great deal that has not been done, but a great deal has been done.

2233. Mr. *Reilly.*—A great deal has been set in motion by the Town Commissioners.

2234. *Witness.*—I could show the Commission, if you walk outside, courts that ought to be swept off the face of the earth.

2235. If an epidemic broke out here now, would it be likely to be attended with serious consequences?—Most probably.

2236. Are any of those places you speak of the property of Town Commissioners?—I don't know. I hope not.

2237. (Suggested by Mr. *Miles Kelly*).—Have you ever reported to the Commissioners that any places should be pulled down?—No, I did not.

2238. Mr. EXHAM.—What Dr. O'Flaherty says is, that the sub-sanitary officer must report to him in the first instance.

2239. Mr. *Miles Kelly.*—Before the Act came into force at all we had a far better arrangement.

2240. Mr. *M'Evoy.*—I think you are right in that. I think we had less circumlocution.

2241. Mr. LAWLESS.—I infer from Dr. O'Flaherty, that very little work has been done here within the last few years.

2242. Mr. *Kelly.*—I don't think he gave such evidence.

2243. Mr. EXHAM.—He says there are places in the town actually unfit for human habitation, for he says there are courts which ought to be swept off the face of the earth. He cannot recommend that places should be pulled down except the sub-sanitary officer reports to him.

2244. Mr. LAWLESS.—The Town Commissioners have the necessary powers vested in them by the Act to prevent such places being inhabited.

2245. Mr. *Barrett* (Chairman).—Under the Act the Town Commissioners have taken down a large number of houses. I think Dr. O'Flaherty will agree with me in that.

2246. Mr. *Kelly.*—Before you pull down houses you ought to have others in place of them.

2247. Mr. LAWLESS.—I want to know if there was any notice taken of this letter of Mr. Haliday's by the Town Commissioners?

Mr. *Kelly.*—I never heard of it before.

2248. Mr. *M'Evoy.*—Mr. Haliday's evidence had a great influence on the Parliamentary Committee of 1869, and General Hannyington appears to have also taken a great interest in the matter.

2249. The *Town Clerk.*—In 1869 I heard of this letter.

2250. Mr. *Pallas*, C.E.—We had it in 1867, when I was engineer to the Board.

2251. Mr. EXHAM.—Yes, I think Mr. Pallas referred to it in his report furnished to the Commissioners in 1867.

Mr. JOHN RUSSELL, C.E., examined.

2252. Mr. EXHAM.—On what subject do you wish to give evidence?—I wish to call your attention to the defective sewerage on Glenageary-road. The sewer was an old stone one, and was utterly inadequate.

2253. Is it not provided for in the new system?—No, the place I refer to is in the Glasthule ward.

2254. Does the place you speak of require a proper sewerage as much as Crosthwaite-park?—Yes.

Mr. DOMINICK FRANCIS BURKE examined.

2255. Mr. EXHAM.—What evidence do you wish to give?—With the permission of the Commissioners, as a ratepayer, I wish to speak with reference to one or two points. There are rows of cottages in Patrick-street, Kingstown, and Tivoli-terrace, East, where a number of pig-stys, and several privies are in a disgraceful condition, and ashpits worse. In consequence of this state of things I came down and made a complaint.

2256. To whom did you complain?—I wrote my complaint in a book in the outside office here.

2257. In what book?—A book in the outside office. I beg it to be understood I do not complain of poor men keeping pigs—I wish every poor man had two pigs. What I complain of is the manner in which they are kept. The nuisance continued all the last summer.

2258. Does it continue still?—The pigs are there still; they are there now. Considering the rain floods that we have had, we cannot smell them as bad now as we used.

2259. Mr. *Barrett* (Chairman).—The property of which Mr. Burke speaks belonged to my family. It was mine originally. We receive but a very small head-rent for it.

2260. *Witness.*—I did not know it was your property at all, Mr. Barrett.

2261. Mr. EXHAM.—It would be the best means of securing the rent to keep the premises in proper order. Is that in Mr. Craig's or Mr. Duffy's district?

2262. Sub-sanitary officer *Duffy.*—In mine. I say there is no filthy privy there. There are pigs there to be sure, but there is a sewer in it.

2263. Mr. EXHAM.—Mr. Burke, are the pig-stys near any main sewer?—There is a sewer from the pig-sty, but it is no good. I told the people that six pennyworth of chloride of lime would abate the smell, but they would not get it.

2264. Mr. LAWLESS.—When did you make the complaint you told us about?—Last summer.

2265. I see from a book put in my hand that there was a complaint of the 9th of August in reference to a house in Tivoli-terrace—

"Smells arising from privies and pig-stys in the rere, and also in the upper end of Patrick-street."

KINGSTOWN. *April* 13, 1877.

Mr. Dominick Francis Burke.

I find also this entry—

"I beg to state that on Mr. Burke complaining at this office, I had notice served on the parties complained of, and the nuisance has been since abated.

"WM. CRAIG, Sub-sanitary Officer.'

2266. At the time you repeated the complaint was the nuisance as bad as when you first made it?—Yes; and it continued to the end of the summer.

2267. I find that another complaint was made on the 11th July, prior to the August complaint?—Yes.

2268. I do not find that any notice whatever was taken of this complaint, because I find other and similar complaints after that?—No. They made a new sewer down Tivoli-terrace, East, at a place called Cross-avenue, where there are a lot of cabins all requiring connecting sewers. I remarked during the work that the men were blasting enormous stones out of a quarry close by, and putting those stones just as they were into the sewer over the glazed tile pipes. I said at the time to one of the men, "This is very bad work," and the reply I got was, "I wish by G—— there were more of them to put down; it would give us more work;" and what is more, this kind of thing continued for some time.

2269. Mr. EXHAM.—Were those stones thrown down on the pipe sewers?—Yes; they put down tons weight of granite on the glazed pipe.

2270. Was there any clay intervening?—I cannot say that. I am ready to swear to what I stated, and I spoke of those enormous stones being nothing but obstructions.

2271. (To Mr. *Doyle*).—You should attend to this. Mr. Burke says that he saw the contractor's men, when making the sewer at Cross-avenue, put enormous blocks of granite down over the pipe sewer, and that when he complained to them, they said they were sorry they had not more granite blocks to put down as it would give them more work. What do you say to that, Mr. Doyle?—I never saw that kind of work going on. The inspector, Mr. Milliken, will be able to tell you all about it.

2272. I thought the excavated material should be carefully filled in around the pipe. Surely you cannot say that putting down blocks of granite as described was a compliance with the specification? (No answer.)

2273. Mr. *Barrett* (Chairman).—I did not see blocks as large as you describe, Mr. Burke.

2274. *Witness.*—I saw them. They were originally of enormous size.

2275. Mr. *Barrett.*—They should not have been put down.

2276. Mr. EXHAM.—If not, how and why did they come there, that is the point? Why were they brought from the quarry?

Mr. *Doyle.*—I cannot say that.

2277. Mr. LAWLESS.—What excuse can you give for this, Mr. Doyle?—I am able to say it was not done.

2278. Why?—Because I did not see it.

2279. Mr. EXHAM.—Mr. Burke says he saw it, and that it was going on for a long time.

2280. Mr. *Doyle.*—He may have been inside the ground and seen the stores, and not outside of it.

2281. *Witness.*—Mr. Burke, why the blocks were regular rocks, and they were put down into the sewer over the glazed pipe. I saw it done. I think Mr. Barrett may remember that I remarked it to him at the time.

Mr. John M'Evoy.

Mr. JOHN M'EVOY examined.

2282. Mr. LAWLESS.—You want to examine Mr. Pallas with reference to the plans upon which the loan of £10,000 was obtained?—Yes.

2283. What do you want to prove?—I wish to show that these plans were badly prepared, in fact that the drainage of the township was not carried out as everyone understood it was to be, and that the plans were altered after the loan was sanctioned without notice to anybody, and that the work was not done according to contract or in a proper manner. I will either give evidence myself, or I offer Mr. Pallas.

2284. Were you a member of the Board at the time these plans were brought in?—No, the plans were brought in 1874. I was not on the Board that year.

2285. When did you come back to the Board?—On the 1st January, 1875.

2286. How long were you off it?—One year—1874.

2287. Was not the Provisional Order obtained in April, 1875?—The inquiry was held in October, 1874, but the Act was not passed until 1875. I intend to give evidence myself on a few matters. Mr. Pallas will give engineering evidence of importance. I intend to show that the district I represent has been entirely neglected.

2288. Where do you represent?—Monkstown ward, where as yet, although in the possession of the £8,000, they have not as much as asked for or invited tenders.

Mr. Doyle.

2289. Mr. *Doyle.*—Cumberland-street, and other places in the ward, including Baymount, have received the benefit of the scheme. We intend to go before the Local Government Board to ask for leave to go on with the works.

2290. Mr. LAWLESS.—He says that he will, or the Commissioners will have to go before the Local Government Board before they can go on with the work. Do you not, Mr. Doyle, mean or propose to go on with the work until you go before the Local Government Board?

Mr. *Doyle.*—I do not know what my Board will do.

2291. Mr. EXHAM.—Is there a minute of the Board stating that the works will be suspended in the event you speak of?—The work referred to is part and parcel of the contemplated scheme.

2292. Have you submitted any report to the Board on the subject of this suspension of the works?—No.

2293. Is it only your own idea then?—Yes.

2294. Have you received any directions on the subject?—None.

2295. Or given any?—No.

2296. Have you had any directions whatever given you in reference to the Monkstown-crescent work?—No directions, sir.

2297. Did you at the time think it was necessary for the health and comfort of that locality that a sewer should be made?—Well, yes.

2298. Did you think so in April, 1874?—We only commenced our sewer works last June, and in consequence of difficulties arising between myself and the committee, they have stopped the works.

2299. Is there a resolution of the committee stopping the works?—Not stopping.

2300. I cannot understand you. Did you stop the work on your own responsibility?—No.

2301. Who then gave you the orders to suspend the sewerage work in Monkstown?

The *Town Clerk.*—When more pressing works are completed, this will be one of the first sewers taken in hands.

2302. But what authority was there for stopping it at all—was there a resolution?—There was not, sir.

Mr. *M'Evoy.*—The Board obtained a considerable loan to do the work, and the ratepayers are paying for it.

The *Town Clerk.*—Monkstown ward is getting quite its proportion of the works carried out.

2303. Mr. *M'Evoy.*—Glasthule is getting the whole of it.

2304. The *Town Clerk.*—I am sure; and I may so inform the Commission that the sum of £8,000, which has been borrowed, will be equally divided over the wants of the entire township. One locality will not be favoured over another.

2305. Mr. *Reilly.*—There is an objection to doing too much work at a time, for the sake of the rates.

2306. Mr. EXHAM.—Yes; but the peculiar thing about this Monkstown Ward work is, that Mr. M'Evoy, as I understand him, says Mr. Doyle told him it was not intended to do it at all.

2307. Mr. LAWLESS.—We will now hear Mr. Pallas.

Mr. ANDREW PALLAS, C.E. examined.

2308. Mr. EXHAM.—What is your profession, Mr. Pallas?—I am a Bachelor of Arts of Trinity College, an engineer of several years' standing, a member of the institute of Civil Engineers of Ireland, and entitled to be a member of the institute of England. I have been engaged in hydraulic works nearly all my life.

2309. Were you ever in the employment of the Kingstown Town Commissioners?—Yes, in April, 1867, first.

2310. Did you furnish the Commissioners with any plan or report with reference to the drainage of the township?—I furnished a preliminary report, and I then turned my attention to a plan for the drainage of the township.

2311. When you came here, were you directed to examine the sewerage of the township?—Yes; and I prepared a plan with levels suitable to all-sized houses in the township, and specifications with proper sections. My plan suited the level of the lowest basement story in the streets.

2312. Did you make that plan to enable you to prepare a scheme?—Yes; a system adapted to drain the lowest basement story.

2313. So that no single house would remain undrained?—Yes; no single house.

2314. Did you prepare proper sewerage plans?—Yes; in accordance with the suggestions of the Local Government Board of England.

2315. How long did you continue in office as town surveyor?—I think until December of the same year.

2316. When did you furnish the plans?—On the 22nd of November I furnished my report and the plans, and the estimate with them.

2317. Did your system combine the sewerage of the whole township with intercepting sewers?—Yes; I included the whole of the recognised township. I intercepted all the sewerage which is causing so much nuisance, and I carried it through my system to the extreme end of the township, so far in fact, as I could go under my instructions.

2318. Did you furnish the plans to the Commissioners, which you prepared as the foundation of your scheme?—I did, and a report on the 22nd of November, 1867. The plans and my scheme met with a great deal of local opposition, and I was very much worried in consequence, so much so, that when I received an offer of an appointment from the Secretary of State for India, for irrigation works there, I went to that country in 1868. I was only with the Commissioners from the time they appointed me in April until November, and I got no remuneration from them.

2319. Had they your plans then for nothing?—No, I did not give them up until I was paid for them.

2320. How much?—£70.

2321. Did you leave them then a complete set of plans, levels, and sections?—Yes.

2322. Did your plan include the drainage of those disgusting lanes we have heard so much about?—Every one of them.

2323. Was it a complete system to serve rich and poor?—I had a level for every lane and court in the township, and I provided for the drainage of every one of them.

2324. In order to enable you to do that, did you go personally into all these places?—I visited every one of them.

2325. From the condition of them at that time, what do you say to Dr. More Madden's report?—In 1867 these places were quite filthy, and just as described in that book. When the cholera was here, it was especially bad in Crosthwaite-park. A friend residing there told me that he had to get a drain or sewer opened in order to have it cleaned out, but there was not a sufficient fall to the sewer to allow it to be properly cleaned.

2326. Would your plan have got rid of all that?—Certainly.

2327. Does that state of things exist there now?—No, I believe it has been remedied since. It was in a very bad state then.

2328. When again did you turn your attention to the sewerage of this district?—In the year 1873. I attended an inquiry here on the subject, which was held by the direction of the Local Government Board.

2329. Have you seen the works themselves as they are being executed?—I have seen a certain portion of them. I have seen portions of the work at Glenageary-road, Breffni-terrace, and Mulgrave-terrace.

2330. In your opinion is the eighteen or the fifteen inch pipe sufficient to provide for the additional drainage which will flow into the pipe?—I cannot tell unless I knew the area drained into it.

2331. Can you not tell from the plans?—Not without sections giving the discharges of the sewer; but I certainly would not put in a sewer less by twelve inches than that contracted for.

2332. Mr. LAWLESS.—Supposing a sewer three feet by two was intended to be put in, and an eighteen or a fifteen inch pipe substituted, would either of these latter sizes be sufficient for the purposes of efficient drainage?—A fifteen or an eighteen inch pipe would be insufficient under the circumstances.

2333. Mr. EXHAM.—Have you looked yourself at some of the sewers constructed?—I have.

2334. Was there fall enough—was the water stagnant?—I saw water lodged in the Mulgrave-street sewer, and my opinion is that if there was a proper fall that would not be the case.

2335. Did you see the water lodged there?—Yes.

2336. In your opinion, as an engineer, should there be pegs or some such mark put down from place to place for the purpose of showing the clerk of works or contractor at what levels they should carry their sewers?—The practice is to give them levels every twenty or twenty-five feet, and to put a board across each centre line.

2337. Do you do that yourself?—I or my assistant. It is absolutely necessary to do it to insure the carrying out of the work at proper levels.

2338. From what you observed of the sewers being constructed here, can you say whether or not any such course has been adopted?—In none of the sewers that I saw were there any level pegs, nor did I see any centre lines. I looked specially for them.

2339. With regard to the materials used in the construction of the sewers, did you examine them?—I did, and I looked to the workmanship of those in progress.

2340. Did you examine the basement of the arches where they are cemented together?—Yes.

2341. Have you heard the specification read here—"Best county Dublin grey stock brick"? Are the bricks used of that description?—They are not.

2342. What sort of bricks are being used?—I should say Boghall bricks. The bricks being used are not of the kind or quality known as "best county Dublin grey stock brick."

2343. Are they suitable for the work of these sewers?—I should not allow them to be put in.

2344. Are they according or equal to those contracted for?—They are not.

2345. Have you seen that difference in the brick in more places than one?—I was asked to go to Glenageary-road, and they are not the best county Dublin grey stock brick which are used there.

2346. Are they suitable for the work?—No.

2347. Did you see any bad bricks amongst them independent of the description of brick?—I did, plenty.

2348. Did you see in the specification the description given of the bricks to be used?—I did.

2349. Are those used equal to that?—They are not.

2350. Are there bits of bad brick amongst them?—Yes, and bad whole bricks.

2351. Independent of their being of a different make and quality?—Yes.

KINGSTOWN.
April 13, 1877.

Mr. Andrew Pallas, C.E.

2352. In what cement are those bricks laid?—They are not in the cement contracted for.

2353. Is there a distinction between best London cement and Portland cement?—There is. The best London cement is the best.

2354. Is there any difference in the price?—There is a difference in the quality.

2355. Is there not a cement manufactured somewhere in the south of England?—Yes.

2356. Is what is called in the trade "Best London Portland cement," the best quality known?—Yes.

2357. Better than any you could get out of London?—Yes.

2358. The cement used in the sewers is to be of that quality. Is the cement you saw used even "Portland cement"?—I do not believe it is Portland cement at all.

2359. What cement do you believe it to be?—I believe it is Scotch cement—Glasgow cement.

2360. Mr. LAWLESS.—Is that sold at a lower price in the market than the other descriptions?—Yes.

2361. Mr. EXHAM.—Do you happen to know the difference in the price?—I know there is cement made in Glasgow which is of greatly inferior quality. It was used at the construction of the Vartry waterworks, but had to be all taken up again; it didn't harden at all.

2362. Is it with reference to that difficulty that these terms are in the contract, "It is expected to harden within half an hour"?—Yes. It is necessary to have the cement set quickly in order to prevent the water from getting in. They use lime-mortar in the sides.

2363. Is it only in the bottom the cement is used?—Yes.

2364. In the Mulgrave-street sewer?—Yes. The side walls are only half a brick thick and backed with clay.

2365. Is that all?—Yes; that is quite thick enough for the sewer if it is built with cement. (Hands in specification of the London main drains, which says that all the work is to be in cement.)

2366. Is there anything in the Kingstown contract binding the contractor to have the whole done in cement?—No.

2367. This (the London specification), is for low-level sewers. At all events in the sewers here the bottom is to be in best London Portland cement?—The cement I saw used is not like it in colour.

2368. In your opinion when constructing sewers should the ventilators be put in as the sewers progress?—Certainly; I have searched the whole Glenageary-road and I could not find one. There should be a man-hole at every ventilator.

2369. How are those ventilators to be put in now?—They must again break up the road. I should put in a ventilator every 100 yards, and that as I go along with the sewer.

2370. Has that been done here?—No.

2371. Is there not a single ventilator to be seen on that road?—I have not seen one.

2372. You say you saw water running on the Sandycove-road?—Yes; and the trench was full of water.

2373. Are the pipes there jointed?—I saw no cement for jointing, and those I saw were not jointed.

2374. Were the men then laying them?—Not on the day I saw them—it was on Sunday.

2375. Did you see any of them lying in their beds?—They could not be jointed and the trench full of water; the water must be taken out of it.

2376. Mr. LAWLESS.—You say you saw them on Sunday?—Yes; there was no cement on the ground.

2377. Did you happen to see them on any week-day?—I did not. I saw Burdett-avenue sewer and it was not jointed.

2378. Suppose they are allowed to remain in that condition will they be affected in any way?—Of course the surface-water will percolate into the sub-soil, and will get into the pipes, which, of course, will throw extra work on them. They won't carry off the sub-soil water.

2379. Mr. EXHAM.—Did you see a wall broken near the sea?—I did.

2380. What has become of the sewage now?—It is trickling through the material of the wall, and out on the fore-shore. The shore in the summer time must be in a horrible state—that is at Scotch Bay.

2381. Did you see anything at Sandycove-road?—That is the one I mentioned. I saw the new pipe sewer discharging into Bullock Harbour.

2382. Is that at the outfall of the sewer?—I saw it after the storm.

2383. How high does it fall?—It has several feet of a fall on the shore. It is an old outlet.

2384. Does the new outlet join the old one on the same level?—It apparently went into the old level.

2385. You mentioned about the side of the sewer being only half a brick thick: is there no backing put to it?—No.

2386. Ought there to be?—There ought.

2387. Should not the rock be smoothed away so as to leave an even bed for the sewer?—Undoubtedly.

2388. Can you say if that is done?—What I saw was not done. It was a brick sewer and the bottom was made on the bank, and put in without any concrete bedding at all. If a point of rock comes on the pipe it must break it. I have had iron pipes broken in the same way.

2389. Mr. LAWLESS.—I think in this particular case the contract does not require that to be done?—It ought to be in it; if not, it shows a defect in the plan.

2390. However that does not show that there was any departure from the contract?—No.

2391. Mr. EXHAM.—Is there any reason why what is called an intercepting sewer should be constructed in a different way from others; because I see Sir John Hawkshaw provided that his proposed sewer should be surrounded with concrete?—Mr. Doyle's sewer is a totally different one; it is partly rubble.

2392. Are you able to form any idea with reference to the drainage proposed to go down Albert-road, whether a twelve-inch pipe is anything like sufficient to carry off the drainage from it?—I should think most certainly not, because that road is very level and the fall is very little.

2393. From the fall of the road, is it possible for that size of a pipe to do the work required?—I do not think it possible.

2394. What do you say, as an engineer, to making an eighteen-inch pipe discharge into a nine-inch pipe. Is that a proper system of sewage?—If there is an eighteen-inch pipe of course a nine-inch pipe would not be sufficient to take the discharge from it; that stands to reason.

2395. (To Mr. *Doyle*).—Did you ever make any examination of the amount of rock in Glasthule as distinguished from Monkstown. Is there more rock in Glasthule ward?—There is.

2396. We have the fact that the Glasthule works were done within the estimate. The sewage could be made cheaper in Monkstown ward than in Glasthule. Will Monkstown be more expensive than Glasthule?—No; Gasthule was done for £2,010, and it was more expensive than the sewers of Kingstown.

2397. (To Mr. *Pallas*).—Have you seen the way in which the house drains are being connected with the main sewers?—I saw in Mulgrave-terrace some nine-inch pipes built in the wall in the brick sewer.

2398. Are they connected in a proper manner?—I think if the side wall was in cement they would be properly done, but the sewer being laid in mortar I do not think they are right.

2399. Have you seen any of those houses at Lawson-terrace?—No.

2400. Can you give any opinion about them?—Not except from what I heard.

2401. What is the defect in laying the junction pipes into the sewers as at present constructed?—I think the way of laying the house pipes into the drains, which has been described, is objectionable.

2402. In what way?—I think that the pipe for the house drains should have a junction made for it on the bottom of the sewer, and be connected with the house afterwards.

2403. Have you anything to say about the sewers at the crossing of streets?—I think there should be a man-hole at every intersecting street, and every man-hole should have a ventilator.

2404. Has that been done as far as you saw?—No.

(The questions which follow were put to Mr. Pallas at the request and on the suggestion of Mr. Doyle, the town surveyor.)

2405. Mr. EXHAM.—Have you ever executed any sewage works yourself?—I have.

2406. Where?—I was employed on the plans of the Dublin Waterworks.

2407. Did you ever execute any sewage works?—I have executed some in India.

2408. Sewage works?—Yes.

2409. Did you ever execute any in Kingstown?—I was only ten months in Kingstown.

2410. Did you construct any sewage in De Vesci-place?—I did, for Mr. Stewart.

2411. Was that drainage?—It was.

2412. Did you put man-holes and ventilators on it?—No; it was a private place. I did not put any ventilators. I prepared it for Mr. Stewart; it was paid for by him.

2413. What was the length of it?—I could not say. There was no ventilator put on, and I may add that I recollect the reason why. The question of ventilation was very much discussed at the time, and it was considered very doubtful whether it was best to put them on or not.

2414. Did you provide ventilators on the intercepting sewer in your plans?—I did; I calculated for ventilators at the time.

2415. Did you prepare any estimates for the main drainage of Kingstown?—I did, and I took into account the cost of putting ventilators at the man-holes.

2416. Did you estimate work in Kingstown twenty-seven feet deep, at a cost of 1*s.* the running yard?—I cannot recollect it.

2417. Did you estimate the cost of work cutting twenty-seven feet deep, at 1*s.* a yard?—I am perfectly certain I never did anything of the kind. There may have been a portion of the work that depth—at one point it might be twenty-seven feet deep, and at another far less, and so on, and I may have averaged the cost of the whole at 1*s.*

2418. It is impossible to find out from these papers whether there is such an estimate (referring to papers handed to Mr. Exham by Mr. Doyle). Was this prepared by you (handing papers to witness)?—Yes.

2419. Can you find it there?—This is only a rough draft that I gave them. Whether it is the final estimate or not I do not know now. Here is one place mentioned as being twenty-seven feet deep; here's another place twenty-two, and another thirteen, and so on, and the cost of the various depths is averaged at 1*s.* Here is another place only six feet. I considered that 1*s.* at that time would have been a fair price for the whole work.

2420. Did you leave out Dunleary in your plan, leaving the old outlet there still?—My intention was to intercept the sewerage there going into the harbour. I could not interfere with the old outlet.

2421. What was the amount of your estimate for the sewer to Sandycove, not including damage to property and right of way?—I cannot recollect.

2422. Can you say from recollection whether it was £4,000 or not?—My estimate for the entire intercepting sewer was £11,262, and for internal sewers £17,000 at that time. I have no copy of the estimate which I handed to the Town Commissioners. I am able to give you the totals; No. 1 scheme was £28,262.

2423. What scheme was that?—For one outfall; that included the local drainage. Of course prices are very much increased now.

2424. What was the other scheme?—It was for two outfalls; the estimated cost was for Kingstown £21,000, including local drainage, and Glasthule, including local drainage.

2425. In your plan for the sewerage of Kingstown, was there any provision made for ventilators?—They were estimated for.

2426. Have you ever made mistakes in your estimates—estimated the cost of any work at too little. What percentage of mistakes is usually calculated?—Every engineer makes mistakes sometimes. I made an estimate the other day, and the contract was taken at four and a half per cent. over it. Parliament always allows us ten per cent. to come and go on.

2427. Did you ever compete for any work at Howth?—Yes; I made a design.

2428. For the drainage of the town?—Yes.

2429. By whom is the drainage plan being carried out?—I do not know.

2430. You are not doing it?—No.

2431. That is to say your plan was not accepted?—It was not.

2432. Have you had a large experience in doing work as an engineer? Will you tell me what works you have been engaged on?—I was engaged first on the Board of Works in 1854 on Lough Outer; I was then engaged in a survey for the Grand Trunk Railway of Canada until the Crimean war broke out, and I came home then. I subsequently was engaged at making railways, and various other works of importance.

2433. Are you acquainted with the mode in which the internal drainage of Dublin is being carried out—I mean the material used, and the way in which it is laid down?—I know the system on which it is being carried out.

2434. Will you look at one of these contracts. (One of the contracts for the sewerage work of Kingstown was handed to witness). Can you point out any difference between that and the mode in which the work is required to be done in Dublin?—I have seen the old contracts for Dublin, but I do not know if they are done in that way or not. I believe this specification to be principally made from the Dublin one.

2435. Is it substantially the same?—I believe it is copied from it.

2436. From what you saw in Dublin, would the bricks you say you saw used here be accepted as the best county Dublin gray stock brick?—I am certain they would not be taken as any such thing.

2437. Is there any difference between Mr. Doyle's system of carrying out the work and that followed in Dublin?—I am perfectly certain that Mr. Doyle's system of carrying out the work would not be followed in Dublin, because I know that the levelling pegs are used there, and here they are not.

Mr. THOMAS SEXTON examined.

2438. Mr. LAWLESS.—Are you the contractor?—Yes.

2439. We saw here two or three specimens of bricks which were of very different qualities?—The bricks all come from Clondalkin.

2440. What contract are you working on now?—Mulgrave-terrace and Glenageary-road.

Mr. FREDERICK BARNES examined.

2441. Mr. LAWLESS.—You wish to give evidence with regard to Mr. Sexton's contract?—Yes, I saw the contract this morning.

2442. How much of it is open?—About twenty yards.

2443. Is it capable of being seen and examined?—Yes. I measured the depths and they agree with the sections.

2444. Who furnished you with the sections?—The man in charge who has the section for carrying out the work.

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Mr. Frederick Barnes

2445. Is that Mr. Sexton's foreman?—Yes.

2446. Did he tell you where he got the sections?—I know from the sections that they are got out of the office.

2447. Is that a brick sewer?—Yes, three feet by two feet.

2448. Did you examine the materials there?—I did.

2449. In your opinion is the work there properly done?—So far as I saw it is fairly well done. The blocks are all in Orchard cement instead of best London Portland.

2450. Mr. EXHAM.—Is that Scotch cement?—No; it sets quicker than the Portland cement. It sets very rapidly, and on the whole it makes a very good job.

2451. How soon will the Orchard cement set?—It ought to set very well in two days if there is dry weather.

2452. The specification says the cement used should be the best London Portland cement, and should set in half an hour?—That is a different thing from having it fit to go into the work.

2453. Will it set in half an hour according to the meaning of the words used in the contract?—No, it would take about an hour. No Portland cement that ever I used would set in half an hour; it would bond itself, but it would not be fit for use.

2454. What is the difference in price between Orchard cement and best London Portland cement?—There is about 12*s.* a ton. The Orchard cement is that much cheaper than the other.

2455. Where is it manufactured?—In London most of it. There is Portland cement made in several places besides London, but the London cement is the best.

2456. Is the Orchard cement as strong as the best London Portland cement?—No, it is not so lasting.

2457. Is there an article known in the market as best London Portland cement?—There is.

2458. So far as you saw were the bricks used in the work the best county Dublin grey stock bricks?—The bricks in the portion of the work that I saw were good bricks. They were the best county Dublin grey stock bricks.

2459. Were they of the kind described in that contract, full size, &c.?—All that I saw were.

2460. Did you see any small bricks?—There were half a cart load set on one side as unfit to be used in the work.

2461. Mr. LAWLESS.—Were those bricks that you saw county Dublin grey stock bricks?—Yes.

2462. Are you speaking of those you actually saw in the works?—Yes.

2463. Did you see any of those prepared to be put in?—I did, and most of them were very fair bricks. There were a few that I would say ought to be put aside.

2464. Mr. EXHAM.—Were all the bricks you saw there county Dublin grey stock bricks?—Yes; there is no choosing between them and the Boghall bricks. The Boghall won't do where there is running water.

2465. Is not the Mulgrave-terrace sewer made through very rocky ground?—It is.

2466. Can you form any opinion as to whether the rocks were cut away so as to leave a proper and level bed for the pipes?—So far as I could see the bottom of the sewer was very fairly laid. The water was running very fairly, and I think the levels must have been very well carried out.

2467. Do you know the Glenageary road sewer?—No, I do not. It was only this morning that Mr. Sexton sent for me.

2468. Which is the Orchard or the Portland the quickest setting cement?—The Orchard.

2469. Mr. *Sexton.*—During the wet season the Portland cement would not set.

2470. (To Mr. *Barnes*).—You say it is not so dear as the other?—It is not.

2471. If you were working on a contract which bound you to use best London Portland cement would you consider you might use Orchard cement?—Not unless I got liberty to do so.

2472. Do you approve, Mr. Pallas does not, of making only the bottom of the sewer with cement, and the other part in mortar?—I think it should be in cement to the water line, and the walls in mortar.

2473. Do you think it would be necessary to put concrete behind the mortar portion?—In some cases it would be desirable to do it, but where the rocks are close, a good back of clay is as good as anything. There is another observation I think it fair for me to make. I have not spoken to Mr. Doyle for nearly twelve months.

2474. Do you consider it a good plan in making the house junctions to have the drains drop down perpendicularly?—No; I do not.

2475. In setting pipes do you think they should be jointed?—Yes, with staunching clay, except under houses.

2476. What would you say if you saw water coming from the joints?—Mr. Sexton has as good staunching clay as there is in Ireland, and has joined the pipes. Mr. Sexton has done work for me for fourteen years, and I always found him to do it very carefully.

2477. How long did it take to do the piece of sewer that you saw open?—I should say considering that the weather has been very wet that it must have been done about a week. I do not think it could be done either yesterday or to-day.

2478. Were you employed here to examine and test Mr. Doyle's estimate?—Yes.

2479. Did you estimate that the entire work could be done for £10,000?—I cannot say how much my estimate was, but it was something under Mr. Doyle's.

2480. It turns out now that it cannot be done for that?—It ought to be. The prices were ample and full. I have been preparing estimates for nearly forty years, and I am never much astray.

2481. In Lower George's-street, Mr. Doyle's estimate was £764, and the lowest tender was £1,400. Were you examined as a witness before Mr. Robinson?—Yes; and I was sworn.

Mr. Myles Kelly.

Mr. MYLES KELLY examined.

2482. Mr. LAWLESS.—You are a Town Commissioner?—Yes, for a long time.

2483. What do you wish to say, Mr. Kelly?—I want the town clerk to hand in the water contract with the Corporation of Dublin, and I wish to say that at present outsiders can bring bills into Parliament which are injurious to the interests of the township. I think that corporate bodies should be the only parties who should have power to promote bills affecting the township.

2484. We have not any power to inquire into such a matter. When was that contract made?—On the 5th April, 1869.

2485. What was the contract?

2486. *Town Clerk.*—To supply the water; the terms are these. (Reads):—

"The annual sum or rent to be paid half-yearly, on the 1st May and 1st November, to take and convey the water from the said reservoir or a point near thereto, shall be a sum equivalent to the sum obtained by 3½*d.* in the pound on the Government or other valuation, from time to time, on the rateable valuation of the township, and in addition the Commissioners will pay the Corporation by ½*d.* in the pound on the rateable value of the township, for such water as they may require for manufacturing or any such purposes. Said two sums of 3½*d.* and ½*d.* making a total of 4*d.* in the pound, to be paid by the Commissioners to the Corporation."

2487. Mr. *Kelly.*—We are now paying 5*d.* in the pound. We had a contract from a person for laying the pipes from the Stillorgan reservoir to Kingstown for £3,446. For that outlay we would have had water in Kingstown for ever at 3½*d.* and ½*d.* in the pound. Dalkey got it at 4*d.*, and I see no reason why we should pay 5*d.* when we were nearer the water than Dalkey.

2488. Why, then, did you not contract?—We were not in a position to contract that year.

2489. Suggested by Mr. *Kelly* (to *Town Clerk*).—Was Mr. M'Evoy qualified by his rating to be a Town Commissioner in the year 1870?—If I search the book I could tell you. My recollection is that his valuation was £22 in 1869 and 1870, but that it afterwards stood at £28.

2490. Did he continue to be a Commissioner up to 1873 or 1874? Was he nominally on the Board?—Yes.

2491. Did he go through the form of election?—He was on the list of defeated candidates, but he claimed the seat of another gentleman, and that gentleman resigned. He took proceedings.

2492. Mr. LAWLESS (to Mr. *Kelly*).—Did Mr. M'Evoy get an adjudication of the Court of Queen's Bench in his favour?—He did. KINGSTOWN. *April* 13, 1877. Mr. Myles Kelly.

2493. Were you on the Board at the time?—I was.

2494. Why did you not question his qualification then?—Did you continue to sit at the Board with a gentleman who was not qualified?—I did. I was not going to incur legal expenses in the matter.

2495. Mr. *M'Evoy* handed to the town clerk, a poor-rate receipt for the year 1870.

2496. *Town Clerk.*—This would show a valuation of £27 in that year.

APRIL 14, 1877.

April 14, 1877.

Dr. HENRY COLGAN, consulting sanitary officer, examined. Dr. Henry Colgan.

2497. Mr. LAWLESS.—How long is it since you were appointed?—Three years.

2498. Do you make any reports on sanitary matters except called upon to do so by the Commissioners?—Not except called upon by the Sanitary Board of the Commissioners.

2499. How often does that Board meet?—Every Friday.

2500. Do you attend the meetings?—Yes; I come down to the Board every Friday.

2501. Is that your regular duty, and do you come down whether requested or not?—It is; and I come down as a matter of course.

2502. Do you take part in the discussion, or give to the Board the benefit of your opinion on sanitary matters?—Yes, whenever the Board require it.

2503. I presume you are acquainted with the town?—I am for a long time.

2504. Do you know the sanitary condition of the poorer parts of the town?—Yes, they are steadily improving. I think there might be some more drainage in the court and lane ways.

2505. Mr. EXHAM.—Did you read Mr. Haliday's report on the sanitary state of Kingstown?—I am aware of it, but I don't think I have read it. It appeared before my time as a sanitary officer in the town. Great improvements have been made in Patrick-street, for instance.

2506. What were the great improvements?—Dr. O'Flaherty has had a great deal done.

2507. Are you, as a medical man and a sanitary officer, satisfied with the present state of things?—They have for some time been steadily improving, and in a short time again—say in another six months—matters will have greatly improved.

2508. Did you hear me read out of Mr. Haliday's book, a description of the condition of several places within the township in his time? We have asked Dr. O'Flaherty, whose evidence was of a great importance, whether nuisances of that kind still exist, and he said he was sorry to say they do, and that there were several privies yet required?—I agree with him.

2509. Is it your duty to examine these places?—No; it is not. I agree with Dr. O'Flaherty's evidence from my general knowledge of the places referred to.

2510. Do you know their condition from personal inspection?—Well, not directly. I give my opinion and assistance to the Board on such matters appertaining to public health as I may be consulted about.

2511. We have it on the notes that there are several houses in Kingstown unfit for human habitation?—Well, you know that is another question.

2512. Are there, doctor?—I believe there are.

2513. How many?—That I cannot say.

2514. Mr. LAWLESS.—Are there many houses occupied by poor people which you consider unfit for human habitation?—Well, I don't know that. It is not my duty to visit these places. I believe Dr. O'Flaherty spoke about that.

2515. Mr. EXHAM.—Do you know any such places near a place called "Pig-lane" or "Pig-bank," which, as described by Dr. O'Flaherty, are entirely without any rere accommodation?—Yes; I believe there are a good many houses without rere accommodation.

2516. Are these places which are absolutely without rere accommodation, and occupied by the poorer and working classes, looked after by the Commissioners?—They are.

2517. Are they sufficiently attended to, in your opinion?—In that I am not directly concerned.

2518. Have they provided these places with ashpits or privies?—I am not sure.

2519. (Suggested by Mr. *M'Evoy*).—Have the Commissioners ever asked you to report on the sanitary condition of the town?—No; that is not my duty.

2520. Mr. EXHAM.—The result of the evidence before us is that there are several places in the very same condition as they were in 1866 when Mr. Haliday reported, and I take the effect of Dr. Colgan's opinion to be that there has been great improvements effected, but there are still several places in the condition then described.

2521. Mr. LAWLESS.—The result also, to my mind, is that the improvements have been effected by the introduction of the Vartry water supply. It appears that at that time the poor people had to buy a bucket of water, but now they can get it in abundance from the fountains. However, the Vartry water has not been brought up into the lanes and courts through any pipes, and still in many places there are no sewers, no rere accommodation, no privies, no ashpits. There is no receptacle provided for filth, and it is thrown into the street after nightfall. From all the evidence up to this, we distinctly understand that several of the places remain in precisely the same condition they were in when Mr. Haliday made the report in 1866, which was followed by that of Dr. More Madden in 1867. If the Commissioners think that is not the fair result of all the evidence up to this we will gladly hear any evidence to remove that opinion.

2522. Mr. *M'Evoy.*—I gave evidence, as will be seen from the "Minutes of Evidence" given before the Select Committee of the House of Commons that passed the Kingstown Act of 1869, with reference to the sanitary condition of the town. The Committee was on private Bills (Group M), and commenced its sittings on April the 20th, 1869.

Dr. COLGAN'S examination resumed. Dr. Colgan.

2523. Mr. LAWLESS.—Do you find your suggestions are attended to by the sanitary committee?—Yes.

2524. Mr. EXHAM.—Is this the general condition of any portion of the town in your opinion? What I am about to read is an extract from the evidence given by Mr. James M'Henry, an inspector under the Sanitary Board, Dublin, before the Select Committee of the House of Commons, on the 22nd April,

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Dr. Colgan.

1869. In paragraph 2 of a report which he made on the sanitary condition of Kingstown, and which he handed into the Committee, he states as his opinion :—

"That in many places within the town, in which there are as many as ten to twenty dwelling-houses, there is only one privy common to all, or one ashpit."

In the alleys, he says :—

"There is required more nuisance accommodation, and the filth of several courts runs into a common drain, thereby causing a sickening nuisance."

I ask you now, Dr. Colgan, if, according to your opinion, that state of things still exists? Is it a fact that there are ten to twenty dwelling-houses in some of these places, with but one privy or ashpit?—Well, I think there have been some privies built since that in those places.

2525. But, as a matter of fact, have there been? Have you gone round to see?—I have not. It is not my duty to go round.

2526. In paragraph 3 in this evidence it is stated to the Committee—

"That pigs and horses are kept in such close proximity to the dwellings of the people as to be injurious to health."

Is that allowed still?—Animals have been removed in a great measure.

2527. Mr. LAWLESS.—You are aware that there is a large system of drainage work going on in Kingstown?—I am.

2528. Will the execution of these works effectually remedy the wants in these poor places, which you say require sewerage?—If it goes through these places it will improve them, of course.

2529. Perhaps you do not know what is contemplated?—No, I do not.

Mr. John Tomlinson.

Mr. JOHN TOMLINSON examined.

2530. Mr. LAWLESS.—Are you storekeeper to the Town Commissioners?—I am.

2531. Where are the stores kept?—Part of them are kept in the store in the market yard, and part quite near here. (Referring to a space at the rere of the Town Hall.)

2532. Which is the principal store depot?—A certain portion is kept in the two places. One kind of material is kept in the market yard, and stores and such like in the other place.

2533. Are all these things under your care as storekeeper?—Sometimes I am engaged in the "upper yard," as distinguished from what we call the market yard.

2534. What do you mean by the "upper yard"?—A larger yard than the market yard.

2535. What are your occupations in the market yard besides that of storekeeper?—I receive all material coming in, and see that there is the right quantity.

2536. Have you anyone to assist you in that?—No one.

2537. Are you occupied every day in the market yard?—Yes.

2538. How many hours in the day is your time occupied there?—From six in the morning to six or seven in the evening weighing and superintending the weighing of the market produce sent there.

2539. Do you receive the market charges or payments?—Yes, the charges. The seller receives the payments, I receive the tolls, and superintend the weighing of everything that comes in.

2540. Besides that, do you superintend and weigh all materials purchased by the Commissioners for the carrying out of their works?—Yes. I weighed 100 tons during the last three months. The Commissioners have nothing to do with what is sent in except to receive the tolls.

2541. Does the business that you have told us of occupy your time?—Yes; from six or seven in the morning to the same time at night.

2542. What time then have you to devote to your duties as storekeeper?—Very little.

2543. Supposing, while you were engaged in one or other of your necessary duties, stores arrived, who would receive them?—Well, if they came to where I was I would give a return for them after having received them. A certain kind of stones is confined to a particular yard.

2544. In that case you would receive it from the accident of your being present there at the time; but suppose material came to the lower store while you were in the upper, whose duty is it to receive it in your absence?—Whoever happens to be there; I suppose Mr. Duff.

2545. Who is Mr. Duff?—The head "ganger" and yardman.

2546. Do you keep an account of all the material delivered to the Commissioners?—I do, of all that comes under my notice.

2547. Supposing material is received by Mr. Duff, who keeps an account of that?—Well, in that case he makes an account to me.

2548. Who keeps the books?—I do.

2549. When do you make the entries?—The moment the delivery occurs.

2550. Where are the books kept?—In the market store.

2551. Not in the office here in the town hall?—No, in the market store.

2552. Did you receive directions as to any particular form of book to be kept by you?—No.

2553. Do your books show the receipt of all stores that are delivered from time to time to the Commissioners?—Yes.

2554. Do they show the prices in all instances paid for them?—No.

2555. Do you give out of store the materials required for the Commissioners' works?—Well, no, that is rather Mr. Duff's duty. The water inspector gets an order on me for what he requires, and then I give the material to him.

2556. By whom is the order signed on which the materials are given out?—Sometimes by Mr. Doyle, the township engineer. The order for material is usually presented by a carter.

2557. Do you preserve the orders?—Yes; I file and enter them.

2558. Can materials be delivered out of the store without a written order?—Yes.

2559. By whose authority are they delivered without an order, or who takes the responsibility of delivering them?—I take the responsibility of delivering when the water inspector presents the order. I do this when I know it has the sanction of Mr. Doyle.

2560. Is there any record kept of the articles delivered in your book?—Yes; certainly there is an account kept of all road materials delivered.

2561. Where is the asphalte kept?—In one of the yards.

2562. To whom is it delivered, and on what authority?—It is delivered to the carters.

2563. Is it true that the carters can go into the yard and take road material away without any order from the Commissioners, or anybody?—I take down the description of material and the name of the locality they are going to.

2564. To whom is the delivery of the asphalte intrusted?—To the carters. I take down where they are going to in a blotter.

2565. Do you remember the asphalte delivered to Mr. Crosthwaite, the late chairman?—Yes.

2566. By whom was that asphalte delivered?—By a carter named Toole.

2567. Did you make a report of that?—I did, on the morning after it was delivered.

2568. Why did you make a report on the circumstance so early?—Because I was surprised when I heard it had gone to Mr. Crosthwaite; so, having made myself sure about it, I reported the matter to the Board on the following morning.

2569. What did you report to the board?—I reported that he had got it. I was not sure at the same time but that he got it by an order from the board, and that it was all right.

2570. Did you get an order for it?—No order came to me for it.

2571. Do you consider it right that stores should be delivered out on the order of Commissioners, or of anyone else, for private purposes?—I do not.

2572. Was this asphalte for Mr. Crosthwaite's own private purpose?—I understood that decidedly.

2573. Was any written order delivered to the man who allowed it out?—No. The carter came in the usual way, as if it was intended to be used for township works. I have a memorandum of the date Mr. Crosthwaite got it.

2574. Have you a memorandum of the quantity he got?—Yes; and the date he returned the asphalte. Mr. Crosthwaite wanted to return it again, but I refused to take it back, saying, as some noise had been made about it I would not take it back again without directions, and I afterwards got the authority of the secretary to take it back.

2575. Mr. LAWLESS.—Did you receive the same back again?—I did not. It was not the same.

2576. What was returned to you?—I received another quality, consisting of ground limestone and bitumen.

2577. Was that the kind you gave out?—No, it was not. I gave out one kind and a different article was brought again.

2578. Was it equal in value?—I think what came back was better value.

2579. Mr. *M'Evoy*.—I have here a copy of the report which the witness made in reference to the matter.

2580. *Witness*.—I have the original memorandum with me.

2581. Mr. EXHAM.—Let us have the storekeeper's report, the report of the 29th of November.

2582. Mr. *M'Evoy*.—It would be a good thing to allow the witness to go for his blotter.

2583. *Witness*.—I am not aware that the quantity is on the report, but it is on the blotter.

2584. Mr. LAWLESS.—Have you copies of your reports?—No, I didn't keep copies of them.

2585. Mr. EXHAM.—Did you know anything as to this asphalte having been taken for private purposes until after Mr. Crosthwaite had got it?—Not until some time after it had been weighed and taken away.

2586. Is anything taken out of the store without being weighed?—Nothing that I am aware of.

2587. Was this asphalte charged to Mr. Crosthwaite?—It was.

2588. Was it brought from the store to the yard to be weighed?—Yes.

2589. I understood you to say that nothing goes out of the store without being weighed?—Nothing that I am aware of, but the store is an open one.

2590. Could anything be brought out without your knowledge?—It could.

2591. Why?—Because the store was open.

2592. Was or is?—Was and is every day.

2593. Is the store left open from morning to night?—Yes; it is an open yard.

2594. May any carter go into it?—Yes.

2595. For material?—Yes.

2596. What was done on your report?—The committee of the board made an order that no material should leave the yard after a certain hour in the morning.

2597. Was it suggested that no carter should be at liberty to get material after certain specified hours?—Precisely.

2598. Was any particular carter in the habit of getting these articles?—Yes, a man named Toole took this, but another carter named Doyle almost invariably took away the asphalte. I thought that if different carters came in that would be better, but, as I said, Doyle was the carter who almost invariably came for the asphalte.

2599. Mr. LAWLESS.—Would it not be better to let one man have the trust?—Well, I thought not.

2600. What was your reason for thinking that it should not be confined to Doyle?—Because I saw him coming to take it himself without bringing it up to me to be weighed.

2601. Did you think that the carrying out of your idea would result in an advantage to the stores in stock generally?—I did, certainly.

2602. Mr. EXHAM.—I see by your return there went out to Mr. Crosthwaite on the 7th of November 8 cwt. of ground limestone, and the further compound for the mixture consisted of bitumen. Is that so?—Yes.

2603. Did you get back as much as was received by Mr. Crosthwaite?—No; he got about 13 cwt., and he returned about 10.

2604. Mr. *M'Evoy*.—He returned asphalte which he did not get at all.

2605. Mr. EXHAM.—In point of fact——

2606. Mr. *M'Evoy*.—He appears to have returned four bags of rock asphalte that was not charged to him at all.

2607. (To Mr. *Tomlinson*). — Who keeps these books?—They are all in my own handwriting.

2608. Do you weigh articles yourself—stores or the like?—No; the carters weigh them in my presence. I hold a blotter in my hand, and take down all particulars—prices and so on.

2609. What is the meaning of an entry here, "No delivery"?—I will tell you. Generally before they come I know the carters' names and the number of loads that are coming. You will find in the book you hold in your hand an account made up for January, February, and March, so that when each carter comes in I enter the weights, and then the material is deposited in the Commissioners' yards, and afterwards delivered out by the Commissioners' carts for public purposes. Of the loads going out I keep no account. The quantity which came into the yard in January was 211 loads, and I have three columns in my book for the entries.

2610. Mr. LAWLESS.—What system of keeping your accounts have you?—Well, no particular system.

2611. Supposing stores were unlawfully abstracted—stolen in fact—have you any means of detecting the loss from your system?—No, because the material is taken away by the men's carts to put on the roads.

2612. Then, according to that, may not the Commissioners' carts take stores away to any private person?—Yes.

2613. (Suggested by the *Town Clerk*).—Did you not get books to be carried on on the same plan as that of your predecessor?—No. Where is it or where was it?

2614. *Town Clerk*.—You had it.

2615. *Witness*.—I got three books from you, and not more.

2616. Do you carry on the books as your predecessor did?—I have no particular system but what I consider best. I only saw the three books which the town clerk gave me—three memorandum books. Each contains a number of columns—three, I think.

2617. Mr. LAWLESS (to Mr. *Ennis*).—Do you mean to say that the storekeeper did not follow the directions of the Commissioners?

2618. *Town Clerk*—That is so.

2619. Mr. EXHAM (to Mr. *Tomlinson*).—How long have you been storekeeper?—About two years.

2620. Have you ever been brought before the Board for any fault or complaint against you?—No; except in the case of Mr. Henry, who complained of me to the Board.

2621. Mr. LAWLESS.—Did you receive in April, 1875, a copy of instructions, as to your duty as storekeeper?—I don't recollect.

2622. *Town Clerk*.—There was such a document and there must remain some record of it. He would have got a copy, not the original document. (Handed in document.)

KINGSTOWN.
April 14, 1877.

Mr. John Tomlinson.

2623. Mr. EXHAM (reads it)—

"The storekeeper was this day called before the Board, and it was resolved that the storekeeper for the time being should consider himself in charge of all goods, both in town hall yard and market, and no goods are to be removed from the town hall yard or market without notice to the storekeeper, and on an order from the town surveyor and signed by him."

2624. *Witness.*—That is in reference to asphalte.

2625. Mr. EXHAM.—And after the foregoing instructions, a resolution is passed :—

"That the storekeeper is to be in the market from seven in the morning to six in the evening."

That is in one place during all that time.

2626. *Town Clerk.*—He is in constant communication between the two yards morning, noon and night in fact.

2627. Mr. LAWLESS.—He tells us that his time is occupied from morning till night in duties other than those of storekeeper.

2628. Mr. EXHAM.—How is he to prevent a carter coming in and filling a load of stones when he is not in the place where the stones are.

2629. (To Mr. *Tomlinson*).—Have you on any occasion given out anything without a written order?—I never have.

2630. A written order I say?—Never without a written order from Mr. Doyle the township surveyor. More material might be in the carts or less than was actually ordered when it would come to be weighed.

2631. Do the men come down to the stores, fill the carts and then come up to you to have the loads weighed?—Well if the man with a certain load is honest it is all right, but if he likes to take it away he can. It is removed after being weighed, to where it is ordered.

2632. Mr. LAWLESS.—It appears to me that the minute called the "storekeeper's directions" is completely disregarded in practice to the knowledge of the Commissioners themselves.

2633. Mr. EXHAM.—At the same time it is fair to Mr. Tomlinson to say it is not his fault. He cannot be in half a dozen places at one time.

2634. Mr. *Perrin*.—And the market yard must be open at all times. Traders from the county Wicklow are constantly coming there.

2635. *Town Clerk.*—The original document prepared by Mr. M'Evoy, and a copy of which was given to Mr. Tomlinson, required the storekeeper to take charge of all the property of the Town Commissioners in the yard, store and stables, horses, carts, to send a cheque of the goods delivered to the board-room, and to answer any inquiries thereon, to get the workmen's time in reference to going to or returning from work, and to daily walk over the township to see the men at work.

2636. Mr. EXHAM.—How is he to do that? How is he to walk over the township?

2637. *Town Clerk.*—That has been modified since by a transfer of the duties to the head ganger. That was subsequently omitted when he was made market clerk.

2638. When he was made market clerk how on earth was he to see after everything—the weighing in the market, the delivery of stores and other materials, the seeing after the men, and so forth?

3639. *Witness.*—The first part of these instructions I adhere to at the present moment.

2640. Mr. EXHAM.—No doubt you take care of the stock when you can; but is there anyone to answer for you in your absence, when anyone or any cart may go into the yard and take stock or materials away?—There is not anyone.

2641. Mr. *M'Evoy.*—Looking after the men only refers to entering in a book where the men were working.

2642. Mr. EXHAM.—Have you to give any security to the Town Commissioners?—No.

2643. What is your salary?—When I came here first my salary was £1 a week—now it is £1 5*s.*

2644. Mr. LAWLESS.—It is very poor indeed.

2645. *Witness.*—I think it right to say no complaint has been made outside the yard against me.

2646. Mr. *M'Evoy.*—It was purely voluntarily made, that report of his about the asphalte.

2647. Mr. EXHAM.—Yes, and he made it on the day after.

2648. Mr. LAWLESS.—He acted very properly in doing so.

2649. *Witness.*—I entered it the moment I heard it after it left the yard.

2650. Mr. EXHAM.—Yes; you gave in a report that Mr. Crosthwaite got 13 cwt., and I see no order of the Commissioners ordering the refund of the balance he got.

2651. *Witness.*—I believe Mr. Crosthwaite paid back money.

2652. Mr. EXHAM.—Did he pay for the full balance?

2653. *Town Clerk.*—I gave in evidence that the amount of the difference, as made up by the storekeeper, was paid by Mr. Crosthwaite.

2654. Mr. *M'Evoy.*—What he paid was not the full value of what he got.

2655. Mr. LAWLESS.—We will not go into that question at present.

2656. Mr. *Henry*, Glasthule.—I have a complaint to make as a ratepayer. I put property into the market-yard, and I believe the same was not returned to me.

2657. Mr. LAWLESS.—Do you say you lost your property?—Yes, I do.

2658. Mr. EXHAM.—Have you complained of it.

1659. *Storekeeper.*—When I asked him for the tolls, he said, "You must follow me for that."

2660. Mr. *Henry.*—That is an untrue statement.

2661. Mr. LAWLESS.—Mr. Tomlinson may go.

Dr. John Roche.

Dr. JOHN ROCHE examined.

2662. Mr. LAWLESS.—I think you are one of the Town Commissioners?—Yes. The first thing I want to say is to contradict a statement made here to the effect that I asked Mr. Pallas, the engineer, to inspect certain bricks in order to show that they were not the quality specified in the contract. I did not ask Mr. Pallas to inspect any bricks at any place. The next thing I have to say is in reference to the case stated relative to the bill of costs amounting to £1,289, for opposing bills in Parliament. I objected to an *ex parte* case altogether. We had two opinions of eminent counsel, but there was no reference to these opinions in the case stated. We had the opinion of Mr. Pallas, the present Chief Baron, that the Commissioners had no power to oppose the scheme at all. The Commissioners then withdrew, and had to pay £90 costs. At that stage a judgment was obtained against the rates; and I say that the ratepayers were not properly represented in the preparation or arguing of that case.

2663. Was the case stated in consequence of a resolution of the Board of Commissioners?—I will tell you the actual facts. I was not here when the resolution about the case was adopted.

2664. Was the case stated in pursuance of a resolution of a majority of the Board?—I think so. It was before my time at the Board, but I was here on the day it was adopted. It was not read to us at all.

2665. Mr. *M'Evoy.*—You became a Commissioner in 1875.

2666. *Witness.*—Mr. M'Evoy was in favour of it, and he asked me to support it. I said I knew nothing about it.

2667. Was it adopted by a majority of the Board, you dissenting?—Yes. It was on the 2nd March, 1875. We had also Mr. May's opinion in reference to the opposition of the Gas Bill of the Corporation of Dublin, and he held we were in the right.

2668. The *Town Clerk* handed in a minute of the Board bearing date March 2nd, 1875, which was as follows :—

"At an adjourned monthly meeting of the Commissioners, a draft case to be stated for the judgment of the Court, was submitted. It

was moved by Mr. M'Evoy, and duly seconded—'That the amended draft case now submitted to the Board, be, and is hereby approved of, and that Mr. Lalor, our solicitor, be requested to communicate with Mr. Monroe, barrister, on the subject of proceeding.' Question put and carried, Dr. Roche dissenting; and that Mr. Lalor be informed that the Commissioners prefer to await Mr. Monroe's return from circuit."

2669. Mr. LAWLESS.—Is there any further meeting about it on the minutes? I mean is there any further minute of instruction with reference to the case?

2670. Mr. *M'Evoy.*—If all is to be seen, we should begin at the beginning.

2671. Mr. EXHAM.—We would like to see the minute, if there is such, authorising the solicitor to sign the case on behalf of the Commissioners.

2672. Mr. *M'Evoy.*—Here, I have the part in my hand about these bridges. It runs thus:—

"On the 10th July, 1874, a letter was read from Mr. Sharkey, Parliamentary agent, relative to the cost of opposing the Dublin Bridges and Dublin Gas Bills of 1873, and it was moved and seconded, 'That Mr. Lalor be consulted on the subject of Mr. Sharkey's letter.' Question put and carried."

2673. Mr. EXHAM.—Show me the resolution of the Board authorising Mr. Lalor to sign the case. If there is no resolution of the Town Commissioners, I do not see what authority he had to sign such a case and to bind the ratepayers.

2674. Mr. *M'Evoy.*—Mr. Ennis might be able to tell us, if he read out that draft case to the Commissioners, the day on which it was submitted.

2675. Mr. *Ennis.*—I am not clear.

2676. Mr. LAWLESS.—You would probably remember it. Surely there was some authority recorded in the books to sanction proceedings in such an important case.

2677. Mr. EXHAM.—If not, it would be allowing the paying away of public money very loosely. Such things, if sanctioned at all, should be carried out in a regular and proper manner.

2678. Mr. *M'Evoy.*—I did not know the "Bridges" were included in it. I thought it was only about the Gas Bill costs.

2679. *Town Clerk.*—I have examined the minutes, and I don't see any further resolution with respect to the stating of that case.

2680. Mr. EXHAM.—Show us any authority given by the Town Commissioners for such a proceeding.

2681. Mr. LAWLESS.—Or show us the order on the special case.

2682. Mr. EXHAM.—Opinions were given on the subject by the present Chief Baron, and also by the present Lord Chief Justice. Were those opinions ever brought before the Commissioners?

2683. *Town Clerk.*—Oh, yes.

2684. Mr. EXHAM.—The Chief Baron's is as far back as 1872.

2685. Mr. LAWLESS.—Yes; and he thought the Gas Bill did not interfere with the rights of the Commissioners in any way; so they were not justified in opposing it, and the costs should not have been paid out of the rates. Show me Mr. Lalor's bill of costs that we may see what are the directions as stated in it for signing this case. (Bill of costs produced.) (Reading from Mr. Lalor's bill of costs.) I see that Mr. Lalor says that on the 4th November, 1874, he received the draft special case to be submitted to the court, and that after consulting Messrs. Molloy and Watson, solicitors, he would report the result of the interview. It appears also that on the 22nd of November he had an interview with Mr. Sharkey's attorneys, Messrs. Molloy and Watson, and Mr. Watson said he was ready with the plaint in the case. Then there appears to have been a further interview between Messrs. Molloy and Watson and Mr. Lalor on the 21st of February, 1875. There is the usual charge made for reading the letter from the secretary, stating that the Commissioners had passed a resolution of the 2nd March, 1875, acting on the suggestion of Mr. Monroe, as contained in Mr. Lalor's letter. This appears to dispose of the matter before the Commissioners as far as they were concerned. The next thing that appears is that on the 3rd May, 1875, judgment was given on the special case in favour of the plaintiff.

2686. Mr. EXHAM.—I see from this bill of costs that Mr. Monroe struck out some passages on the draft case, and added others. It does not appear that the Board were ever called upon to approve of these alterations or that the draft case was ever submitted to them for further consideration or to obtain their authority to have it brought before the court.

2687. Mr. LAWLESS.—Can the letter mentioned in Mr. Lalor's bill of costs as received by him, on the 21st of February, 1875, in reference to this case be found? I see he charged in his bill the usual fee for reading that letter.

2688. Mr. *Barrett.*—Mr. Lalor would be able to give the required information.

2689. Mr. EXHAM.—Then it would be well to have Mr. Lalor here. We want, in the first place, the resolution on the books of the Commissioners authorizing Mr. Lalor to sign this case as finally settled by counsel.

2690. *Witness.*—Mr. Monroe's opinion was decisive; and, if we were right in opposing it, why did we go further?

2691. Mr. LAWLESS.—Mr. Lalor's charge is the usual charge for reading the letter from the Commissioners, in relation to this case. His charge is dated 21st of February, 1875. Probably that letter was written on the 20th. We have the secretary's letter in reply, stating that:—

"The Commissioners, have passed a resolution acting on the suggestion of Mr. Monroe, as contained in my letter"

of such a date, and so on. Can you find any resolution from January, 1875, to the 2nd of March? There must have been such a letter.

2692. *Town Clerk.*—I have found this minute—

"2nd of December, 1874.

"A special meeting was called for the purpose of considering a letter from Mr. Lalor, enclosing copy of his letter to Messrs. Molloy and Watson. It was moved and seconded—'That Mr. Lalor's communication be and is hereby approved of, as regards our opposition to the Dublin Bridges Bill.'"

Then, on 18th December, 1874, at another meeting, there is this further minute:—

"A letter was read from Mr. Lalor, enclosing copy of letter from Messrs. Molloy and Watson. Mr. Lalor stated he did not think it necessary to require security for costs from the plaintiff. It was moved by Mr. Galligan, and seconded by Mr. M'Cready—'That security for costs on the part of the plaintiff be not required.'"

2693. Mr. LAWLESS.—Yes; and now I still think that the letter which was received by Mr. Lalor on the 21st of February was written on the 20th of February.

2694. Mr. EXHAM.—Was it Mr. Monroe's suggestion that security for costs should not be required from the plaintiff?

2695. *Town Clerk.*—Certainly.

2696. Mr. LAWLESS.—Is there any other resolution?

2697. *Town Clerk.*—Yes; on the 3rd of May, 1875, there is this:—

"In the case of Sharkey *v.* the Commissioners, Mr. Barrett submitted a draft case for counsel, on the mode of paying Mr. Sharkey's costs and other debts, on the part of Board. Resolved—'That the draft case prepared by Mr. Barrett be referred to the solicitor of the Board, to make what use of it he thinks proper in the preparation of the case in this matter.' Question put and carried, Dr. Roche dissenting."

2698. Mr. LAWLESS.—Was not that the day on which the judgment of the court was given?—Yes.

2699. Mr. EXHAM.—So far as it appears up to the present, there was never any authority given by the Town Commissioners to sign that special case on their behalf.

2700. Mr. LAWLESS.—Unless there is a resolution which we have not seen as yet.

2701. *Witness.*—An order was made by the Board, as well as I recollect, on 19th November, 1875, requesting the solicitor to prepare a case for opinion of counsel as to whether the chairman of the Board, Mr. M'Evoy, was liable for Mr. Hassard's costs. Mr. Hassard was an engineer employed by the direction of the chairman, and he sought to make the

KINGSTOWN. *April* 14, 1877.

Dr. John Roche.

Commissioners liable for his fees. The case proceeded, and judgment was given to the effect that the Commissioners were liable. We objected to pay because we considered the chairman was not the Board, but a single individual. He directed the secretary, and therefore the chairman should be primarily liable.

2702. Mr. LAWLESS.—Was Mr. Hassard's claim paid out of the rates?—Yes; there is also a resolution that Sir John Hawkshaw should be employed as consulting engineer.

2703. Mr. EXHAM.—Was that done by a vote?—The chairman directed the secretary to request Sir John Hawkshaw to send in certain plans. There was a similar resolution passed by the Corporation of Dublin preparatory to certain work to be executed by them, for which over thirty plans were sent in, and not one penny was paid for them.

2704. Mr. LAWLESS.—Was a case submitted to counsel as to the liability of the chairman?—No, not of the chairman.

2705. Was there any case submitted to counsel in consequence of this resolution?—Any case about Mr. Hassard—there was no opinion of counsel taken previously to the case of Hassard against the Board.

2706. Mr. EXHAM.—What Dr. Roche says is this—the engineer was employed by the chairman. Show us now any resolution of the Commissioners that Mr. Hassard was to be employed?

2707. *Town Clerk.*—Under date of July, 1873, the requisition of meeting states—

"That the sewerage plans prepared for the township be referred to a consulting engineer to report upon, with such recommendations as may appear to him expedient and necessary."

It was then agreed to on the motion of the chairman—

"That the plans in question be submitted to a consulting engineer for the purpose mentioned in the requisition, and that such engineer be informed that the Board was anxious for him to confine his report and suggestions within the limit of the township."

Before the chairman left the chair he told me that Mr. Doyle, our own engineer, had forwarded his own plans to Sir John Hawkshaw. That transpired on the 4th August, 1873.

2708. (Suggested by Mr. *M'Evoy*).—Were not Mr. Hassard's plan before the Board that day as one of the plans for the drainage of Kingstown?

2709. *Town Clerk.*—Yes, I think they were spoken of amongst the others.

3710. Mr. LAWLESS.—Did he furnish plans?—He did; his plans were not on the wall, but the plan prepared by our own town surveyor showed, in different coloured lines, the various schemes that had been proposed by Mr. Pallas, Mr. Hassard, Sir John Hawkshaw, and his own.

2711. Did you forward the plans to Mr. Hassard?—I did.

2712. Was it for the inspection of these different plans that he sent in his claim afterwards?—Yes; his claim rested chiefly on my directions in the letter, and some alteration made in the plans.

2713. Was what you did done by the direction of the chairman?—Yes; Mr. M'Evoy was chairman at that time, and not Mr. Crosthwaite, as has been stated.

2714. Had Mr. Hassard any other claim against the Commissioners at that time?—No, he had not.

2715. Mr. EXHAM.—On Mr. Hassard being employed he sent in plans, and then the question was whether he was to be paid out of the rates or out of the Chairman's own pocket. Is this so?—Yes. At a meeting held on the 4th of August, 1873, I find that—

"The Chairman reported he had ordered Mr. Ennis to write to Mr. Hassard to forward his plans to the Board. An amendment to recall the letter was moved, and lost, the resolution to have the plans sent being carried on a division."

A further resolution runs thus:—

"That our secretary be directed to write to Mr. Hawkshaw for his report on the sewerage plans, as the Board does not recognise the plans submitted to Mr Hassard."

All these resolutions were produced in the Court of Exchequer on the trial, and the Chief Baron directed the jury that the Chairman and secretary should be looked upon as the executive of the Board, because they did a great part of its business.

2716. Mr. LAWLESS.—Was there a verdict for Mr. Hassard?—Yes.

2717. After the verdict we cannot go behind it.

2718. I also wish to give evidence with a view of expressing an opinion that the Local Government Board and the Board of Works should be one and the same body. And on the working of the Food and Drugs Act, which is a good Act, when the inspector requires an article for examination he may be told that it is not exposed for sale. The law is thereby baffled.

2719. Mr. EXHAM.—This is a matter, however useful, which does not come within the scope of our inquiry. We will allow Dr. Roche's opinion to go on the notes, but we cannot do more.

2720. *Witness.*—I consider the Sanitary Act also is not sufficiently applied to poor lodging-houses. The poor people should be made to wash their bed-clothes. I think there is a provision in the Act to meet such a case, but it is in fact inoperative here.

2721. *Town Clerk.*—The Commissioners have greatly to complain of the round-about working of the Sanitary Act, which imposes great difficulties in their way in carrying out the Act efficiently.

2722. Mr. EXHAM.—We have had the same complaint made over and over again in almost all the towns we have visited.

2723. Dr. *Roche.*—With reference to the estimates for the town hall I have the opinion of a professional man that the alterations suggested by the Public Works Commissioners in the frontage of the original plan would involve an increased expenditure of several thousand pounds, perhaps £8,000, thereby doubling the original estimate by one-half.

2724. Mr. LAWLESS.—Was £8,000 the original estimate?—Yes, the estimate cost.

2725. Mr. *Barrett.*—But that plan which would involve the greatly increased sum has not been adopted.

2726. Mr. EXHAM.—These plans can be altered as other plans here have been altered. That appears to be a local practice here.

2727. Mr. *Barrett.*—The plans have been altered at the instance of the Board of Works, but we have not adopted their alterations. Our plans are the plans of Mr. Robinson.

2728. Dr. *Roche.*—What I contend is this—that the Commissioners have been in the habit of adopting plans on bare professional suggestions without getting a written document, whereby professional character might be put to the test, and without requiring a professional man to give a business-like exposition of his particular view. In this case we had a written exposition of the original plan, but not of the suggested alterations.

2729. Mr. EXHAM.—Is it your opinion that Mr. Doyle or any other engineer or architect before he altered his mind with reference to a plan, ought to show good reason and authority for it?—It is.

2730. Mr. *Barrett.*—Advertisements were inserted in the newspapers requesting plans, and several having been sent in Mr. Robinson's was accepted. The estimate to work out that plan is £8,000, and we all believe that it can be built for £8,000. On our submitting these plans to the Board of Works they wanted to alter them, and we found that these alterations would involve a much higher estimate. I say we cannot afford that. Advertisements have been put in the papers for contracts to carry out the plans, and we will then see if they can be done for our original estimate of £8,000.

2731. *Town Clerk.*—It is well known in these building plans that the general design of the work may be unaltered, while small changes may be made both inside and outside to suit the plans which the contractor will be called upon to work out. When the working

plans are made they may be varied in a degree, but in no sense so considerable as to interfere with the original design of the Commissioners. In fact they will be altered, if necessary, to bring them down to suit the original amount borrowed to erect the building.

2732. Dr. *Roche.*—With reference to the asphalte, I was somewhat more practically interested in that, and so made some inquiries. We were surcharged £180 for ground limestone, at least those Commissioners were who had to do with the transaction. We advertised for tenders for asphalte, and we got one from the Val de Travers Company, offering it for £3 12*s.*, and another offering it at £4 10*s.* £3 12*s.* was a low figure, and we did not accept it. A party said to me, "I have the Val de Travers doing some work for me, and they are doing it to my satisfaction. I want to get the supplying of it to the Commissioners, and if you can aid me, and the Commissioners accept my price, I will give you a commission." The price named was £3 12*s.* a ton. I said that the Commissioners were about to produce asphalte on their own account at a lower figure than £3 12*s.* Mr. Fottrell then said, "I will then take away my patent, and you will mark the consequences." We inquired from a competent party what would vitiate the patent prior to publication. I had heard about it from Mr. Brady, who had the contract for the laying of the particular piece of work out of which the surcharge arose.

2733. Mr. EXHAM.—Did you enter into the laying contract without advertising?—No.

2734. Did you advertise for the materials?

2735. Mr. *Barrett.*—There was no use in advertising, because the article could not be got from any other person but Mr. Fottrell.

2736. Mr. LAWLESS.—Yes, but at the same time the Act of Parliament plainly requires that you should have done what was not done. The auditor would not listen to your argument that the state of things dispensed with the expediency of advertising.

2737. Mr. *Barrett.*—The surcharged parties got an opinion on the subject, and they still think they are right.

2738. Dr. *Roche.*—Another matter I want to inform you about is the insufficient ventilation of the sewers. The ventilators nearly all over the town are not of the correct kind, and they are, in my opinion, almost worthless. In the man-holes this very frequently occurs. The ventilators are insufficient in number and insufficient in design.

2739. Mr. EXHAM.—Do you think that is prejudicial to the houses by not giving a proper escape of sewage gas?—Yes, that is my opinion; and when a large sewer is constructed, if the ventilation is not attended to, the work is necessarily not complete.

2740. Mr. LAWLESS.—Have you ever brought this subject of imperfect ventilation and sewerage before the Board of Commissioners?—In 1875 I brought the matter before the sewerage committee, of which I was chairman at that time, and we had a resolution passed that Mr. Doyle, our engineer, before he would give a certificate to the contractor, should satisfy himself that the work was in that respect properly executed.

2741. That appears to me to be rather an important resolution. Can it be got for us?

2742. *Town Clerk.*—My impression is it is in the auditor's report, and the report you have fully on your notes.

2743. Dr. *Roche.*—I spoke to Mr. Palles several times on the subject and also to others. In fact I took so great an interest in the matter that every lad in town called me the "Ventilator."

2744. *Town Clerk.*—I don't recollect the resolution referred to by Dr. Roche.

2745. *Dr. Roche.*—I saw the resolution, and it will be found on the minute book of the sewer committee. I have also to say, with regard to the Lords of the Treasury, that although they are empowered to grant loans extending over thirty years for sanitary purposes they won't do it for us.

2746. Mr. LAWLESS.—Is there any other matter to which you wish to draw our attention, Dr. Roche?—No, sir; but I would like you to see that resolution of the sewer committee.

2747. Mr. EXHAM.—Have you any memorandum saying what that resolution was?—I read it myself in the books two or three days ago. It says the surveyor is not to give a certificate to the contractor until he is able to satisfy the sewer committee that the work has been properly done.

2748. Mr. LAWLESS.—We will require that resolution to be found. It is an important resolution, and there ought to be no difficulty about getting it for us.

2749. Mr. EXHAM.—Have you, as a medical man, formed any opinion about the sanitary condition of the town?—I do not think the sanitary condition is in such a bad state at all as represented. I think, taking any town in England or Ireland, and comparing it with this, Kingstown would be found third in the rate of mortality, and I think it is a very clean town.

2750. What about the lanes and alleys of which we heard so much?—They are in course of being improved. We have been lately discussing that.

2751. Eleven years has passed since the passing of the Public Health Act, and what has been done? Dr. O'Flaherty said, that what Mr. Haliday said in his book in 1866, was still in a great part true. He said there were numbers of places in the same condition still. No sewers, no ashpits, no privies, houses overcrowded, in fact, places not fit for human habitation?—Well, I think the worst of it is the overcrowding of the houses. There has hardly been time yet for a complete working of the Public Health Act.

2752. Mr. EXHAM.—Under the Act, which does not require time for carrying out the provisions relating to houses unfit for human habitation, what have you to do except to summon the owners and get an order to have them closed?

2753. *Witness.*—I do not think the Commissioners can have their officers under such discipline, as to be able to remedy through them every want.

2754. Is it your opinion then, that the Commissioners cannot by their officers prevent overcrowding?—The people take in friends.

2755. Take in friends in a place unfit for human habitation, which has not any sewer but the street, or privy, or ashpit, and no means of putting them in, and where the human filth is put in a bucket and thrown out at night in the public street. In your opinion, should that state of things be allowed?—I would not say a house was unfit for human habitation because the filth is put into a bucket, it is quite as good as a sewer or water-closet.

2756. Dr. O'Flaherty says there is no accommodation of the kind, and therefore perforce the filth must go into the public street, and where there is no sewer this is to a large extent done; although that state of things has been partially remedied. Does it continue still in many cases?—I am not aware that it does.

2757. Mr. LAWLESS.—Do you know the poorer parts of the town, I mean do you know the condition of these parts?—Well, Dr. O'Flaherty has opportunities of seeing things which I have not, going about as medical officer. But as chairman of the sewerage committee, I heard many things about the sewerage of the town.

2758. Mr. *Perrin.*—The sanitary medical officer describes the nuisance himself from personal observation on which he makes his report. The sanitary officer in this case, Dr. O'Flaherty, gets only £10 a year for all he does.

2759. Mr. LAWLESS.—Yes, and very miserable remuneration it is.

2760. *Town Clerk.*—Will you ask Dr. Roche for me, while you were chairman of the sanitary or sewer committee, had you any reason to complain of the sanitary officers, and was there not an anxiety on the part of the Commissioners to see everything carried out?—There was no complaint; and to the latter part of your question, I answer, yes.

2761. Mr. *Barrett.*—No doubt, an immensity of work has been done.

KINGSTOWN. *April* 14, 1877.

Dr. John Roche.

2762. *Town Clerk.*—Dr. Roche resigned, and the Commissioners induced him to come back again.

2763. Mr. LAWLESS.—Have you a general acquaintance with the proposed system of sewerage works that are being carried out in the town?—I have.

2764. Will that system, if it be completed, confer advantages on the poor people of the town?—I think it could be made to do so.

2765. Mr. EXHAM.—You say that Mr. Pallas mentioned to you that the bricks you spoke about were not of the specified quality. Were there complaints made about the qualities of these bricks?—I think Mr. Henry told me about them. I saw they were white-looking bricks. I know nothing myself about them, but if I wanted to know I would ask some one. Chemically I know as much about them as any engineer. If any brick can be burned well chemically it is a good brick. There is a practice by the engineer of the Commissioners of cutting off the water at night, and several parties are complaining about that. If a fire should occur there would not be a sufficient pressure to extinguish it, and the practice is also objectionable on sanitary grounds.

2766. Mr. LAWLESS.—Who has the care of that?

Mr. *Doyle* (town surveyor).—We do not cut off the water unless we have found a leak.

2767. Mr. *Kelly* (Town Commissioner).—The water is never shut off but when it is necessary, and when it can be done with safety. We used to shut it off at a certain hour because there was a large waste of water, and on examining into the matter we found this was caused more from large cracks in the pipes than anything else. In these cases where it has been shut off I have known Mr. Doyle to stay up all night himself in case anything might occur.

2768. Dr. *Roche.*—That answer affects the sanitary matter. The water mains laid in this town have nothing to separate them from the sewers but a brick, so that where the mains run alongside the sewers there should be brickwork to keep them well apart. If not, the whole town may be poisoned, as the sewage matter, if it escapes, may get into the cracks of the water pipes.

2769. Are the mains made too near the sewers?

Mr. *Doyle.*—Where you cross the sewer you can't help it. I have been engaged in waterworks where we ran the pipes on the top of the sewers.

2770. Dr. *Roche.*—Disease has been traced to that very thing in Oxford University.

2771. Mr. *Doyle.*—The main is three feet under the surface in this country.

2772. Mr. LAWLESS.—Do you think it is good engineering to have the mains in such close proximity to the sewers?—We have them separate as much as possible, and where they run parallel what can you do.

Mr. Michael Patrick Duff.

Mr. MICHAEL PATRICK DUFF examined.

2773. Mr. LAWLESS.—What office do you hold, Duff, under the Commissioners?—Head ganger.

2774. What are your duties?—I superintend everything connected with the scavenging.

2775. Mr. *Perrin.*—He lays down the pipes.

2776. Mr. *M'Evoy.*—Yes, connecting the houses with the main sewers.

2777. Mr. LAWLESS.—Do you lay down or inspect the making of the connexion between the houses and the main sewer?—Where there is a small sewer I have to connect it with the big one.

2778. Are you an engineer?—I am not. I am a practical working man.

2779. How many men have you in the scavenging department?—Sixteen.

2780. It is your duty to see that these men do their duty every day?—It is.

2781. Do you inspect the streets of this town every day?—Yes.

2782. Do you know the small houses in the small courts where the poor people live?—Yes.

2783. Do your men see to the cleaning of these small places or courts?—Yes.

2784. When was that street called Wellington-street cleaned?—Yesterday morning.

2785. It is just as bad as ever this morning. Filth and refuse scattered about there everywhere. I saw it myself, and so did Mr. Exham.

2786. Mr. *Perrin.*—It was cleaned yesterday because you were here.

2787. *Witness.*—To-morrow morning the men will go to work there again.

2788. Mr. EXHAM.—Leaving this one day's interval.

2789. *Witness.*—Every day we go round, Sunday as well.

2790. Mr. LAWLESS.—You appear to me to have a good many different departments to attend to. You have to attend to the scavenging, the drainage, the sanitary part of the drainage, as well as the disposition of the filth and ashes?—Yes.

2791. With your men?—Yes.

2792. What are the regular duties of the men under your direction with regard to that?—They go round to these poor places and see them cleaned.

2793. Do they go to these places where there is a privy common to more houses than one?—They do.

2794. Mr. EXHAM.—Do they empty them of their own accord, or do they wait for directions?—They wait for directions from the sanitary committee; then I bring a staff of men and have them cleaned out.

2795. Except you get directions for sweeping these lanes, alleys, and courts, do your men touch them as a matter of course?—No.

2796. What are your duties as to making connecting drains from houses to the public sewers, because that would appear to me to be the duty of the town surveyor?—If there is a connecting drain wanted, the town surveyor tells me to bring my men and materials and connect it.

2797. Do you superintend the doing of that kind of work?—I superintend doing it myself.

2798. What becomes of the scavenging all this time?—I have the men told off in the course of the evening or the day for making the connecting sewers, and I leave these men at their work, and then go round to see if the other men are in their proper departments.

2799. Are you not sometimes engaged making connecting sewers all day, and then what time have you to look after the scavenging?—I always go round to see if everything is correct.

2800. Who checks the levels for these connecting drains?—Myself.

2801. Were you brought up to that?—No; I am a practical man.

2802. Mr. *Perrin.*—I saw him the other day making a sewer in Corrig-avenue. I asked him had he anyone superintending the works with him. He said not.

2803. Who superintends the joining of these pipes?—Myself.

2804. How do you join them?—Where we have not cement, we have a fine clay. With this clay we make puddle, and with this we staunch the pipes. It is a very good way; and what is more, it never leaks.

2805. Does the town surveyor take any part in this kind of work?—He comes round occasionally to see if we are there.

2806. Does he examine these drains before they are closed up?—Some he does, and some he does not.

2807. Supposing you were going to make a drain close to one of these sewers, who would make the connexion?—I would make whatever connexion was wanted.

2808. How would you make it?—Get a pipe according as the case might be, to suit, make a hole ready in the pipe or sewer, fit in the connecting pipe, and then put the staunching clay round it.

2809. Do you put them in at right angles to the sewer?—I don't know what that means. I gave them a certain regular fall. I put them within two

or three inches of the bottom. If the drain is very deep we put them down at the side of it.

2810. Do you put any of them right at the top of it?—Very seldom, just according to the level. Mostly always at the side.

2811. Do you do this with the street scavengers?—Yes.

2812. Did you ever see the town surveyor take a level in putting in one of these connecting drains?—No.

2813. Did you ever see him take a level when he was marking out or putting in any sewer or drain?—No.

2814. If he came on the ground where you were working did he give you orders as to the doing of the work?—Sometimes he would.

2815. Mr. LAWLESS.—Who are the men who work?—Well, every kind. I generally bring the best and the hardiest with me to do good work. Some I keep at the scavenging. We accommodate ourselves as best we can to get the work done.

2816. Mr. EXHAM.—Did you make some drains at Royal-terrace?—Yes. I made the pipe joinings there with cement.

2817. Did you do the work there with the scavenging men?—Yes.

2818. Suggested by Mr. *Perrin*.—Were you the man who got the pipes ready, and laid them at Castle-park, and were they removed afterwards?—Yes; some came up. Some old pipes were taken up that were put down years ago.

2819. How many times did you put pipes down there?—Twice.

2820. Why was it necessary to put them down a second time?—The former ones were not sufficient to take the pressure of the water coming out there. The others were too old.

2821. How long is it since the twelve-inch pipes were put down?—I don't know. I have no record of it.

2822. Mr. *Perrin*.—I saw them put down. The contractor was four or five years putting down sewers there, and were there not several put down?—Mr. *Doyle*.—No.

2823. *Witness*.—There were only two.

2824. Mr. LAWLESS.—At all events were you obliged to take up the twelve-inch, and put in a fifteen?—By the connexion a twelve and a nine came into a fifteen.

2825. Mr. EXHAM.—Have you left part of the nine and part of the twelve? If it was too small before is it not too small now?—Some time ago there was an overflow, and a twelve-inch pipe was put down along the road by Michael O'Brien's property. This pipe comes up from the old main and meets the fifteen-inch pipe.

2826. How many feet long was that?—I did not measure that.

2827. Did you put down that nine-inch pipe under the direction of Mr. Doyle?—The nine-inch pipe comes as far as Breffni-terrace, and that was done some years ago. The twelve-inch pipe lies in another place, and runs into a field.

2828. Do you know Sandycove and Sandycove harbour?—Yes.

2829. Did you ever lay down any sewer from Sandycove, West, to Bullock harbour?—No.

2830. Mr. *Perrin*.—About ten months ago the Commissioners put down by arrangement a fifteen-inch pipe, and——

2831. *Witness*.—What I speak of is at Castle Park-avenue and Sandycove-road.

2832. Mr. LAWLESS.—Did you make these connecting sewers from Michael O'Brien's house and the main sewer at Castle Park-avenue?—Yes. That work was done some years ago.

2833. When was the last work done there?—A few weeks ago.

2834. What was the dimension of the last pipe you laid down?—A fifteen-inch pipe.

2835. In order to lay that down did you remove any pipes that had been there before?—Yes; the twelve-inch.

2836. Did you put down these pipes?—Yes; some weeks ago.

2837. Mr. EXHAM.—This work is not laid down in the map of 1874.

2838. Mr. *Doyle*.—It was done some years ago.

2839. Mr. LAWLESS.—Did you for the purpose of laying down the fifteen-inch pipe, take up any pipe besides what you had previously laid down yourself?—Only half a pipe.

2840. Was that half a pipe any portion of what you laid down?—No.

2841. What dimension was the pipe you took up?—Twelve-inch pipe.

2842. Why did you remove it?—To make room for ourselves for the corresponding of the two pipes, the nine-inch and the twelve-inch to drop into the little man-hole together.

2843. Mr. EXHAM.—Are we to understand that a fifteen-inch is put in the place of the twelve-inch, and that the eighteen-inch pipe is put in place of a three feet by two sewer?—Yes.

2844. Was this work shown in any plan submitted by Mr. Doyle to the Local Government Board Inspector?—(No answer.)

Mr. *M'Evoy*.—Would you see if it was in the estimates.

2845. Mr. EXHAM.—It is not in the estimates shown to us.

2846. Mr. LAWLESS.—While the men were doing this work were they paid in the ordinary way as scavengers?—They were.

2847. Mr. EXHAM.—Did Mr. Doyle, before you took up that nine-inch pipe, give you any levels for the men to work by?—No.

2848. Did he go to inspect the work?—He was there several times.

2849. Do you know the sewer at New Cross-avenue?—Yes.

2850. Was that lately taken up?—Yes.

2851. Is that one of the new sewers or an old one? It is a new one.

2852. Mr. *Doyle*.—New or old, it was made four years ago.

2853. Mr. EXHAM (to Mr. *Doyle*).—Is this one of the new sewers you made.

Mr. *Doyle*.—Yes, it was a new sewer made by Mr. Sexton.

2854. Was it opened lately?

Witness (Duff).—I opened it the other day and turned the Vartry water into it. I washed it out with the Vartry water, but I could not get much out of it.

2855. Was it stopped?—It was.

2856. Did you wash away the stuff that was in the sewer, having first made it fluid by the aid of the Vartry water?—I did.

2857. In your opinion was that a proper sewer?—No, sir; not for that neighbourhood.

2858. Why?—It should have been a great deal larger.

2859. What was the size of that sewer?—Nine, twelve, and fifteen inches at different parts of the sewer.

2860. Did you make connecting drains with that sewer?—Yes.

2861. Was it when you were making the regular connecting drains that you found it to be choked?—Yes, when I broke the pipe for making the connecting drains the stuff out of it flew up in my face.

2862. Mr. *Doyle*.—That sewer was made in 1872.

2863. *Witness* (Duff).—The sewerage spurted up in my face.

2864. Mr. EXHAM.—Do you know the house of any gentleman in that avenue, where the sewerage came up in consequence of the bursting of the drain?—I saw that in the yard. When I washed out the pipe the drainage went away.

2865. Did you report that to Mr. Doyle?—After he saw it. I forgot it at the time.

KINGSTOWN. *April* 14, 1877.

Mr. Michael Patrick Duff.

2866. How long is that ago?—A few months.

2867. Did Mr. Doyle see it?—Yes, he saw it, and saw the men working at it.

2868. Do you know a street called Mulgrave-street?—I do.

2869. Have you observed the sewerage there?—Yes.

2870. Are the sewerage works there in a proper state?—No.

2871. Does the sewer there provide for the north and south side of the street?—I don't think it is deep enough for the street.

2872. Is it large enough to provide for the sewerage of Mulgrave-street?—Oh, it is plenty large, but it has not fall enough.

2873. Mr. *Brady*.—The contractor worked out the plans.

2874. Mr. EXHAM.—Mr. Brady says the contractor worked out the plans that were given to him, and if that is so, the contractor was not to blame.

2875. Mr. *Duff*.—Did you inform Mr. Doyle of the state of the sewer that you cleaned?—Yes; it was all cleaned up and made perfect.

2876. Mr. EXHAM (to Mr. *Doyle*.)—The witness says that this sewer was laid at an improper level. What do you say to that?

Mr. *Doyle*.—What does he know about it?

2877. Mr. EXHAM.—If that is so, why did you put him to make sewers and connecting drains?

Mr. *Doyle*.—I did not set him to make connecting drains—I may have set him working.

2878. Mr. EXHAM.—He says he has made both sewers and connecting drains under your direction? Is that so?

Mr. *Doyle*.—Yes, I directed him. Except at one place, it was not found necessary to break the pipe. He is not competent to give an opinion on sewerage works or drains either.

2879. Mr. *Kelly* (Town Commissioner.)—If this kind of thing was going on, I must certainly say we got no report about it from our head ganger or surveyor.

2880. Mr. LAWLESS.—Duff says he reported it to the engineer. His duty was to report to him and not to the Board.

2881. Mr. EXHAM.—He says he brought the engineer there, showed it to him, and then it was cleaned out with the Vartry water. It is not for us to say why you did not get a report.

2882. Do you know a sewer that runs from a lane at the rere of Upper George's-street?—Yes; that is at the north side, at the back of the premises of Mr. Downs.

2883. What sort of a sewer is that?—We had to clean it out a couple of times.

2884. Is the new one deep enough to drain that sewer?—Well, I think it is, but I am not sure.

2885. Mr. *Kelly* (Town Commissioner.)—I think Mr. Doyle should hear these answers. He is in the next room, but I think it is his place to be here.

2886. Mr. EXHAM.—I certainly think so too. But I have not any power to keep him here. He said just now that this man knows nothing about it, and yet he was put to do the work by him. He ought, in fairness, listen to the man's answers as to the works he executed.

2887. *Witness* (Duff.)—The sewer you speak of is one of the last put there. It was stopped two or three times. We did not clean it this good bit. It is a rubble built sewer covered in.

2888. Is that sewer at a sufficient level to prevent its being choked?—It is not a bad sewer.

2889. How does it get choked?—There are a lot of people there who sweep their sweepings into the grating, and when they keep on at this the drain is soon stopped.

2890. Mr. EXHAM.—Is the drain of sufficient capacity to carry these sweepings off, or to take off what is cast into it?—Yes, sir, if it is kept well flushed.

2891. Mr. LAWLESS.—Is it an old sewer that is there?—Yes, sir.

2892. Mr. *Doyle*.—That is an old pipe that falls into Royal Marine-road.

2893. (Suggested by Mr. *Perrin*).—To Mr. *Doyle*.—Do you know the condition of the pipe-sewer leading into Sandycove Harbour? Is there anything worse in the town? Mr. *Doyle*.—Put your question again, if you please.

2894. Are the pipes of the sewer at the point Mr. Perrin has mentioned, working so as to carry away the sewerage that is carried to the harbour?—They are not. They were never fit for it at all.

2895. How long is it since they began to do no service?—They were never fit.

2896. Who put them down?—Mr. *Perrin*.—Mr. Doyle, I think.

2897. Mr. LAWLESS.—Is it at the site of the harbour?—Mr. *Perrin*.—In consequence of the discharge there it is a perfect nuisance. Had the pipes been away altogether it would have been better.

2898. Do you know anything of a new sewer at Haddington-terrace which is stated to us to be a very bad one?—Mr. *Doyle*.—I did not do it. I did it once.

2899. What size pipe did you put down there?—A 15-inch pipe. The sewer there was first made ten years ago.

2900. Mr. *Perrin*.—Would Mr. Ennis be good enough to show the Commissioners the order of the Board about a sewer repaired at Castlepark-avenue?—Mr. *Ennis*.—Yes; it is this year, 1877. The order is "That the town surveyor be instructed to perfect the sewer at Castlepark-avenue, and remedy the complaint of Mr. O'Brien, at a cost not exceeding £20."

2901. Was that put in the estimates? Mr. Doyle did you put that in?—Mr. *Doyle*.—No, I did not.

2902. Was that work done within the £20 or not?—The tenders are not in yet.

2903. Mr. LAWLESS (addressing the witness *Duff*).—I must say we both consider you gave your evidence in a manner creditable to your truthfulness and intelligence. We think the Commissioners have a very valuable servant in you.

2904. Mr. *Perrin*.—He only gets 30*s*. a week.

Mr. J. Brady.

Mr. J. BRADY examined.

2905. Mr. LAWLESS.—On what matter do you wish to give evidence?—I want to contradict a statement made by Mr. Doyle that I was employed by Mr. M'Evoy to spy after him.

2906. Mr. EXHAM.—Were you?—No; decidedly not.

2907. Mr. *M'Evoy*.—He was not.

2908. *Witness*.—I saw that the sewerage works were not being properly carried out in Mulgrave-street, and I, therefore, mentioned the matter to Mr. M'Evoy, he reported the thing to Mr. Kelly, the Town Commissioner, and it then became a public question. I made a complaint that the fall of the sewer was incorrect. I have been put down here as a nondescript.

2909. Mr. EXHAM.—Did you point out what you complained of about this sewer to the Commissioners?—I did.

2910. Mr. LAWLESS.—That the sewer was, in fact, up a hill?—Yes. When the report was made there was a special meeting called, when the committee of inspection that was appointed to examine the matter, reported. They, I believe, thought that an engineer should be appointed, and Duff said in this case too he did not think the sewer was made the right way. I will point it to you on this plan. (Produces a small plan of the sewer.

2911. Mr. EXHAM.—From this it appears to us, and

so it must to everyone else, that the sewer was made wrong.

2912. Mr. *M'Evoy.*—The first minute of the Board I find in reference to these sewers is :—

"The recommendation of No. 2 Committee to increase the weekly wages of the head ganger. That the increase be agreed to and fixed at 5*s.* per week in consideration of his increased diligence in the discharge of his duties in connexion with the George's-street sewer."

So the sewer in George's-street was one of the sewers put down by Duff.

Mr. J. BRADY's examination resumed.

2913. Mr. EXHAM.—Did you see that the levels were wrong?—Yes.

2914. Do you still say that they were wrong? Do you mean to tell us that?—Decidedly.

2915. Why did you not tell the Board about it?—I would not be attended to. Mr. Doyle threatened to throw me off the works. The moment I came into Mr. Doyle's office he went out.

2916. What did he say to you?—He told me to mind mine own business, and said that it was his business.

2917. Mr. *M'Evoy.*—In consequence of all this I thought it advisable to call in another engineer to examine the sewers, but the Board of Commissioners would not adopt my view.

2918. Mr. EXHAM (to Mr. *Brady*).—Was that the time Mr. Doyle said he would throw you off the ground?—Yes, decidedly. He brought the police. I said I was a ratepayer, and that he could not interfere with me. The work was carried through about half way at the time, and Mr. Kelly saw the water had to be dammed up into a river.

2919. Mr. *Kelly.*—As far as I remember the circumstances, I say that Mr. Doyle was not working to my satisfaction at the time.

2920. Mr. EXHAM.—Mr. Kelly can be called to give evidence on the point if he wishes.

2921. *Witness* (Mr. Brady).—In reference to the asphalte contract, I want to say a word, with your permission, and also with reference to the removal of asphalte. It has been alleged by word of mouth and through the public press, that I removed asphalte from the Commissioners' premises to Mr. Crosthwaite. That went the rounds of the public press, and it was reported to the town clerk.

2922. Did you do so?—Never, sir, to Mr. Crosthwaite or to any other person. I was merely the man who laid it, and I would just ask the Commissioners to ask Mr. Duff about my part in it.

2923. Mr. EXHAM.—We will. (To Mr. *Duff*).—Do you know anything, Duff, about this asphalte which was delivered to Mr. Crosthwaite, so far as Mr. Brady was concerned with it?—Mr. Brady laid it. Mr. Doyle desired me to give to Mr. Brady whatever he wanted for Mr. Crosthwaite. Previous to that he wanted some without Mr. Doyle's order. I said I would not give it on the order of the chairman himself. So then he got the verbal order from Mr. Doyle. So I accordingly waited to get the order that way, and when I got it the asphalte was removed, but Brady only got it by Mr. Doyle's order.

2924. Mr. LAWLESS.—In common justice to Brady, this should be taken down.

2925. Mr. *Brady.*—I just wanted you to hear this.

2926. Mr. EXHAM.—If we had known that you wanted to make this explanation you should not have been kept waiting for an opportunity to make it so long.

2927. Mr. *Kelly.*—I would ask the Commissioners if they have got the reports of the investigation that took place?—*Town Clerk.*—They are to be had.

2928. Mr. EXHAM (to Mr. *Doyle.*—Mr. Brady says that when Mr. Crosthwaite wanted this asphalte laid down he applied to Duff accordingly, saying that he wanted it for Mr. Crosthwaite, who was then chairman of the Board. Duff states he refused to give him the stuff without an order from you, Mr. Doyle, and that you afterwards told him that Brady was to get whatever he wanted for the chairman. The asphalte was, under these circumstances, given out and delivered as we have heard. Mr. *Doyle.*—I gave no such order.

2929. Mr. *Duff.*—I beg your pardon, sir, you did, and more than that, you said that anything Mr. Crosthwaite wanted was to be given to him.

Mr. *Doyle.*—Nothing of the kind.

2930. Mr. *Duff.*—I beg your pardon, you did. I can certify, if it goes to that, the answers and questions that passed between us.

2931. Mr. LAWLESS.—It is not our duty to express any conclusion on the matter, although we have formed a very strong opinion about it.

2932. Mr. EXHAM.—What Duff says is, that you told him Brady was to get everything he wanted for the chairman.

Town Clerk.—I suggested to Mr. Crosthwaite to come down to the committee and point out what had occurred. Brady had previously applied to me for an order empowering him to get the asphalte, but I refused to give it, and referred him to Mr. Doyle.

2933. Mr. *Kelly.*—As chairman of the committee appointed on that occasion, I beg to say we knew nothing of the whole transaction until our storekeeper reported it, and then we immediately investigated it.

2934. Mr. EXHAM.—Yes, you lost no time in investigating the matter. You received the storekeeper's report on the very day after it was taken.

2935. Mr. *Brady.*—We had the work nearly completed before the 7th of November—a very short time after we got the stuff to go on with. I wish to say something now as to my contract with the Commissioners in reference to the laying of asphalte.

2936. Can you say how much asphalte was taken out of the yard before the 7th of November?—I cannot tell you that, but I can tell how much went up to Mr. Crosthwaite.

2937. How much can you say—we have it from the storekeeper as 13 cwt. and some pounds?—I don't know that I saw all that went out. Of course if I get a little time I can give it to you.

2938. Was it more or less than 13 cwt.?—I can only calculate by the number of yards laid.

2939. How many yards were there laid?—About fifty.

2940. What quantity would be required for fifty yards?—I think it is those who have weighed it should account for that.

2941. Mr. LAWLESS.—What quantity would you require of the same character of asphalte to lay fifty yards?—That is a question I don't like to answer. I think the town surveyor should——

2942. Mr. EXHAM.—I think, for your own sake, you ought to answer the question. Make the calculation now?—I would want to go to where the asphalte is laid.

2943. Mr. LAWLESS.—Is it that you require a little time to make your calculation?—Well, not so much that. There has been a value put on the material and the amount paid, so I don't think I should be called upon for that account.

2944. Mr. EXHAM.—Don't mind the value. What quantity did you get out of the yard?—I know exactly the number of boilers laid. I laid four boilers and a half, and I calculate them at 15*s.* 9*d.* each. I will give the items to Mr. Ennis, and let him calculate it.

2945. Mr. *Ennis.*—Sit down and calculate it yourself.

2946. Mr. EXHAM.—How much in quantity?—I can give you the money value.

2947. Give us the weight. How many cwt. weight? There was so much ground limestone—how many cwt. weight of that?—About 25 or 26 cwt. in all. The reason I had to use the good Val de Travers rock was because the limestone was not in it.

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2948. Was that more valuable than the limestone?—Oh, yes.

2949. Can you give us the weight?—I said there was about 25 or 26 cwt. in all the material. The rock asphalte was on the ground when I went there, and I directed the men how to use it. Duff was there too.

2950. Mr. *Duff*.—No, I was not on the ground.

2951. *Witness*.—Not when it was laid, because you went out of the way.

2952. Mr. EXHAM.—You got ground limestone and bitumen. Did you get anything else?—I refined the bitumen. I got shale oil, but that is not mentioned at all.

2953. You spoke about rock asphalte. Did you get that?—It was on the ground. That is the genuine asphalte in bags. When I went to the ground first there was no ground limestone, afterwards there was bitumen, and then we had ground limestone. The rock asphalte which was used was the real asphalte, from the Val de Travers Rock.

2954. Mr. Crosthwaite returned 10 cwt., and by the books he apparently got 13 cwt. This witness says he got 25 or 26 cwt. of material altogether. Do you recollect how much he got?

Mr. *Duff*.—I do not; but nothing went to Mr. Crosthwaite unless what went by our horses.

2955. *Witness* (Mr. Brady).—I want to say a word in relation to a contract which I had with the Commissioners for the laying of asphalte. In October, 1875, in answer to an advertisement in the newspapers, inviting tenders for the laying of asphalte, I sent in a tender. I was laying the floor of the Kingstown rink at the time. My tender was accepted, as was also a tender from the Val de Travers Company, and I believe it was on the strength of this that the money for the asphalting of the town was borrowed. This is the fact, and Mr. Ennis understood so, although it was said here the other day that I had no contract at all. After a little bit there was a change in the contract, and twopence additional was allowed to me for manufacturing, and I was proceeding to lay 1,500 yards in that way. There was then an order that I should not be allowed to manufacture any more on the road, but that the manufacturing should be conducted in the yard belonging to the Commissioners. The consequence of that was, they reduced my returns from £23 and £25 a week to £8 a week. I continued that way for some weeks, when I believe there was an attempt made to deprive me altogether of the contract.

2956. Mr. LAWLESS.—That in fact after your contract to do the works in a certain way had been accepted and acted on, you were required to do them in a different way: that there was a deviation from the contract?—Yes, sir; and more than that, I would not have known what took place, except that I heard something of these minutes.

2957. Why did you not seek redress against the Commissioners in the way any other person would if placed in the position by them you describe?—I will do that. I will show who has a hand in this, and who is interfering to a large extent here, and I will show very good grounds for my belief. The minutes will show what I say is true.

2958. I don't know to what minutes you refer?

2959. *Town Clerk*.—I will read the minute referred to, if you wish. We accepted his tender to lay the asphalte at 1*s*. 3*d*. per yard, and that was carried out. The reason that arrangement was varied was, it was brought before the road committee, the subject of having a proper check of the materials that went out of the yard. Mr. Brady himself was present when the committee considered the matter. In consequence of this variation there was 2*d*. added to the 1*s*. 3*d*., for manufacturing, and he was stopped from manufacturing on the roads, because we had to pay for boilers there as well. We said, "Use your boilers outside for the reheating and laying, and manufacture the asphalte on our premises with our own boilers." Is not that the case?—I beg your pardon, I had gone on for weeks before, and had accepted your arrangement before that change was made. There is something on the books of the Commissioners which, according to my showing at least, alleges that there was a deficiency of some bitumen.

2960. Mr. LAWLESS.—Where was the deficiency?

Town Clerk.—That was investigated, and as a matter of calculation the committee found that on every thirty-seven yards a deficiency of two tons of bitumen would result. According to Brady's own return there would be only one ton. That is the simple matter of fact.

2961. *Witness*.—There was an open accusation that I stole the bitumen, and laid it out on another place.

2962. *Town Clerk*.—It was not said here.

2963. *Witness*.—I think you will find on the books here quite a different story, to the effect that on checking the bitumen returns they found out a different result to what I furnished altogether.

2964. *Town Clerk*.—There was nothing on the minutes affecting your character whatever.

2965. Mr. EXHAM.—What I understand from all this is, that according to their calculation there was a difference of some two tons of bitumen in a given space, while according to you there was only one ton used in the work, the Commissioners saying that there was two tons furnished for a particular space, while but one ton was used. But has it been shown by anyone that you got two tons where only one ton was required?—*Town Clerk*.—Such a thing was not maintained. There is no such thing as that on the minutes.

2966. *Witness*.—I am quite satisfied.

2967. Mr. EXHAM.—If the two tons left the yard, and it was not used by Mr. Brady, what has become of it?—(No answer.)

2968. Mr. LAWLESS.—I find a resolution of the 18th June, 1875, as follows, in the minute-book:—

"Moved by Dr. Roche, seconded by Mr. Lagan, and resolved—'That Mr. Doyle, the township engineer, open all the roads, streets, and by-ways necessary, which are in the possession of the Commissioners, and according to the Kingstown Act of 1874, be requested to furnish all plans, specifications, sections, and quantities respecting the sewerage of the township, the depths of the cuttings, the marks of same on the sections at equal distances of 100 feet. This to apply to the new district of the township as well as the old.'"

2969. (To Mr. *Doyle*).—Was there anything done by you in pursuance of this resolution?—I got up contract plans.

2970. Before that did you furnish any plans, specifications, or quantities?—I did, from time to time.

2971. Did you make any plans showing the depths of the cuttings?—Yes, in every plan I made I showed the cuttings.

2972. Have you made these plans, as required by this resolution, for the entire of the township, including the new district as well as the old?—Yes, so far as the new district was included at the time.

2973. Were the Commissioners in the possession of any sections or plans of the kind before this?—They were. We had a great deal of debate about the matter. I got up what plans they required me, which were principally contract plans.

2974. Do you mean that plans were made before this which showed the depths of the cuttings for the new district as well as the old?—No, not at that time.

2975. Were what you did make the plans on which the Provisional Order of 1874 was obtained?—Certainly.

2976. Mr. EXHAM (to Mr. Duff).—Did you see the bricks that were used in making these sewers?—Well, I did, sir.

2977. Do you know the difference between one description of brick and another?—I would know a good one.

2978. What you call a best county Dublin grey stock brick, is that a good brick?—It is; it is better than the Bog-hall brick.

2979. Were there many of the Bog-hall bricks used?—No, not many; only a few in the man-holes.

2980. Many in the sewers?—No, sir. To my knowledge there was not one of them in the sewers.

2981. Did you see the cement that was used?—I saw cement on Mr. Sexton's ground, and I saw it used.

2982. Do you know what cement it was?—No, I do not.

2983. Mr. *M'Evoy.*—I feel called upon to answer some of the evidence of Dr. Roche in reference to myself and the Commissioners.

2984. Mr. LAWLESS.—What is it you wish to say?—Mr. *M'Evoy.*—It is with regard to these bills of costs and special cases which were sanctioned. This special case was commenced when I was not a Commissioner. Had it been brought before the Board when I was sitting I would not have approved of the "bridges" costs being included in the special case at all. That is all I wish to say now.

2985. (Suggested by Mr. *Perrin*—to Mr. *Doyle*).—Do you admit on behalf of the Board of Town Commissioners the nuisance of the sewers at Sandycove harbour?—Where there is a nuisance it is admitted.

2986. Is there a very large sewer discharging itself near that again at Haddington-terrace which conveys all the nuisance coming down Glenageary-road? Is that sewer insufficient for its purpose?—Whatever is there was put down some years ago.

2987. Mr. *Perrin.*—I saw him put a fourteen-inch pipe in there, and even at low-water mark nuisances come there from several sewers, the extent of which in all cannot be less than four feet. The consequence is that in Haddington-terrace last summer the people had to keep their windows shut, but still foul air and gas cannot be prevented from coming up into the houses, and thus a great nuisance is created. If the sewers there were of sufficient capacity such a state of things could not of course occur. I wish to call your attention now to another matter which occurred in the year 1874. In April, 1874, the Commissioners of Kingstown promoted a Provisional Order to obtain powers to contract loans of a peculiar kind, the money to be paid as per agreement. The loans as proposed to be raised had a certain bearing on the sewerage works. As to sewers No. 1 and No. 2 outfalls I have no observation to make. What I want to say is with reference to No. 3 outfall—to a promoted scheme which it was never intended to carry out.

2988. Mr. EXHAM.—That was in 1876?

Mr. *Perrin.*—It is a matter before them now. I wish to speak as to the validity of the thing, and as to its *bona fides*.

2989. Mr. LAWLESS.—Was it any part of the work to be done under the £10,000 scheme?—Yes, and that plan describes the outfall to be at Bullock.

2990. Mr. EXHAM.—Yes; the plans shown to the Local Government Board inspector provided for that, but the map which Mr. Doyle says lay on the table does not provide for it. So that the plan lodged does not correspond with the map on the table.

2991. Mr. *Perrin.*—Yes. The Provisional Order sought for in 1876, provided for the compulsory purchase of some land by the Commissioners, and after everything had been done it was dropped. Bills, too, were promoted by the Commissioners, and rejected by petitions presented on the part of the people of Dalkey and Kingstown. I am a ratepayer to the extent of £150 a year. When proceedings had been taken and plans furnished to the Commissioners in reference to the sewerage, I heard of the intended outfall at Sandycove. Immediately I came and spoke to Mr. Doyle, the town surveyor, on the subject. I had opposed the outfall in that place, and when I saw the plans I asked him was it possible they intended to bring this outfall sewer up to Sandycove. The surveyor told me most plainly not, that it was intended to go to Bullock Harbour. I asked him what authority he had for saying that, when he said the Town Commissioners were going to promote a Provisional Order for the purpose.

2992. Mr. LAWLESS.—Who told you that?—Mr. Doyle, the town surveyor. He told me it was all arranged that the outfall should be at Bullock. I asked him for his authority, and he told me it was settled by Alderman O'Rorke for the outfall to be at Bullock. "Well," said I, "if the Provisional Order passes, you will have no power to divert that scheme in the way you describe." The ratepayers of the district presented a petition against that, and previous to their doing so, I had two notes, one from Mr. Reilly, Town Commissioner, and another from Mr. Lalor, solicitor to the Board, about promoting the scheme for the outfall at St. Kilda. They wrote to me expressing a wish to retain my professional services, and in as polite a way as I could, I declined to act. Having taken so active a part in opposing their scheme, it would be most inconsistent for me then to act in support of it. I wrote a note to Mr. Lalor, at his own request, which he submitted to his Board. I acted *bonâ fide*; I refused to act professionally for them, and told them my sympathies were against the scheme, and now I have a proper *locus standi* in my attendance here. One of the interested parties, a friend of my own, spent £68 4*s.* in opposing it. Mr. Farrell, Mr. North, and others, were very active in endeavouring to oppose this scheme, and I have it from two or three persons most materially interested that it was represented to them, as it was represented to me, that the scheme was not to be carried out for the Bullock outfall, and had they known the true facts of the case they would have joined us in opposing it. The matter came on here for discussion before Mr. O'Brien, the Local Government Board Inspector, when it was most vigorously supported by the evidence of Mr. Doyle. We had to employ engineers, contractors, county surveyors, and many others to oppose the absurd proposition to bring it to Sandycove, and all this was paid for out of the rates which were thus dealt with.

2993. Mr. EXHAM.—Did the Provisional Order show that the outfall was to be at Sandycove?—No, at St. Kilda; and after all the inconvenience that had been incurred in reference to the Provisional Order, it was not followed up, but was virtually abandoned.

2994. What was the cost of the order?—I don't know.

2995. Mr. LAWLESS.—When had you the interview with reference to this Provisional Order, according to the provisions of which the outfall was to be at Bullock harbour?—Some short time previously.

2996. What was the date of the inquiry?—The 8th of January, 1876.

Town Clerk.—Here is the resolution of the Commissioners in reference to retaining Mr. Perrin—

"That Mr. Lalor, our solicitor be hereby instructed to retain Mr. George Perrin, as counsel for the Commissioners for the inquiry to be held on the 7th prox."

2997. Mr. *Perrin.*—They had already had junior counsel, and I think that was quite enough for the township.

2998. Mr. *M'Evoy.*—How many guineas a day did they offer Mr. Perrin?

Town Clerk.—Ten guineas.

2999. Mr. EXHAM.—Was the opposition confined to scheme No. 3?—Yes; we never applied ourselves to No. 1 or No. 2 at all, it was No. 3 that we wanted to stop.

3000. Mr. *M'Evoy.*—I went to London at my own expense to throw it out. I also got up a remonstrance against the original scheme.

3001. You say, Mr. Perrin, it was never intended to carry out what was originally proposed?—Precisely. If you look at the plan, I will explain my meaning, pipe by pipe.

3002. Mr. EXHAM.—Mr. Doyle, will you show us the plan which you laid before Mr. O'Brien, the Local Government Board Inspector, with reference to this piece of work. It is very important. (Plan produced.)

3003. Mr. LAWLESS.—Was this plan laid before Mr. O'Brien?—Yes.

3004. Mr. *Perrin.*—To show where it was contemplated to have the outfall sewer, I refer to the

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correspondence which took place between the Kingstown and Dalkey Commissioners on the subject. I am reported in the public press to have made "misrepresentations" about this matter, and I would therefore like the correspondence to be produced. I would be incapable of making an unfounded assertion. People have been writing to me saying., "What about your intrigues?"

3005. Mr. EXHAM.—We don't know what you are referring to. What is it?—I was reported in the newspapers to have said that the Dalkey and Kingstown Commissioners were "intriguing" about the outfall sewage of Kingstown. And this because I complained deliberately of the outlay of the public money. I ask for the correspondence between the two parties. They had correspondence after they held their meetings. We had a meeting on the eve of our opposition to the scheme, and Alderman O'Rorke said the inhabitants of Bullock were only cabinholders.

3006. Mr. LAWLESS.—These rival schemes of drainage between Dalkey and Kingstown, as to the outfall, appear to me to be a very serious matter. It might be most objectionable—the outfall in either case, but we cannot go into it. We have allowed you to state what you have done about it, in consequence of your complaining that the ratepayers' moneys have been improperly expended.

3007. *Town Clerk.*—As to the expenditure incurred in promoting No. 3 scheme, it was not intended to carry it as Mr. Perrin has stated. We had three separate schemes. The original scheme had the outfall at Bullock, and that was more especially for the Glasthule district, within 600 feet of the mouth of Bullock Harbour. The Commissioners decided to apply for that outfall before Mr. O'Brien when he came here to hold his inquiry. He reported to his Board against No. 3 scheme; and the Commissioners were then stopped, so far as that part of the scheme was concerned, by the action of the Local Government Board. I suggested to them that we should open negotiations with the Dalkey people; but the Dalkey people did not want to have anything to say to us. In fact they have refused to negotiate.

3008. Mr. *Perrin.*—There should not have been an expenditure of the ratepayers' money, unless it was intended to go on with the scheme. It was antecedent to all this that Mr. Doyle informed me that the outfall was never intended to be brought to the point originally indicated.

3009. Mr. EXHAM.—Mr. Perrin asserts Mr. Doyle told him a particular thing, and Mr. Doyle contradicts this. If Mr. Perrin is right and Mr. Doyle is wrong, it is a very serious matter.

3010. Mr. *Perrin.*—In my opinion, what has been done has inflicted a very great hardship on the ratepayers if they have to pay all the heavy costs incurred.

3011. In the year 1874, your point is, it was intended to take this sewage round by Bullock?—Precisely.

3012. Mr. LAWLESS.—What evidence do you wish to give now?—At the last annual election for Kingstown there were two new members to be elected for East ward and two for West ward.

3013. Do you mean the election of 1877?—Yes, of the present Board. The two candidates who were going out were Mr. Crosthwaite and Mr. Donnevan, and I agreed, at the request of some ratepayers, to become a candidate. I never saw the papers myself, but as a fact, my nomination paper was duly forwarded and all the legal forms required by the Act of 1872 complied with. By that Act, it is provided that the candidate must be nominated by two ratepayers (eight others assenting), and each candidate is to be nominated by a separate nomination paper. My papers were sent in, and I got a note from the secretary informing me of the fact that I had been nominated, and also that I was a candidate. This is the note (reads):—

"21st December, 1876.

"I have received a nomination paper this evening by which you are a candidate for the East ward. I may add, that you have power to withdraw up to 2 o'clock, P.M., to-morrow."

Up to a certain hour the nomination papers were to be received, and at a certain time the presiding officer was to hear objections, which should be in writing, and to declare the new Commissioners in the event of there being no contest. Mr. Crosthwaite and another were also nominated. I am informed that on this occasion Mr. Crosthwaite presided, and that he produced some paper and said that my nomination paper was wrong. The persons present on that occasion were, Mr. Reilly, the secretary, Mr. Crosthwaite, and Mr. Herron. The statement was read out by Mr. Crosthwaite, and then he declared himself and the other person duly elected, and that my nomination was void. The Act of Parliament requires that the objection shall be in writing. Upon being informed of this result, I thought it would be only fair to the ratepayers to whom I had issued an address that they should be informed why they had not an opportunity of voting for me. On the day after I was declared by Mr. Crosthwaite to be disqualified, I went to the secretary to get from him the reasons or objection. Mr. Ennis then informed me that he could not show it (that was between 11 and 4 o'clock, P.M., office hours), and I asked him why, saying that perhaps I might have to take some steps in the matter. He replied that the reason was, because Mr. Crosthwaite had it under lock and key; "but," said Mr. Ennis, "I'll send to Mr. Crosthwaite and let him know of your application and inform you of the result." I said I would wait and hear it, and while we were speaking Mr. Crosthwaite came in, and on being informed of my application he in a most indignant manner refused to show or let me hear the objection to my nomination. I thought then to put the matter beyond dispute, and in the first place made the application to the secretary in writing and got the following reply:—

"DEAR SIR,—With reference to your application of this date to be allowed to inspect the objection made to your nomination paper as a candidate for East ward, you were present when the chairman of the Board, who has one of the keys of the box, refused to allow the use of his key for that purpose. I shall, however, convey to Mr. Crosthwaite your further application in writing, and acquaint you with his answer in writing.

"22nd December, 1876."

From that day up to the present I have never had an answer in any shape or form. It is a new state of things, when my application to see the document—a document held by the very gentleman who declared himself duly elected, and which I thought I had a reasonable right to inspect—was refused. However, I got a verbal explanation.

3014. Mr. LAWLESS (to the *Town Clerk*).—Do you produce the objection to Mr. Perrin's nomination paper?—I'll take care to produce it. I am sure the present chairman, Mr. Barrett, will have no objection to my doing so.

3015. Mr. *Perrin.*—The explanation, in point of fact, is this: that one of the eight assentors to my nomination also assented to Mr. Crosthwaite's, and to the other candidate's nomination, and therefore, there being one assentor (who was the same person) to the three candidates, of whom I unfortunately was one, Mr. Crosthwaite and the other person were by him declared to be duly elected, and I was disqualified.

3016. Do you mean to say that it was because there was an assentor to your nomination who was also an assentor to his and the other person's nomination?—Yes.

3017. Mr. LAWLESS (to the *Town Clerk*).—Was that the nature of the grounds upon which Mr. Crosthwaite made his decision?—There was one assentor to the three candidates, there being only two vacancies.

Mr. Perrin.

According to the requirements of the Act of Parliament, the chairman had to make his objection as a candidate in writing, and also his decision as judge. He declared that one of the nomination papers (Mr. Perrin's), was bad, and there being no objection to the other two, he declared they were duly elected.

3018. Did Mr. Crosthwaite make the objection, and then decide in favour of it?—Yes.

3019. The sum and substance of the matter is, that there being no objection before Mr. Crosthwaite by anyone else, and there being three candidates whose nomination papers could have been equally objected to on the same grounds, Mr. Crosthwaite objects to one of the papers, and decides in favour of his objection. Did he make an objection to the others?—No.

3020. (To Mr. *Perrin*).—Were you aware of who the person was that objected to your nomination paper?—I was not; and let me tell you further, that I asked Mr. Herron, who had been present, was there any written objection handed in, and was there any evidence as to the priority of the signing of the three by the same assentor, and he said there was not.

3021. Mr. *Reilly*.—Mr. Perrin was the last candidate.

3022. Mr. EXHAM.—How do you know but the man signed Mr. Perrin's paper before the other two; in which case Mr. Perrin would be the first?

3023. Mr. *Perrin*.—The Act of Parliament provides a certain hour within which the nomination papers must be sent in, and I am not aware that a nomination paper served one minute before four o'clock, P.M., is worse than one lodged at four o'clock. I was also thrown off my guard by the letter from Mr. Ennis, which I read to you, saying that I was a candidate. There was at this time also a vacancy for the West ward, and the same Mr. Donnevan was also a candidate for it. Mr. Crosthwaite presided at the Board, and they filled up the vacancy in the other ward.

3024. Was that a vacancy occurring by a death?—Yes.

3025. Was Mr. Brazil elected?—*Town Clerk*.—He died before he was elected, and the other two candidates for the West ward became elected.

3026. The question is whether a vacancy occurring in this way is to be filled up by the members of the Board without the ratepayers having anything to say in the matter.

3027. (To Mr. *Perrin*).—Do you mean to say that the office vacant by the death of Mr. Brazil was filled up by the members of the Board without going to the ratepayers?—Yes.

3028. *Town Clerk*.—A candidate having died before he was declared elected the presiding officer declared the other two candidates to be elected. When a candidate is elected for more than one ward it rests with them to select another person, accordingly at their next meeting the Commissioners elected Mr. Donnevan for the West ward, thus creating the vacancy in the East ward. That, according to the opinion of Mr. Monroe, Q.C., created the vacancy. The objection and the decision are set forth in a case to Mr. Walker, Q.C.

3029. Mr. *Perrin*.—I do not take that opinion. The Act that would enable me to appeal with facility against the decision is not in force in this town, which I think is a very bad thing for the town. I refer to the Local Government Board Act which is not adopted as to the section relating to matters of this sort.

3030. Mr. EXHAM.—If there was no objection by Mr. Crosthwaite or the other gentlemen you must have gone to the poll?—Yes. I also complain that the 43rd sec., 17 and 18 Vic., chap. 103, with respect to the building of houses is not put in force here.

3031. Are plans submitted to the surveyor, as far as you know?—No.

3032. *Town Clerk*.—Plans of all new buildings are lodged with us.

3033. Mr. EXHAM.—I think it was mentioned that Mr. O'Brien's houses were built without the consent of the Commissioners?—That was only one case.

3034. Mr. *Perrin*.—In one part of the town there is a wooden affair constructed—a window and shutters and everything of that sort—which is a most dangerous obstruction to the public.

3035. *Town Clerk*.—We went into the police court with reference to that, and the magistrates refused to decide in our favour.

3036. Mr. LAWLESS.—On what grounds?—That it was high overhead, and we could not prove it to be an obstruction; we did our best.

Mr. JOHN REILLY, Town Commissioner, examined.

Mr. John Reilly.

3037. Mr. LAWLESS.—What is it you wish to say, Mr. Reilly?—Mr. Pallas said yesterday that he never was paid by the ratepayers for the work he did in relation to his plan. It is true he was not paid, but it is also true that he was to be paid a per-centage when the work was done, and he afterwards accepted £160 salary from the Commissioners. They first agreed to pay him a certain sum, and when that was not to his satisfaction they paid him a salary. I also wish to say that Mr. Pallas did not go away because of any quarrel with us, but because he got a better appointment in India than the one he had here.

3038. Was the £166 13*s*. 4*d*., as mentioned in the decree of 16th April, 1869, ever paid?—No; we were never asked for it.

3039. Were not the Town Commissioners named in the decree (you were one of them) liable?—Yes.

Mr. MYLES KELLY, Town Commissioner, examined.

Mr. Myles Kelly.

3040. Mr. LAWLESS.—Do you wish to make any statement?—I wish to say that I attend the meetings of the Board very regularly. I hold that every officer of the Commissioners is bound to carry out his instructions to the letter, and I can say that I was not, previously to this inquiry, aware that these alterations in the sewerage plans had been made by Mr. Doyle, on Sandycove-road and Cross-avenue. I was astonished at several things I have heard for the first time here, and of which I would never have known had this present inquiry not been held. With regard to the sewer in Upper George's-street, I was aware that the proposed work could not be done for the sum mentioned, and I asked Mr. Doyle could he make an alteration in the plan of the sewer of 300 feet long, and he said he could. The work, however is not contracted for yet; there is nothing done, and I believe now we cannot depart, as he proposes, from the plans laid by him before the Local Government Board inspector. With regard to Glenageary-road, I may say that we applied to the Local Government Board, and we thought we had power to make the alterations, but I believe now we cannot make the change which Mr. Doyle proposes. I have made up my mind as a Commissioner that, independent of either Mr. Doyle or Mr. Pallas, there should be an engineer got to see that the work is properly done, and that if this is not done I'll cease to be a Commissioner.

3041. It is very satisfactory to us to hear you, as one of the principal Commissioners, say that.

3042. Mr. *Reilly*, T.C.—Mr. Kelly has only spoken the feelings of all the members of the Board.

3043. Mr. *Barrett* (Chairman Town Commissioners) said he fully agreed with what had been said by Mr. Kelly. He further asked leave to call the attention of the Commissioners to the great number of Acts of Parliament in operation in the township. He considered they were so numerous and so complicated that it was difficult to steer through them, for every Town Commissioner could not be expected to be a lawyer. With reference to the auditor's power of surcharging, he said there were general complaints of the injustice

KINGSTOWN. *April* 14, 1877.

Mr. Myles Kelly.

of the section of the Act which provides that if the surcharge be confirmed on an appeal to the Court of Queen's Bench by a person who felt himself aggrieved, the auditor gets his costs from the party surcharged; but if the surcharge be illegal, the auditor gets his costs out of the public rate, and the appellant is not allowed any costs. He believed a greater grievance than that could not exist. There was lately a case in the county Wicklow where it occurred.

3044. Mr. LAWLESS remarked that it would be very hard to make the auditor, who acted in a public capacity, personally liable for costs.

3045. Suggested by Mr. *Daniel* (to Mr. *Barrett*).—Was there an application made to the Court of Chancery in the matter of which you were speaking; I mean the repayment of the £166 13*s.* 4*d.* by Mr. Murray?—There was.

3046. By whom was it made?—By the Commissioners—by Mr. Ennis.

3047. Were the costs of it paid out of the rates?

Town Clerk.—I should say our solicitor's costs were paid out of the rates.

3048. Mr. EXHAM.—Why should they be? Why should the ratepayers' fund pay for an application to the Court, which was virtually for the benefit of the then Commissioners named in the decree?—Whatever was done was in connexion with the recovery of that £166 13*s.* 4*d.*

3049. Do you mean from Mr. Murray?—From whoever was liable. We proceeded before the Lord Chancellor to recover it; and on one of the days I was under examination I gave this evidence.

3050. Mr. LAWLESS.—Do you mean to say that the Commissioners as a body, and you as their clerk ——?—My recollection is that the proceedings were taken to recover that sum of money.

3051. From whom?—From the parties liable; from Mr. Murray in the first place.

3052. Was the application made to proceed against Mr. Murray, or against the Commissioners?—The parties named in the decree were made liable. There are very few of them at the Board now.

3053. Mr. *Daniel.*—It was an application against Mr. Murray by the Commissioners to make him pay, and these costs have been charged out of the rates; but the Commissioners never made the former Commissioners who were named in the decree pay, although they were liable to repay the money if Mr. Murray did not.

3054. *Town Clerk.*—With reference to the payment of the £1,700 balance of the £3,000 loan, I wish to state that under the terms of the Kingstown Extension Act of 1874, the Commissioners passed a resolution setting forth the various purposes for which they would borrow £1,700, being the balance of the £3,000 for which they had authority to borrow under the above mentioned Act. Amongst other purposes it was to be applied in paying Sharkey's costs, Molloy's costs, and our own solicitor's costs; and in that way we hold that we have complied with the terms of the Act.

May 5, 1877.

MAY 5, 1877.

(Before Commissioners LAWLESS, Q.C., and EXHAM, Q.C.)

Mr. John Lalor.

Mr. JOHN LALOR examined.

3055. Mr. LAWLESS.—Are you solicitor to the Kingstown Town Commissioners?—I am.

3056. What were the costs of obtaining the Provisional Order of the 27th June, 1874, and the Confirmation Act of 22nd April, 1875?—I could not tell you just now, but I shall furnish you with the amount.

3057. Have they been furnished to the Commissioners, and paid out of the rates?—They have.

3058. Does that include what was paid to the Local Government Board?—They have not been paid.

3059. What we want to get is the entire cost to which the township was put in obtaining the Act of the 22nd April, 1875, confirming the Provisional Order of 27th June, 1874, and the expenses connected with the Provisional Order?—There were costs besides my costs; there were the Parliamentary agent's costs.

3060. Have you got the petition sent to the Local Government Board relative to the second Provisional Order?—I have.

3061. I want the original one—the one that was first presented?—We never presented a second petition. We only presented one petition.

3062. We want the petition lodged with the Local Government Board on the 26th of May, 1875?—(Petition produced.)

3063. I see that the Provisional Order sought by this petition is divided into nineteen different heads?—Yes.

3064. Did you propose by this to take compulsory powers for the purchase of lands?—We did.

3065. Had you, in compliance with the Act of 1871, lodged maps and plans in this office or any other place, of the lands you proposed to take?—In 1874, before we presented that petition, we published a resolution and notice, as required by the 132nd section of the 10 & 11 Vic., chap. 34. (Produced resolution as published 11th September, 1874, and the notice confirming said resolution, as required by the 133rd section of the same Act. Notice produced, as published in the *Irish Times* of the 13th October, 1874, dated the 12th October, 1874, of a meeting of the Commissioners held that day, at which a resolution was passed confirming the resolution of September, 1874, authorizing the application to the Local Government Board for a Provisional Order, to be subsequently confirmed by Parliament, and that latter notice referred to plans laid on the table.)

3066. Were the notices required by the Local Government Act of 1871, the 34 & 35 Vic., c. 109, duly published within the time prescribed by that Act?—Yes.

3067. Mr. *Perrin.*—I was present at the inquiry, and it was proved that several owners of property proposed to be affected were not served with the notices required by the Act.

3068. Mr. LAWLESS.—Do you say that notices were served upon all the parties mentioned in the schedule?—Yes, and the declaration of the service upon them was lodged with the Local Government Board.

3069. Were notices served upon the persons named in the schedule?—There were.

3070. What answer or intimation did the Town Commissioners receive from the Local Government Board to this petition?—They first acknowledged the receipt of it.

3071. What was the next communication the Commissioners received from the Local Government Board?—The next was forwarding the opinion of Mr. Monahan, Q.C., their advising counsel. First, they acknowledged the receipt of the petition in the ordinary way, next they sent me a letter of the 5th July, 1875, stating it would be necessary to take counsel's opinion before ordering an inquiry.

3072. When was that opinion furnished to you?—It was sent in a letter, bearing date the 16th July, 1875.

3073. Can you give us a copy of Mr. Monahan's opinion?—Yes. (For opinion, see Appendix No. 1, page 117.)

3074. Having received this opinion of counsel, what action did the Kingstown Commissioners take?—They decided on seeking a limited Inquiry.

3075. Do you mean to say that they decided upon accepting the Provisional Order which counsel advised it was within the power of the Local Government Board to make?—Yes.

3076. Under what part of the prayer of the petition did the Commissioners propose to proceed?—They pro-

posed to proceed in reference to sewers Nos. 1, 2, and 3, and certain alterations in their local Acts.

3077. Under what head?—Part 2; we proposed to adopt that part.

3078. Did the Commissioners propose still to apply for compulsory powers for the purchase of the lands?—They then had agreements, and they did not ask for compulsory powers.

3079. Had you got any agreement from any of those persons for the sale of their lands to the Commissioners?—No; we subsequently obtained the consent of the Harbour Commissioners.

3080. Can you refer me to the minute on the Commissioners' book, in which it was proposed to refer that part of the petition to the Local Government Board?—9th November, 1875.

"Resolved,—That application be made through the solicitors to the Local Government Board for an inquiry—as limited by the opinion of Mr. Monahan, Q.C.—for a Provisional Order under the Local Government Acts, 1871 and 1872. Question put and carried unanimously."

3081. Did that inquiry take place?—It did.

3082. By whom was it held?—Mr. O'Brien. It commenced on the 7th February, 1876, and continued for five or six days.

3083. Have you got a copy of the notice published by Mr. O'Brien?—I have. The notice went on to say:—

"And whereas I have been directed to inquire in respect of some of the matters mentioned in the petition. Now therefore I hereby give notice that I will attend at the Kingstown Township Commissioners' Office, No. 114, Lower George's-street, Kingstown, on Monday the 7th of February, 1876, at 11 o'clock, to make inquiry as to the genuineness of the above mentioned petition, and in respect of so many proposals contained therein as relate to the purchase and taking of land for sewerage purposes, and of certain alterations in the Kingstown Improvement Act, 1861, and the Township of Kingstown Act of 1869, when all persons objecting to such proposals or any of them may present to me a statement of their objections in writing. A copy of petition and the plan of the proposed works are deposited at the Kingstown Township Commissioners' Office, No. 114, Lower George's-street, Kingstown, and may be there seen at all reasonable hours.

"WM. P. O'BRIEN, Local Government Inspector.

"Malahide, 18th January, 1876."

3084. At that time had the Kingstown Commissioners the assent of any of those persons named in the schedule?—We had the assent of the Harbour Commissioners, and the Dublin, Wicklow, and Wexford Railway Company.

3085. Had you made arrangements with any other parties?—No. In fact having got the assent of the Harbour Commissioners and the Dublin and Wicklow Railway, we did not want the assent of any one else for sewer No. 1 on the Western Pier; we had the assent of both the Harbour Commissioners and the Railway Company, as to the sewer at the Western Pier; and we had also the assent of the Railway Company as to the sewer No. 2 in the line of railway; so that we did not want any compulsory powers to take any land for sewers Nos. 1 and 2.

3086. Was the principal portion of the inquiry taken up with No. 3 sewer?—The greater portion of it, but Nos. 1 and 2 were also discussed.

3087. How long did it last?—Five or six days.

3088. After the inquiry what was the next step taken? Did the Commissioners receive any further communication from the Local Government Board?—We got a very long letter, dated the 23rd March, 1876. (For letter see Appendix No. 1, page 118).

Mr. EXHAM.—I observe in this opinion Mr. Monahan says:—

"All these objects except the first are outside the scope of a Provisional Order, they either repeat powers which the Petitioners have already under the Sanitary Acts or vary the provisions of Public General Statutes."

Was not the whole of that petition fully answered by that opinion of Mr. Monahan's the moment you admit you did not want compulsory powers to take any land? Why did you go on with the inquiry after that?—With your permission I would refer you to the opinion of Mr. Gerald Fitzgibbon which governed very much the gentlemen who proposed and prepared that petition.

3089. What is the date of that opinion?—September 11, 1873.

3090. Could you let us see a copy of it?—Certainly. At that time we were thinking of going to Parliament, and we obtained the opinion of counsel as to our going to ask for powers under the Local Government Board, and he advised us that we would not be justified in going to Parliament.

3091. At whose expense was this petition printed?—At the expense of the Commissioners. I applied to the Local Government Board and obtained their sanction to the printing of the petition. I think we did wisely as the printing was much cheaper than having to get copies written out.

3092. Was there any further opinion of counsel sent with this letter of March 23, 1876?—No. I would like to call attention to the letter of Mr. Robinson of the 15th December, 1875 (who was to have held the inquiry but he was subsequently appointed Assistant Under Secretary). (For letter from Mr. Lalor to Mr. Robinson, of 14th December, 1875, see Appendix No. 1, page 118.) I asked him whether he would go into evidence, and have his letter to show that we were justified in going into evidence as to the sewers.

"Kingstown, 15th December, 1875.

"DEAR SIR,—In reply to your letter of the 14th instant I beg to inform you that it will be my duty to inquire into the necessity for and the suitability of the sewers to be constructed, and the lands which the Kingstown Commissioners desire to obtain authority to take; and that I will receive any evidence which may be tendered to me upon those points as well as upon the sufficiency of the estimate of the expense.

"Yours faithfully,

"HENRY ROBINSON."

3093. When that letter was received by you from Mr. Robinson, had you obtained the assent of those bodies that you mentioned, that is, the railway company and the Harbour Commissioners?—Yes.

3094. After the inquiry was held, and after you received the long communication of the 23rd March, 1876, what steps were taken by the Kingstown Commissioners in relation to the pending petition before the Local Government Board?—Well, I met Mr. Wodsworth, the assistant secretary, and he told me it would be necessary to have agreements from the Harbour Commissioners and the Kingstown Railway Company. I succeeded in getting an agreement from the Harbour Commissioners instead of having to ask for compulsory powers, and this is the agreement entered into between Colonel John M'Kerlie and the Kingstown Commissioners, giving us the right to construct the sewer at the west pier. The railway company were willing to give us letters assenting, but they would not give us the agreement.

3095. Have you the letters from the railway company?—Yes.

Mr. Lawless reads letter dated Dublin, 2nd December, 1875, to Mr. Ennis:—

"DEAR SIR,—With reference to your letter of the 17th ultimo, I am desired to say that the directors of this company will permit the earthenware sewer pipe to be laid alongside the railway from opposite Haddington-terrace to the Gresham-gardens, on the following conditions, viz.:—That the present outfall sewer should remain as a storm channel; second, that the drains now existing on the line should be permitted to empty into the new sewer; thirdly, that the Kingstown Commissioners should assist the company in procuring a site for a double line whenever the company wish to procure it. Please say if the Commissioners agree to these terms.

"I am, sir, yours truly,

"E. W. MAUNSELL, secretary."

"Dublin, Wicklow, and Wexford Railway Company,
"Secretary's Office, Westland-row, Dublin.

"John Lalor, esq.

"DEAR SIR,—Referring to your letter of 15th instant, I am desired to inform you that the directors of this company will not object to the intended sewer being run through or under the portion of the sea slope occupied by the gentlemen's bathing-place, on the west pier of the Kingstown harbour, provided the work be carried out to the satisfaction of their engineer, and that the Commissioners of the Kingstown township will indemnify the company and their tenant for the bathing-place against any loss or injury during the construction of the work, or consequent thereon.

"I am, sir, your obedient servant,

"E. W. MAUNSELL, secretary."

KINGSTOWN. *May* 5, 1877.

Mr. John Lalor.

I find, Mr. Lalor, that by these letters assent was given by the company to the Kingstown Commissioners, making the sewers under the line as required?—Yes.

3096. Supposing the conditions expressed in these letters were complied with, was not the necessity for obtaining compulsory powers dispensed with?—Yes; but we could not force them, because it was conditional that we would not seek compulsory powers.

3097. After the time you got this agreement from the Harbour Commissioners and the letters from the railway company you did not, as regards the lands over which they had control, require any compulsory powers?—That was one of my reasons for writing to Mr. Robinson.

3098. His answer is entirely confined to the practicability of the sewers in the places where you required the compulsory powers?—Upon the inquiry there was a discussion as to whether the railway would be the proper place for the sewer, and as to whether the western pier was the proper place.

3099. What was the next step after making the agreement with the Harbour Commissioners, you having at the time the letters from the secretary of the railway company?—I furnished them with the agreement.

3100. The company?—Yes—in the first instance, to allow us to construct the works ourselves.

3101. When you furnished the Kingstown Commissioners with this agreement, was it signed?—No; it was never signed.

3102. What was the next step taken by you before the Local Government Board?—I cannot say—I was furnished with a draft of the Provisional Order.

3103. Was this the first draft furnished by the Local Government Board (referring to a draft produced)?—Yes; the facts are stated, that the Harbour Commissioners and the railway company refused to give us compulsory powers.

3104. Mr. EXHAM.—I do not know what you mean by saying they declined to give you compulsory powers. On the contrary you agreed with them, and then did not want any compulsory powers, so that the reply to your application was simply this:—"With No. 1 and 2 sewers we have nothing to say, because you have already made arrangements with the owners of lands, and therefore do not require any compulsory powers with respect to them, and as to No. 3 we refuse"?—That was the answer after the inquiry was held.

3105. Of course it was, but it was the result of the inquiry. They said, "As to Nos. 1 and 2, inasmuch as you require no authority from us, you having arranged with everyone concerned you don't want a Provisional Order. As regards No. 3, we won't give it to you." That long and very expensive inquiry before Mr. O'Brien, lasting a week, would never have been held with regard to sewer No. 3 alone, which you were refused at once, and the result is a large amount of costs and expenses incurred for nothing.

3106. Mr. LAWLESS.—What was the next communication after the letter of the 23rd March, 1876, that the Commissioners had with the Local Government Board? I find here, that at a meeting on the 13th April, 1877, which appears to have been specially convened for the purposes mentioned in the notice, there was the following resolution passed:—

"Draft of Provisional Order from the Local Government Board was submitted by Mr. Lalor, and read."

I want to see that draft of Provisional Order?—That is another one. (Hands in draft.)

3107. Then after that resolution it is moved, seconded, and resolved—

"That we hereby approve of draft of Provisional Order now read, and that the same be returned to the board's solicitor to be forwarded to the Local Government Board.'

I find by the draft adopted at the meeting on the 13th April, 1877, it was ordered—

"That from and after the time that this order shall take effect, it shall be lawful for the Commissioners to put in force the provisions of the Lands Clauses Acts, with respect to purchase and taking of lands, otherwise than by agreement, with respect to the lands and premises following."

Now I find written under that—

"There are not any other lands in respect of which compulsory powers are sought"?

—That has reference to sewers 1 and 2.

3108. Is it not a fact that at the time that draft and Provisional Order was adopted by the Commissioners, they did not require any compulsory powers?—I got a letter from Messrs. Geale and Dwyer, saying that all reference to sewerage is omitted from the Provisional Order. I had a correspondence on the subject which I intended bringing before the Commissioners, but I did not get a final letter. I wrote the following letter (reads):—

"24, Eustace-street, Dublin,
"21st April, 1877.

"Kingstown Provisional Order.

"DEAR SIRS—I am in receipt of your letter of the 19th instant herein. It is therein stated that all reference to sewerage is omitted. I assume that counsel for the Local Government Board has considered the effect this omission may have upon the agreement entered into between the Commissioners of Public Works and the Commissioners of Kingstown (the original and a copy of which you have). In that agreement, sewer No. 1, and the Provisional Order and intended Act confirming same, are specially referred to. However counsel is the better judge; but as you have apprised me the matter is under consideration of the Local Government Board, I consider it but right to call your attention to the agreement with the Commissioners of Public Works—Sewer No. 1.

"I am, dear sirs, yours truly,
"JOHN LALOR.

"To Messrs. Geale and Dwyer, 18 Talbot-street."

To that I received the following answer:—

"18 Talbot-street, 28th April, 1877.

"Kingstown Provisional Order.

"DEAR SIR—Counsel had before him copy agreement with the Harbour Commissioners, and did not consider it necessary to make it part of the Provisional Order by reciting it in the schedule, as it provides for the execution of a grant by the Harbour Commissioners under seal at some future time.

"Yours truly,
"GEALE & DWYER.

"To John Lalor, esq., 24, Eustace-street."

I again wrote as follows:—

"Dublin, 25th April, 1877.

"*Re* Kingstown Provisional Order.

"DEAR SIRS—I am in receipt of your letter of the 24th instant. You are quite correct in stating that agreement with the Kingstown Harbour Commissioners provides for the execution of a grant by them; but if you refer to the last condition in the sealed agreement you will find that the execution of that grant is conditional upon the confirmation of the Provisional Order. I therefore consider it is most important that the agreement with the Harbour Commissioners should be made part of the Provisional Order, either by reference therein, or by schedule, or by such other mode as counsel shall consider best. My parliamentary agent tells me there are two or three more orders not yet forthcoming, and that the order herein will have to run with them, and become the subject of another bill, to be introduced in the Commons.

"I am, dear sirs, yours truly,
"JOHN LALOR.

"To Messrs. Geale and Dwyer, 18 Talbot-street."

3109. Did the Commissioners, in accordance with the resolution which was read, send you the draft of the Provisional Order, and did you forward it to the Local Government Board?—Yes.

3110. Mr. EXHAM.—You had an agreement with the Board of Works, and in case you had no agreement with the other parties you would have taken compulsory powers, but you had an agreement?—The agreements were to form part and parcel of the order, but they were omitted. They were to be confirmed by Act of Parliament.

3111. Notwithstanding that in your agreement with the Harbour Commissioners you contemplated confirmation by Act of Parliament, the Local Government Board state that inasmuch as you do not want compulsory powers, having an agreement, they would not make a Provisional Order?—We wanted the powers to be included in case the Town Commissioners should succeed in obtaining an Act of Parliament. The Har-

bour Commissioners may permit the agreement to remain in full force till the next session.

3112. Mr. LAWLESS.—You knew that the Local Government Board did not intend to give you any order for sewers Nos. 1 and 2, and the Commissioners did not go into any evidence on the point?—They did, indeed. Mr. Doyle was examined with reference to sewer No. 2. Every professional gentleman was examined with reference to 1 and 2.

3113. At all events the fact is that sewers 1 and 2 were rejected?—They were omitted.

3114. Surely they were rejected and not confirmed by an order?—No order was obtained.

3115. Did you get any reply yet to your letter of the 25th April to Messrs. Geale and Dwyer?—No.

3116. Have you had any communication from the Local Government Board since that letter was written?

Town Clerk.—The Town Commissioners did. (Hands in letter.)

3117. Mr. LAWLESS (reads letter).—Local Government Board; 2nd May, 1877:—

"To the Chairman of the Kingstown Commissioners.

"SIR,—Referring to previous correspondence on the subject, the Local Government Board for Ireland desire to state for the information of the Town Commissioners of Kingstown, that the Board have received a communication from their solicitors, Messrs. Geale and Dwyer, from which it appears that it has been finally decided after repeated communications with Mr. Lalor that there are not any lands required to be taken by the Commissioners for the purpose of making the proposed intercepting outfall sewers, called No. 1 and No. 2, in the petition of the Town Commissioners of the 25th May, 1875, and that that portion of the petition has therefore entirely failed. The object of the Town Commissioners as they are aware, was to obtain powers over certain lands said to be necessary for their purposes; to make agreements with the Kingstown Harbour Commissioners, and the Dublin, Wicklow, and Wexford Railway Company respectively; to obtain the Local Government Board's recommendation of a loan which they sought to procure from the Public Works Commissioners under the 43rd section of the Public Health Act of 1874, after the issue of a Provisional Order; and some minor matters were embraced in the petition. Inasmuch as no lands are required to be taken for sewerage works there is no case made for the issuing of a Provisional Order in that behalf, and Counsel advises that no Provisional Order whatever can be made with respect to the sewerage, and observes that the consequence is that the greater portion of the inquiry which has been held, turns out to be useless. What remains of the proposed Provisional Order, relates only to some not very important matters with one exception. This exception is the powers sought for by the Town Commissioners to divert the road rate which they are empowered to make under the Acts of 1861 and 1874, from the purposes intended and authorized by those Acts, and to apply the road rate to the general purposes of the township, to the asphalting of pathways or footways, &c. It appears that Mr. Ennis, town clerk, was the witness who was tendered at the inquiry which was held by the Local Government Board's Inspector, Mr. O'Brien, in support of this proposition to divert the road rate from its authorized purpose. In answer to a question—'whether it was necessary to amend the Road Act of 1861, for the advantage of the township and for the due application of the rates for the purposes of asphalting, such as he described,' Mr. Ennis stated that—'he thought it would be a desirable amendment, and that his Board were desirous of having the amendment made.' This seems to be the only evidence put forward in support of this proposition, and no grounds other than this expression of opinion were adduced by Mr. Ennis, but it will be seen by reference to section 3 of the Act of 1861, and again by the more recent legislation in the Act of 1874, that the word 'road' includes 'street, footpath, square, &c., or public passage within the limits of the Act.' It thus appears that the Town Commissioners have at present the powers in regard to footpaths which they sought to obtain in their petition, and that no new power in that respect is required. The remaining purposes of the Provisional Order sought for, are hardly such as to call separately for legislative enactments, and the Local Government Board do not propose therefore at present to issue a Provisional Order in the case.

"By order of the Board,

"B. BANKS, Secretary."

That is a refusal by the Local Government Board to issue any order?—At present we did not seek to alter the road rate, because that was one of the uses to which it was to be applied, but we wanted to apply it generally.

3118. Mr. EXHAM.—Mr. O'Brien says you have no power to apply it to sewers. The road rate at the present moment, if properly applied, would exhaust itself, and if you apply it to making sewers, what is to become of the roads? Do you think the Local Government Board would alter the Act of Parliament in that respect?—They have proposed in the draft provisional order to give us the power we asked for.

3119. Did they give it to you in the order as originally proposed?—No; in the very last one furnished.

3120. When was that order furnished by the Local Government Board?—Some time in April.

3121. When that draft order went back, the Local Government Board, in effect, say this:—"No lands which you want in relation to Nos. 1 and 2 sewers require compulsory powers. Sewer No. 3 we have decided against. The rest of the matters in your petition should not have been asked for in such a petition, if at all; therefore, we will give you no order."

3122. Mr. LAWLESS.—Was the letter of 2nd May, 1877, laid before the Kingstown Commissioners?—*Town Clerk.*—It could not be laid before the Board yet; it will be read at the next meeting.

3123. Mr. LAWLESS (to *Witness*).—Have you any idea what the costs of all this matter will amount to?—I have not, but we contend that we are entitled to get the costs.

3124. Have any portion of the costs been paid?—I have been paid my costs.

3125. I mean of the petition presented in May, 1875?—I could not do without my costs.

3126. Mr. EXHAM.—You did quite right; we speak with reference to paying the costs out of the rates—that's all we are here for, to see how the rates are expended. Have any portion of the costs been paid out of the rates?—Yes.

3127. Can you tell us the amount of costs paid to you, with reference to this matter. If I don't mistake there was a bill of £68 costs, which some of the ratepayers had to pay for opposing?—Mr. *Perrin.*—There was.

3128. Mr. EXHAM (to *Town Clerk*).—Can you state the amount of costs which have been paid out of the rates, with respect to this provisional order, up to the present time?—I will take a note of your question and send you the particulars.

3129. The improvement rate shows an apparent surplus of £36; but £36 would not pay even the costs of the Local Government Board in holding the inquiry. Has any portion of the Local Government Board expenses been paid?—Not yet.

3130. Do you know what they will amount to?—No.

3131. Mr. *M'Evoy.*—I objected to the payment of some of these costs. Mr. Finlay ruled with me, but the Local Government Board set aside his decision, and allowed the costs.

3132. *Town Clerk.*—The question has been decided by the Local Government Board that the costs must be paid out of the rates.

3133. Mr. EXHAM (to *Town Clerk*).—When was the matter discussed before Mr. Finlay?—On the accounts of 1875.

3134. At that time was it not still considered that the Commissioners required to go on, and get compulsory powers?—Yes.

3135. The Local Government Board may have advised Mr. Finlay quite correctly at the time. The case as it stood then, or was supposed to stand, was that it was necessary to present the petition, because compulsory powers were required to be obtained. The advice may have been quite right on that supposition. After that, however, the Commissioners make the necessary agreements with the parties concerned, and compulsory powers were no longer required. The Commissioners, however, persist in having the inquiry held, and heavy costs are incurred thereby. The matter ends by the Local Government Board saying in effect: "You have failed in sustaining your petition; there is no necessity shown for our granting any part of your application; it is not required, and therefore we decline to grant it." After this, do you say that all the costs and expenses of this inquiry should be paid for by the ratepayers?—We do.

Kingstown
May 5, 1877.

Mr. John Lalor.

3136. Mr. Lawless.—It was only in the month of April, 1877, that the Local Government Board were informed of the fact that there were really no lands with reference to which compulsory powers were required to be obtained. At this time, however, all the expenses had been incurred, and you left them under the impression that compulsory powers were required.

(The inquiry then terminated.)

After the inquiry had terminated it appeared that the shorthand writer had not taken down some evidence given by Mr. Brady, Mr. Duff, and others, with reference to the construction by Mr. Doyle of a sewer in George's-street, in the year 1873, in consequence of which Mr. Exham was obliged to attend in Kingstown on the 29th June, ultimo, when the following evidence was given:—

June 29, 1877.

June 29, 1877.

(Before Mr. Exham.)

Mr. Brady recalled.

Mr. Brady.

3137. Do you recollect the making of the new sewer in Upper George's-street, in 1873?—Yes.

3138. Is that the sewer in relation to which Mr. Doyle stated that Mr. M'Evoy had employed you as a spy upon him?—Yes.

3139. Is that the sewer in reference to which he said he would bring the police to put you out of it?—The same.

3140. Were you employed by Mr. M'Evoy to look after that sewer?—No.

3141. Was it as a ratepayer you looked after it?—Yes, sir, that is all.

3142. What is your valuation?—£12 10*s.*

3143. Did you go to look at the sewer while it was being constructed?—I saw portion that had been built with the fall in the wrong direction.

3144. You say you perceived when the sewer was being made, that it was getting a wrong fall?—Some thirty yards of the inside walls were built, and I saw a dam a few feet from the junction, and the water stood there against the dam about eight inches deep, and I then knew it was being made with the fall in a wrong direction.

3145. Was the effect of this dam to prevent the water following the workmen?—Yes, to prevent its going in the wrong direction after the workmen. In fact the water was going from the outfall against the hill.

3146. Had you any conversation in reference to that with Mr. Doyle?—No; first I mentioned it to Mr. M'Evoy.

3147. Had Mr. Doyle spoken to you about it before?—No.

3148. When did the matter about the police occur?—After he heard I had mentioned it to Mr. M'Evoy.

3149. In consequence of your mentioning it to Mr. M'Evoy was there an appointment made by him to go there and examine it?—Mr. M'Evoy said he and Mr. Kelly would meet me there at a certain hour.

3150. Did you go there?—I did.

3151. Was it then that the conversation took place about Mr. Doyle?—Mr. M'Evoy arrived at the time appointed. Mr. Kelly did not arrive at that time. I pointed out what I thought wrong to Mr. M'Evoy, who said he would take immediate steps and would have the levels tested before the work should proceed further. He then left and told me to wait for Mr. Kelly. Mr. Kelly arrived and looked for Mr. M'Evoy. I told him he was gone, and he asked me to point out what I considered wrong. I showed him the dam to retain the water.

3152. Was there a pipe there?—No, not at that time. I told him my belief was if the dam was removed that the water would follow the workmen. I suggested to him to have the dam removed. Mr. Kelly went down a ladder into the sewer. He directed a man to break the dam, and the water from the Mulgrave sewer rushed in on Mr. Kelly, who came up the ladder and made use of a very forcible exclamation.

3153. Did you yourself actually see the stuff coming down the drain?—I did; and Mr. Kelly saw it run the workmen out and suspend the building operations for that day.

3154. Was the whole of the stuff running in that direction, or only partially so?—It all went in that direction until it reached a certain level.

3155. Can you say now what height of water or stuff there was?—I could judge about ten inches.

3156. Did Mr. Kelly go away then?—He did. There was a special meeting called of the Commissioners.

3157. Were you present?—I was not present; but it was convened by requisition to consider that matter.

3158. Did you make any report yourself to the Commissioners on the subject?—No, I considered what I did was sufficient.

3159. What was done with the sewer afterwards?—It is still in the condition it was in then. I was told a special meeting was called, and that Mr. M'Evoy called for an engineer to test the level.

3160. Is there any resolution on the books in 1873 with regard to this sewer in George's-street?—Mr. *Ennis.*—No, it was dealt with at the time; there was nothing done subsequently.

3161. Was there a notice of motion on the subject?—I will see (referring to minutes). There is a report of the surveyor when he handed in a detailed estimate of the cost of the Upper George's-street sewer, and I transferred that to the ledger, which can be seen.

3162. What was the next thing?—*Witness.*—The next thing was that I understood a committee had been appointed by that Board to inspect the work. I heard that. I looked round there on the day of the inspection, and I saw the head ganger place a metal pipe in the sewer to conduct the water of Mulgrave-street sewer into the old sewer in George's-street, which led to the Fortyfoot-road sewer. It was on that occasion Mr. Doyle called the police to have me removed. I saw that pipe put in, and I saw the sewer cleaned up as clean as that desk. Mr. Buckley's sewer was made quite dry. It was an open arch.

3163. What became then of the sewage of George's-street?—One end of that pipe was inserted in George's-street and the other in Mulgrave-street. The pipe was staunched at both ends with clay. In 1867 I made a record of the drainage under Mr. Pallas.

3164. What was that new sewer made for?—I presume to drain the houses on the north side of the street.

3165. Have they been drained into it, do you know?—Certainly not. The sewer acts for the houses on the upper side now, but it did not at the time you speak of.

3166. If it acts for the houses now, where does it go now?—Some portion of the sewer was cleaned up for the inspection. The sewage was forced in the natural direction, but it otherwise would not have gone that way.

3167. Having heard there was a committee of inspection, you say the pipe was put in for the purpose of carrying away this drainage which would have gone in the wrong direction if allowed?—Yes, and when Mr. Kelly saw it the sewer was cleared up.

3168. Did any committee come to inspect it?—Yes; Mr. Kelly came. Mr. Daniel Sexton was the other Commissioner, and Mr. Brazil the third. I heard Mr. Kelly say to the other two, "There is no water there; it is all right." I explained that the metal pipe was

put there to carry the water in another direction. I requested to have it removed.

3169. Was that done?—No; Mr. Kelly told me they did not consult me, that I had not been asked for any advice on the point.

3170. Do you know how long that pipe remained there?—Until after the inspection of the committee and then the dam was allowed to remain and do its work from that to the end of the sewer at Buckley's.

3171. (Pointing to map). Is that what you represent as the dam there?—Yes, of course the pipe was removed.

3172. Mr. *Kelly*.—It is not there now.

Witness.—No, I should say not.

3173. Mr. EXHAM.—Is there any dam in it now?—No, decidedly not.

3174. Can you say at what height should it rise at Mr. Buckley's end before it goes in the direction which is intended?—I should say the difference of true level would be eight inches, and I will give you my reason for that: the water indicates the level, and it was then only four inches at the outfall, and twelve at the end, which is supposed to be the highest point, and that is so still at the end of the sewer opposite Mr. Buckley's.

3175. And is Mr. Buckley's house connected with that sewer?—Yes, and all Northumberland-avenue; it falls into the end of it.

3176. According to that there is always twelve inches of deposit there?—There are twelve now; that has been opened since you were here before.

3177. Was it opened up the whole way?—The two ends were opened.

3178. What was found at the Mulgrave-street end?—Four inches at the outfall of it there.

3179. Was it the day that the committee, as you call them, came to inspect, that Mr. Doyle applied to the police to take you into custody?—Yes. While waiting for the inspection the policeman asked me my business; I said I was there as a ratepayer; he said he could not interfere with me, unless I interfered with the works.

3180. Suggested by Mr. *Kelly* (to *Witness*).—In what manner can you be a skilled witness to decide in reference to the sewers or levels of the township of Kingstown?—I was a good while at that kind of work.

3181. At the construction of sewers?— Yes. I made a record of sewers as they existed in 1867 under Mr. Palles, and the Commissioners paid me for five months for that duty. I took the level of certain sewers, and that is how I knew the level of that sewer.

3182. Suggested by Mr. *Kelly*.—When Mr. Palles was making the sewers of Kingstown, were you handed over as an intelligent man to assist him in making the level of the sewers?—I was; I did that. There were three or four men went over them.

3183. Is your business not that of a pavier?—Yes.

3184. Did you do your business as a pavier under Mr. Doyle, and then you have turned an asphalte layer?—No.

3185. As an engineer you don't pretend to be a skilled witness?—I never stultify my senses.

3186. If a flow of water comes down Mulgrave-street by the sewer, will it divide in the two drains, and run both ways?—No; not according to the construction of the sewer there.

3187. Did Mr. Kelly run up the ladder?—Yes.

Mr. *Kelly*.—And I would do the same again.

3188. When the sewer was making from Mulgrave-street to Mr. Buckley's, was not the pipe inserted in that way?—Yes.

3189. Was not that pipe kept there and dammed up until the sewer at Buckley's was finished?—No, nor for forty-eight hours.

3190. Mr. *Kelly*.—That is all nonsense?—If you did you would never get it out of it. I could give you a reason on the diagram there why you could not.

3191. Mr. *Kelly*.—I saw the water there. There was a pipe laid for the purpose of carrying off the sewage of Mulgrave-street until it was stopped; as soon as the flow of water came down and struck on the sewer, it divided in both ways.

3192. (Suggested by Mr. *Kelly*).—What was the size of the sewer?—Three feet high by two feet at the spring of the arch—a brick arch.

3193. Mr. EXHAM.—Was that from George's-street up Mulgrave-street?—Yes.

3194. What was the size from Buckley's to Mulgrave-street?—The same.

3195. Is there much fall down Mulgrave-street?—A very great fall.

3196. Mr. EXHAM (to Mr. *Doyle*).—Do you wish now to give any explanation on this matter? When we were here last we invited you to give any explanation you pleased, but you declined doing so?—I did, because I was so perfectly disgusted with the persons that you chose to examine; I thought you would take a higher standing.

3197. That is for us, Mr. Doyle. When giving evidence, the peasant and the peer are, under the law, all alike, so long as they give true evidence.

3198. Mr. *M'Evoy*.—If it is not on the minutes—I can't find it on the minutes—but my recollection is distinct that after what occurred I moved to have a skilled person appointed to examine these sewers, and I was out-voted.

3199. Mr. *Kelly* (to Mr. *M'Evoy*).—Is that your recollection?—Yes.

3200. Mr. *Kelly*.—According to my recollection nothing of that kind took place, because I would always go in for a skilled person.

3201. Mr. *Ennis* (Town Clerk).—I have referred to my minutes for what Mr. M'Evoy asked, and I could'nt find it, and I am looking again to my minutes for it. I find that the construction of the Upper George's-street sewer was to be carried out by a committee, and on September 23rd, 1873, I find on the minutes that the town surveyor stated to the committee there was a fall of one foot on the road from Mr. Buckley's corner to Mulgrave-street, and that he had ascertained that level on the 22nd June last. He further reported—

"That the Upper George's-street sewer is eleven feet in depth, and from the invert to the surface of the road is eleven feet, being the same as that of the sewer from the Royal Marine-road to Mulgrave-street; that there is five inches of water from the proposed junction of the sewer to Mulgrave-street. This is caused by the sand running down Mulgrave-street sewer choking the sewer."

Well, then he has a long report on the subject. It was then moved:—

"That the man-hole on the Royal Marine-road be opened to find the obstruction in the main sewer; that the brickwork of the new sewer be built half way, but the arch not to be made so that the level will be more than the flow of water therein; that the junction of the sewer be not made until the obstruction now existing be removed, and also that of the new sewer drain, Upper George's-street; that the new sewer be accurately shown on the map by the surveyor; that the chairman, the mover, and the seconder of this resolution do attend next Wednesday, at eleven A.M., on this matter."

The surveyor also stated that it is not Mr. Pallas's, but his own plans that he is carrying out, which will drain the houses on both sides of the street.

"At the following meeting, in October, Mr. M'Evoy, the chairman, reported he had examined the sewer in Upper George's-street that day, and his suggestion was adopted that all man-holes of sewers be indicated by a mark; and then directions were given to the surveyor to examine the main sewer at or near Cod's-lane, to find the obstruction there and have it removed, a man-hole to be built at the spot, the work to be done under the inspection of the chairman at eleven o'clock, on Wednesday, A.M."

3202. Suggested by Mr. *Kelly*.—Mr. Brady, was there a stone in that sewer?—No.

3203. Was there a rock?—My suggestion was that Mr. Doyle did not commence that sewerage on any fixed plan, or in reference to what he had to do in the following year; that he did not keep near enough to the Forty-foot-road, and that he did not drain George's-street sufficiently in this direction. I say further now that the fall is the reverse of the crossing at Mr. Hearne's door to Mulgrave-street.

KINGSTOWN
June 29, 1877.

Mr. Duff.

Mr. DUFF recalled.

3204. Were you the man employed to make that sewer in 1873?—Yes; but since you gentlemen were here, I am led the life of a greyhound. I am called a "villain" and "a two-faced blackguard."

3205. By whom?—By Mr. Doyle. I assure you I was called so; and the world knows how I made my property.

3206. Are you still in the employment of the Commissioners?—Yes.

3207. Do you recollect the time that sewer was made?—Yes.

3208. Was it you made it?—Yes.

3209. Did you make it at the level pointed out by Mr. Doyle?—Quite so.

3210. Was that sewer made at a right or wrong level?—A wrong level.

3211. Were you directed to put a dam across that sewer?—I was.

3212. Who directed you?—Mr. Doyle.

3213. For what purpose?—To hinder the water going after the men.

3214. Was it going the wrong way?—It was going the wrong way.

3215. Was that the sewage stuff that came down Mulgrave-street?—Yes.

3216. Were you present the day Mr. Kelly went down the ladder?—I was on the ground over the hole, when he was higher up. I saw the dam knocked away after he came up—very shortly after.

3217. Did the water come on Mr. Kelly when he was down?—Yes; but higher up there was a dam.

3218. When Mr. Kelly went down into the sewer, was the sewer dry?—Yes.

3219. Did you see the water come in while Mr. Kelly was there?—Yes.

3220. How did the water come?—By the knocking away of the dam.

3221. Did you, after that, receive any direction about putting a pipe in?—The pipe was there, but we took it away until the work was nearly completed.

3222. I am talking of the first day. Was the pipe in the first day?—I think not, sir.

3223. Who put in that pipe?—I did, by Mr. Doyle's directions. I suggested to him to do so.

3224. For what purpose?—To prevent the water following the men, as it was running the wrong way; and I was told to mind my own business.

3225. Did you ever speak to Mr. Doyle about the levels?—I did. I told him the water was following us, and he said—"You mind your own business; you're only a servant."

3226. Can you tell me what is the difference of the levels between Mr. Buckley's end of George's-street and the sewer at the corner of Mulgrave-street?—There is at present about four inches of water or thereabouts, more or less, at Mulgrave-street; while at Buckley's end there is twelve inches, according to this twelve-inch rule which went down on the invert. The water just came above the brass end of the rule.

3227. Is there then a difference of eight inches the wrong way?—Quite so.

3228. Mr. *Henry*.—I would ask you to ask Mr. Duff was he tried before this Board; because the Board tried him since you were here, and found him to be in error.

Witness.—That is so. I was tried behind my back and found "guilty" by this Board.

3229. Mr. EXHAM.—Do you say that since we were here and examined you about this sewer, the evidence you gave before us was investigated by the Board?—No; and I am persecuted.

3230. Mr. *Kelly*.—That is not true at all.

3231. Mr. *Ennis*.—How it occurred was this:—At the monthly meeting in May, the town surveyor brought up a statement that on the examination of certain works, Duff had been guilty of insubordinate conduct, and the Commissioners thought Duff should apologise to him for his conduct.

3232. Mr. EXHAM.—Did they ask Duff for an explanation?

Witness *Duff*.—I was tried behind my back.

3233. Mr. *Reilly* (Town Commissioner).—We thought Mr. Doyle should not be annoyed, and we asked Duff to apologise.

3234. Mr. *Kelly*.—I said at the monthly meeting Duff should get a hearing.

3235. Mr. *Ennis*.—This was with reference to something occurred between Mr. Duff and Mr. Doyle in the month of May last.

3236. Mr. EXHAM.—I can't go into that at all. (To *Witness*).—Tell me; did Mr. Doyle give you the levels of the sewer?—Yes, sir; it was Mr. Doyle.

3237. (To Mr. *Kelly*).—Do you wish to give any evidence about this sewer?—No; I must tell you that Doyle never had such an enemy amongst the Commissioners as I am; because there never was a day that I had not something to say against him.

Mr. Frederick Barnes.

Mr. FREDERICK BARNES examined.

3238. Are you engineer to the Blackrock township?—I am.

3239. Do you know anything about this sewer?—Mr. Doyle asked me to come out, and I brought out the level and staff, and Mr. Duff held the level in the different man-holes from point to point, and it was within an eighth of an inch from point to point. I asked Dr. Roche to read the levels with me, and we compared notes, and there was not an inch wrong. I can understand when a cross sewer comes down that the sewage coming down would naturally sink below the level. In this case they should dam up the body of water to prevent it flowing in. There was no such thing as the water being so high at Buckley's corner.

3240. The Witness *Duff*.—There was twelve inches of water.

3241. Suggested by Mr. *Kelly*.—Mr. Barnes, you are an engineer?—Yes.

3242. And as an engineer, do you state that they are perfectly proper levels?—I state the levels are perfectly correct, and I made Dr. Roche correct them. I think the fall was, from point to point, a foot.

3243. The intention was to carry the sewage from Mulgrave-street to the Fortyfoot-road. What would you say, if there was a dam across the George's-street end of the sewer near Mulgrave-street, and the sewer was perfectly dry, and that afterwards upon the removal of the dam a body of sewage matter entered it coming from the Mulgrave-street sewer and flowed in the direction of Mr. Buckley's end of the sewer?—Well, I won't say exactly what occurred at that time; but they had naturally to prevent the water following when they were carrying out these works. It would not, however, affect it after the works were completed. The levels are perfectly correct now; but when I find (as I have in several parts of the township) the sewers are not properly trapped, a quantity of *debris* may fall down and there may be a dam formed which will stop the flow of the sewage. The sewers must be properly trapped to make all right.

3244. Mr. EXHAM.—Is the sewer in question not properly trapped?—It is not. The upper sewers are not properly trapped.

3245. If there is twelve inches of liquid deposit in the sewer at Buckley's end, and four inches at the Mulgrave-street end, what would be the result?—Well, what I would say is, that I account for it by a quantity of *debris* coming back and stopping the back stuff there. I took the levels of the sewer when the man-holes were open; there is not an eighth of an inch wrong in the levels of the sewer as now constructed.

3246. The Witness *Duff*.—At Buckley's end of that sewer, where it comes down Northumberland-avenue, there is a slant to throw the mud, and water, and stuff away; and there is at this moment three or four inches

Mr. Duff.

of water up in that pipe that should serve for Mr. Long's house and all the houses I connected with this pipe.

3247. Mr. *Kelly*.—They all have sewers at the rere of their houses.

3248. Mr. EXHAM.—Is that new sewer capable of draining all the houses in George's-street from its level?—Witness *Duff*.—If it emptied itself it is capable of draining what is going in, but no more.

3249. But is it from its level capable of draining all the houses from both sides of the street?—No, it is not. I should also tell you that under the crossing of the Fortyfoot-road, it should be two feet or two feet six lower to drain Mr. Buckley's sewer.

3250. Suggested by Mr. *Kelly*.—Do you say that from Mr. Redmond's to Mr. Manley's shop the houses have not drains?—No.

3251. Have not all those houses a sewer in the rere, which goes out through Redmond's-lane, and goes into the main sewer?—Quite so.

3252. Mr. EXHAM.—Mr. Barnes tells me you did not want to make that sewer at all.

3253. The Witness *Duff*.—Ask Mr. Doyle what is the square of that sewer at each end, because it is only a small square.

3254. Mr. EXHAM (to Mr. *Doyle*).—What is the square of it?—Well, it is either one foot ten or one foot eleven.

3255. Mr. EXHAM.—Is that the sewer Mr. Barnes said should have been made three feet by two?—Yes.

Mr. DOYLE recalled.

Mr. Doyle.

3256. Mr. *Doyle*.—I now wish to give you an explanation. The level is perfectly right. You can understand the sewage from Mulgrave-street with a rush of water coming down. When we open a sewer here we have to expect a rush of water. The level up to Mr. Buckley's corner is six inches. The level of the sewer at this point is about eleven feet; it is deep enough to drain the houses on both sides. At the present moment Mr. Buckley complains of the sewer running up Northumberland-avenue, opposite his sitting-room. It is this very sewer. It is built of old rubble; and this is the sewer he complains of.

3257. Mr. EXHAM.—But Mr. Buckley's complaint was this—He had expended some twenty odd pounds in connecting with the new sewer?—He did expend that money in connecting with the new sewer.

3258. His complaint is—"notwithstanding that expenditure on the new sewer, I am inundated"?—No, he complained he had to expend £17 in remedying that.

3259. You hear what Duff and Brady state—that there is twelve inches of fluid deposit in the sewer at Buckley's end, and four inches at Mulgrave-street end? Can you say or not is that the case?—I took the levels myself; but I want to tell you, from Mr. Buckley's corner to the Fortyfoot-road there is two feet of a fall. During the time we were working in this sewer there was a rumour that there was a rock in the middle of it. I opened it and levelled it, and we took away pounds of silt that came down from Mulgrave-street.

3260. Is the deposit there again?—Not at all, sir; it is clear. We had a rush of water, but the moment we got this completed we sent in men and had it all cleared off.

3261. Mr. *Kelly*.—The question is this:—If there is twelve inches at Buckley's end and four inches at the other, and there are so many inches somewhere else? Here are Dr. Roche and Mr. Barnes who tried it, and made this man (Duff) hold the staff.

Dr. ROCHE examined.

Dr. Roche.

3262. Mr. EXHAM.—Can you solve this difficulty, Dr. Roche? They say if you put the rod in at the man-hole at Buckley's end, in the centre of the sewer, you find twelve inches marked on the rod; and if you go to the other end there are four inches marked on the rod?—The facts are such, but the explanation will not follow.

3263. But is that the fact?—It is. I took it as eleven inches. I took it myself; and the difference between the places is about eighty-four yards, I think, but it does not follow that Buckley's end will be lower than the other end. My report, or rather my letter, on the subject was to this effect:—I think it would have been a much more efficient sewer, if that end at Buckley's had not been made so low, and that it would have been much more efficient if it had been three feet higher. The day I saw it, the water was coming down with a tremendous velocity. I say the sewer at present is efficient, and the fact that this end is eight inches lower than that is explainable by circumstances. Running water does not run according to a horizontal surface, and therefore it may not run as deep at one place as at another.

3264. Mr. EXHAM (to Mr. *Lalor*).—Is it not the case, Mr. Lalor, that since we were here last the Local Government Board have refused the petition for a Provisional Order?—Mr. *Lalor*.—No.

3265. Mr. *Kelly*.—They have not. They have refused us in this way:—We don't require a Provisional Order for No. 1 sewer.

3266. Have they not refused you Nos. 1, 2, and 3?—No; they say as we have Nos. 1 and 2 by agreement, "you don't require a Provisional Order." In consequence of No. 3 sewer being thrown out, Mr. Doyle had to make an alteration in the internal sewerage. They threw out No. 3 sewer long ago.

This closed the Inquiry.

Since the Inquiry closed Mr. Ennis (Town Clerk) forwarded to us a report on the sewerage, presented by Mr. Doyle to his Board on the 22nd May, 1877, with a request that we put it on our notes, which we do. (See Appendix No. 1, page 117.)

Mr. Lalor, Solicitor to the Commissioners, also sent us a statement as a supplement to his evidence, with a like request, which we thought it right to comply with as he is the solicitor for the Commissioners and acting in their behalf. For statement see Appendix No. 1, page 118.

DALKEY.
April 9, 1877.

DALKEY.—APRIL 9, 1877.

(Before Mr. Commissioner LAWLESS, Q.C., and Mr. Commissioner EXHAM, Q.C.)

Mr. Hugh O'Neill.

Mr. HUGH O'NEILL examined.

1. Mr. LAWLESS.—Are you the town clerk?—Yes.

2. Is the township under the Towns Improvement Act of 1854?—Yes.

3. When was that Act adopted in Dalkey?—On the 26th August, 1863.

4. How many Commissioners were there then?—Twelve.

5. Does the number still continue the same?—Yes.

6. Is that number now full?—Yes.

7. Do they all possess the qualification required by the Act of 1854?—Yes.

8. Was there not another Act obtained in 1867—the 30 and 31 Vic., chap. 134?—Yes.

9. I see that by the provisions of that Act the Town Commissioners were incorporated, and powers were given to them to appoint certain officers, and to make rates, borrow money, and levy tolls?—Yes.

10. What is the extent of the municipal area?—572 acres.

11. What is the valuation?—The valuation for the present year is £12,534. It was £12,246 15*s.* last year, so that you see it has been improving.

12. What is the population of Dalkey?—In 1871 it was 2,084. On the 31st August, 1875, I took the census myself, and I found there were 1,083 persons more.

13. That would make the population 3,167?—Yes; in August, 1875. I did not take the census last year.

14. Under the provisions of the Public Health Act, 1874, I think the Town Commissioners here act as the urban sanitary authority?—Yes; they do.

15. Though the population of the township is under 6,000?—Yes.

16. Do the Town Commissioners possess any property besides this town hall?—They own a bathing place that they paid £350 for; that is the only property.

17. When did they purchase the bathing place?—On the 18th March, 1870.

18. For how much?—£350; they hold in fee-simple.

19. Do you pay any rent for it now?—No.

20. Do the Town Commissioners derive any income from that bathing place?—No; it is open for the use of the public.

21. How long is this building (the town hall) vested in the Commissioners?—They have a lease of it for 150 years.

22. From whom?—From Mr. Porter; the Commissioners pay £15 a year for the town hall and the garden at the back of it. It was, as you see, an old castle, and the Commissioners took the lease of it, and got it put into repair.

23. When did they take this building and fit it up as a town hall?—It was fitted up before I came here.

24. Did they pay anything for the lease?—Yes, they paid £150 for it. They have the garden at the back set at the yearly rent of £6.

25. Does that garden represent the only property that the Commissioners receive rent from?—That is the only property they receive any rent from.

26. I perceive that your financial year ends on the 31st December in each year?—Yes.

27. What rates have the Commissioners levied for the last year?—They levied four rates last year; a rate of 1*s.* 5*d.* in the pound under the 42nd section of the Dalkey Township Act of 1867.

28. Did the Commissioners in 1863 adopt the Act of 1854 in its entirety?—No; only for the purposes of lighting.

29. Have they levied that township rate for some years?—Yes; but the amount of the rate was not always the same. In 1874 and 1875 it was 1*s.* 4*d.* in the pound, and it will be the same this year, I think.

30. Do you prepare an estimate of the probable expenditure required for the year?—Yes; and we strike the rates accordingly.

31. What other rates do the Commissioners levy?—A sinking fund special rate of 1*s.* 2*d.* last year.

32. Under what Act did they levy it?—Under the 51st section of the Dalkey Township Act.

33. Is that rate fixed by the Commissioners in their estimate with reference to their liabilities for payment of sinking fund and interest?—It is.

34. Do the Commissioners levy any other rate?—Yes, a water rate; last year it was 4½*d.*, and the year before it was 5*d.* in the pound. They levy that rate under the 43rd section of the Act of 1867.

35. How is the water supplied?—By the Corporation of Dublin, at 4*d.* in the pound.

36. Do you pay that for the supply of Vartry water?—Yes.

37. Do the Commissioners levy any other rate?—Yes; a sewer rate, last year it was 6*d.* in the pound.

38. Is that a general sewer rate?—Yes.

39. Under what Act is it levied?—Under the Sanitary Act of 1874.

40. Do the Commissioners levy any other rate?—Those are all the rates they levy.

41. What is the gross amount of those rates?—They amounted to 3*s.* 6*d.* in the pound last year.

42. I find that by the Act of 1867, the Commissioners are empowered to strike a Dalkey pier rate?—Yes.

43. Has that rate ever been struck?—It has.

44. Has there been any peirs and harbour rate struck since you have been here?—No.

45. What was the gross amount of your Dalkey township rate for last year?—It was £816 19*s.* 6½*d.*

46. How much of that has been actually received by the Commissioners?—The total amount collected on foot of the three rates—the improvement rate, the sinking fund rate, and the water rate, was £1,437 3*s.* 1*d.*

47. Does that include the arrears from the previous year?—Yes; it includes arrears and everything to the amount of £570 0*s.* 7*d.*

48. The total amount collected in the year ending 31st December, 1876, was £2,007 5*s.* 8*d.*?—Yes.

49. What arrears of last year's rates were outstanding at the time of the passing of the accounts of the year ending 31st December, 1876?—£682 4*s.* 5*d.* as appears by Mr. Finlay's report.

50. What were your other receipts for that year?—Dog licenses; rent of the garden at the rere of the town hall; hire of board room; interest on Government stock (sinking fund account); contributions towards the sanitary officers' salaries, and moneys received from Her Majesty's Government in lieu of rates. (For particulars of these payments see copy account for 1876, Appendix No. 2, page 124.)

51. Will you look to the receipt side of the Commissioners' account, passed by the auditor in February of this year?—Yes.

52. Do the items there represent the entire amount of their receipts for the year ending 31st December, 1876?—Yes; the entire amount of their receipts is there set forth. (For particulars see copy same account as in last answer.)

53. What officers are employed by the Town Commissioners?—First, myself, the town clerk.

54. At what salary?—£83 a year as town clerk, and then I am executive sanitary officer at £15 a year, and I am also sub-sanitary officer for the township.

55. Are you both executive and sub-sanitary officer?—Yes.

56. What other officers do the Commissioners employ?—Mr. Walsh, who is surveyor and engineer, at a salary of £25 a year. Then there is the collector, who is paid a poundage of 6*d.* on the amount of rates collected and lodged to the credit of the Commissioners.

57. Does he collect all the rates levied by the Commissioners?—He does.

58. And I suppose also that small amount of rent receivable?—No; I get the rent and lodge it.

59. Does the collector give security?—Yes, for £300 by the Guarantee Society. (Policy produced.)

60. Is the premium on it paid for this year?—It is.

61. Does he give his receipt for the premium to you?—Yes, and I produce it before the board.

62. Does he reside in Dublin?—He resides at 113, Seville-place, Dublin.

63. Is he engaged in any other capacity?—I do not think he is.

64. What other officers do the Commissioners employ?—Those are all the officers; there are only the workmen besides.

65. Do the Town Commissioners scavenge the town?—They do.

66. What staff have they for that purpose?—They have three men.

67. Do the Commissioners employ any sanitary staff?—No.

68. What is the annual expense of the scavenging staff?—It varies every year.

69. Are the men paid weekly?—Yes; the head man is paid 16*s.* a week; the others 15*s.*

70. Do the Commissioners keep the streets and roads in Dalkey in repair?—They do.

71. Is there any county cess levied in the township?—No; the Commissioners have the roads under their control, but the Grand Jury have the county at large charges.

72. Were the powers of the Grand Jury over the roads acquired by the Town Commissioners?—Yes, by the 11th section of the Act of 1867.

73. Is there any sanitary officer within the township?—Yes, Dr. Mayne.

74. Do the Town Commissioners pay Dr. Mayne's salary?—No; he was appointed consulting sanitary officer by the Commissioners, who are to pay him 10*s.* each time it may be necessary to consult him.

75. Does that represent the entire staff of the Commissioners?—Yes.

76. What loans have the Town Commissioners here contracted, with their date, and the security on which they were borrowed?—They obtained three loans of £2,500 each.

77. Give me the first loan in point of date?—In March, 1869, £2,500 from the Hibernian Bank, repayable by a sinking fund, and at five per cent. interest.

78. Upon what security was it borrowed?—Upon the security of the Dalkey township rate.

79. Has any portion of it been paid off?—No; but the Commissioners have a sinking fund; one-thirtieth part of that is lodged each year.

80. Has the sinking fund been kept up?—Yes, and now amounts to £416 13*s.* 4*d.*

81. How is that invested?—In Government three per cent. stock.

82. Is the three per cent. interest accumulated also?—No; we spend it the same as we do the rates. It is lodged with the treasurer, and expended on the township.

83. In 1875 and 1876 the Commissioners have received dividends upon this sinking. Why do they not accumulate the interest?—By the Act they are only bound to save one-thirtieth, and, therefore, they use the interest to aid the rates.

84. The 50th section of the Act says the amount to be set apart every year to pay off the principal money borrowed on mortgage of the rate shall not be less than one-thirtieth of the money so borrowed, but it does not say you will be at liberty to spend the income produced by that one-thirtieth; however, this matter appears to have been stated fully in the accounts before Mr. Finlay, and allowed by him?—It was. The next loan is the piers and harbour loan of £2,500, borrowed in May, 1869, from the Hibernian, at five per cent.

85. Is there a sinking fund for that loan?—Just the same as the first loan, with the same amount of sinking fund, which now amounts to £413 13*s.* 4*d.*?—That has been transferred from one bank to another.

86. Is the interest from it received and applied in the same way as in the last case?—Yes.

87. Upon what security is that £2,500 borrowed?—Upon the security of the piers and harbour rate.

88. You told us a short time ago that there has been no piers and harbour rate struck for several years past?—No.

89. Was there a sinking fund rate struck in the year 1869?—I do not know.

90. Where are the books for the years between 1867 and 1871?—I do not know. I missed the book, and when I looked for it I could not find it.

91. Do you mean to say that you have not got it in your custody as town clerk?—I have not got the rate book.

92. For the years between 1867 and 1871?—I have 1867 and 1871.

93. Have you not got the books for 1868, 1869, and 1870?—No; I have not.

94. Was there any piers and harbour rate struck in 1871 and 1872?—No; there was a Dalkey Township rate, sinking fund rate, and water rate.

95. What was done with the £2,500 raised on the security of the piers and harbour rate?—It was spent in making a new harbour called the Coolimore Harbour.

96. When was it expended—about what time?—In 1868 and 1869.

97. Do the Commissioners receive any income of any kind from that harbour?—No.

98. Do they keep the harbour in repair?—Yes.

99. Out of what fund?—There is no rate struck to do anything; there has been very little done to it. There was £16 5*s.* expended in 1876 in building a boat-slip, which comes into this account.

100. Did they ever strike a rate for the purposes of the harbour?—No.

101. You say there was another loan contracted?—Yes: a water loan on the 9th January, 1871.

102. How much was it?—£2,500.

103. From whom was it borrowed?—From Mr. John Fleming.

104. At what rate of interest?—Five and a quarter per cent. In case it was paid regularly he agreed to charge only five per cent.

105. Has the interest been paid regularly so as to save the quarter per cent.?—No; it was not paid regularly, and we have had to pay the five and a quarter.

106. Has the payment of that £2,500 been secured by a sinking fund?—Yes; there is £333 6*s.* in Government Stock.

107. Was the sinking fund put by every year?—There was one year missed before I came here, but since I have been here it has been always done.

108. Has the interest been used in the same way as the others?—Yes.

109. Have the Commissioners borrowed any further sum?—No.

110. Upon what security was the water loan borrowed?—Upon the security of the water rate.

111. How has it been applied?—In laying water mains, but it did not cover the expense of laying them. They cost £800 more than was borrowed.

112. How was that £800 obtained?—It was not obtained. The contractors did the work, and the money is still due to them.

113. Is the £800 still unpaid?—Yes, but the Commissioners are getting the money from the Government at three and a half per cent. for the purpose of paying it off.

114. Who were the contractors for that work?—Messrs. Eddington and Son, Glasgow.

115. Have the Commissioners arranged to borrow

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the money to pay the contractors?—They have almost got it; the Government has agreed to lend it.

116. How much have they applied for?—£841, the amount due to Messrs. Eddington.

117. Have the Commissioners applied for a Provisional Order?—They have, and the Provisional Order is confirmed.

118. Has it been passed?—Yes.

119. I do not find that this Provisional Order gives them any borrowing powers?—It is not under it they are borrowing it, it is under the Sanitary Act.

120. Mr. EXHAM.—Have you not power under your old Act to borrow £10,000?—Yes.

121. Mr. LAWLESS.—Have the Commissioners borrowed any other sums besides those three you mentioned?—No.

122. Was it a part of the arrangement with the Corporation of Dublin, that the Commissioners were to lay the water mains?—Yes, by the Act of Parliament they are bound to lay down the mains, but only within the township.

123. I think you mentioned that one of your rates—a rate of 6*d.* in the pound—was struck under the Sanitary Act of 1874?—Yes.

124. That 6*d.* makes up the full amount of 3*s.* 6*d.* in the pound?—Yes.

125. Is it not the case that the piers and harbour debt of £2,500 is now being liquidated by the Commissioners out of a rate that is not applicable for that purpose?—I would not say that.

126. Were they not authorized to borrow the money upon the security of the piers and harbour rate? What power have they to pay it out of any other rate?—This sinking fund special rate, they conceive, makes provision for it.

127. Mr. EXHAM.—Why don't you strike a rate to pay it; and why don't you keep separate accounts of each of your rates, and the payments made out of each?—If they did strike a rate it would be illegal, as they are doing nothing on the piers and harbours, and therefore could not spend the money. However the accounts of the different rates have been separated since the auditor drew attention to it.

128. Are you paying out of the sewer rate anything to the piers and harbours?—No.

129. Was not the sewer rate mixed up with the general fund?—Yes; but when the Government auditor drew attention to the matter it was kept separate.

130. Mr. LAWLESS.—You mentioned, I think, that the streets and roads of the town are repaired and kept in order by the Commissioners?—Yes.

131. In addition to the scavenging of the streets?—Yes.

132. How is the town lighted?—By thirty-six lamps; the gas is supplied by the Alliance Gas Company under a contract, but it is now run out.

133. What is the rate you pay for the gas?—A contract was entered into between the Alliance Gas Company and the Commissioners by which the gas was to be supplied at 4*s.* 6*d.* per 1,000 cubic feet, and to pay 1*s.* 6*d.* rent for each lamp post. That contract was made on the 1st October, 1870.

134. Is that the contract under which you are supplied with gas now?—No; that contract ran out on the 1st October, 1873, and no arrangement of a similar character has been made since. We now pay the same price as private consumers for the gas.

135. Who keeps the gas-lamps in repair?—The Commissioners keep the heads and glass repaired, and the gas company the posts.

136. Has there been any new contract made?—No.

137. Do the Commissioners now pay the same price as the private consumers, and also 1*s.* 6*d.* for each lamp?—They do.

138. By whom are the lamps lighted?—The men employed by the Commissioners light the lamps.

139. Mr. EXHAM.—What was the cost of the Act of 1867?—It was under £350 by special agreement.

140. With whom was that agreement made?—With the Parliamentary agents.

141. Has that money all been paid off?—There was a rate struck to pay it.

142. Mr. LAWLESS.—Will you look to the expenditure side of your last account passed before Mr. Finlay?—Yes.

143. Were the items there all expended during the year?—Yes; everything in that account is quite correct.

144. Were the several items vouched before Mr. Finlay?—Yes, his signature is on foot of the account certifying that it is quite correct.

145. I see by reference to Mr. Finlay's last report that your late collector, O'Dowd, was a defaulter to the amount of £158 18*s.* 1*d.*?—An order has been made against him for that amount, but he has no property, and a summons and plaint has been now issued against his security.

146. How long is it since Mr. O'Dowd ceased to be collector?—The last rate he got to collect was in 1873, and in 1874 he was discharged by the Commissioners.

147. Are proceedings pending now?—Yes; a summons and plaint was issued last week against one of his sureties.

148. Why is it not against the other surety also?—The other died about a year ago or more.

149. Surely it is the duty of the Commissioners to proceed against all the persons who may be made liable?—They directed their solicitor to do what was best. He submitted a case to counsel for his opinion, and he told me a few days ago that counsel advised that it would be best to go against the survivor, and that the survivor could proceed against the representatives of the deceased surety.

150. Were there two or three sureties?—Two and the principal.

151. Have any proceedings been taken against the principal—against the collector himself?—Yes, he has been served with a summons and plaint.

152. Who are the sureties?—Mr. Patrick Murphy and Mr. Byrne, who died about a year and a half since.

153. I find there was a sum of £231 11*s.* 6*d.* on the account of 1875 as arrears of uncollected rates, which ought to have been collected by Mr. O'Dowd?—Yes.

154. That was not collected in 1875, and it appears by the report of Mr. Finlay, in 1877 (his last report), that up to that time it had not been collected; have any steps been taken by the Town Commissioners to recover that amount?—The present collector got a list of the names of the people owing the rates, but after spending a year trying to collect them he only got £15 0*s.* 11*d.* In the meantime it was suggested that they should get me to collect the old arrears, and the auditor, it appears, states that it is perfectly legal for us to authorize me to collect them.

155. Mr. EXHAM.—It appears from Mr. Finlay's report that the present collector has done his best?—We have an order against Mr. O'Dowd for £158 18*s.* 1*d.*

156. Mr. LAWLESS.—Were those rates amounting to £231 11*s.* 6*d.* received by Mr. O'Dowd?—That has to be ascertained yet.

157. Mr. EXHAM.—I perceive that for some time the railway company, and some other proprietors of land were overrated. Is it the case that since that was discovered to be a fact, the railway company and others have been allowed to retain out of their current rates sufficient to make up for the over-payments they made in past years?—In the year 1871, it was discovered that the railway company and some other parties holding land were rated too high, and the Commissioners passed a resolution allowing it to be paid back if it was legal. When the auditor heard this he insisted that we should proceed against the railway company to recover any rates that they did not pay without making any allowance for the back payments. We believe we are morally bound to allow the overcharge, but proceedings have been taken. There was an agreement with the railway company that they should refund the money if the auditor did not allow it.

158. Was that arrangement made with the railway company only, or with any other land proprietor?—Any

proprietor who would give the required security to pay it back if required by the auditor, but none gave the security except the railway company. Mr. Tyrrell, one of the Commissioners, stopped the rates; but we proceeded against him, and recovered the amount which was paid.

159. Have any other Commissioners done so?—No.

160. In the account for the year ending 31st December, 1875, the Commissioners take credit for a sum of £360 under the head of Law and Parliamentary costs. Is that the balance of a larger sum?—Yes.

161. What was the entire sum?—Nearly £500.

162. Were those costs incurred in opposing a bill promoted by the Kingstown Commissioners?—Yes; a bill to put the sewage of Kingstown and Pembroke into Dalkey.

163. What became of that bill?—The Kingstown Commissioners were nominally the promoters of it, but they did not take any steps as Commissioners to promote it. Proceedings were taken in the Court of Chancery for the purpose of obtaining an injunction, which were successful. They brought it to the House of Lords and they were allowed to proceed as private individuals.

164. By what authority did the Commissioners pay the costs incurred in that matter out of the rates?—Because Dalkey would have been greatly affected by it, and there was a public meeting of the ratepayers held on the subject of it.

165. Have you got any record of that meeting?—It was a public meeting; the requisition was signed by thirty ratepayers—regular notice was given and the meeting called.

166. Was there any meeting of the Commissioners consequent upon that meeting of the ratepayers?—Yes; after that meeting the Commissioners authorized Messrs. Casey and Clay to take the necessary steps to oppose the bill.

167. Can you give me the resolution passed by the Commissioners authorizing Messrs. Casey and Clay to do so?—The public meeting was held on the 8th January, 1875, and the meeting of the Commissioners was held on the same day.

168. What salary is paid to the town surveyor?—£25 a year.

169. What are his duties?—To inspect the town once a week; to attend the meetings of the Commissioners, and report everything to the Commissioners that he considers necessary.

170. Has he anything to do with the sewerage of the town?—There is a new sewage scheme going on.

171. Is there any system of sewerage in Dalkey?—There is a good deal of sewerage in the town.

172. When was it made?—Some of the sewers were made by the Grand Jury.

173. Before the year 1867?—Some of them are thirty years in existence and some of them have been made by the Town Commissioners.

174. Have any been made since the passing of the Act of 1867: how long has the town surveyor been here?—He is only here about six months. There was a surveyor here before then who acted both as secretary and surveyor.

175. Do you know anything of the existing sewerage?—Yes; I have a general knowledge of it.

176. Is the town sufficiently supplied with main sewerage?—Certainly not: the Commissioners are going to expend £4,000 in making main sewerage.

177. Have they expended any money since the year 1867 in making sewers?—I can give you the sums expended since the year 1870 in making sewers. In 1871 they expended £9 3*s.* 11*d.*; in 1872, £19 10*s.* 11*d.*; in 1873, £18 19*s.* 5*d.*; and in 1875, £60 to an engineer for making out plans and specifications for the system of main drainage, and also £130 to the same engineer to clear off his account. That is all that has been paid for sewerage since the year 1870.

178. When was the first sewer rate struck?—A rate of 4*d.* was struck in 1874 and 1875, and in 1876 of 6*d.*

179. Has there been any money borrowed on the security of that rate yet?—Not yet; but the Commissioners are about to borrow it.

180. Has anything been done by the Town Commissioners in the way of providing main sewerage for the town since 1867? I understand you to say substantially there has not?—Nothing with the exception of getting the maps, plans, and specifications, and getting the provisional order to enable them to go through the different places. As I said, they paid the engineer £190.

181. Where does that sum appear in the accounts?—£60 is in the account for 1875 and £130 in the last audited account. Last year we also paid £10 for lithographing maps.

182. To whom was this paid?—The £190 was paid to Mr. Andrews.

183. Is he your town surveyor?—No.

184. Mr. EXHAM.—Who held the inquiry here: was it Mr. O'Brien?—No; it was Mr. Robinson.

185. What staff have you for looking after the sanitary condition of the town?—There is no staff. When I discover a nuisance I serve a notice on the doctor, who, if he considers it to be a nuisance, makes a report to the Commissioners. I keep a separate book for sanitary business. (Book produced.)

186. Do you keep a book which shows the nature of the complaint, the order made on the report, the steps taken to enforce it, and the result?—No.

187. The Local Government Board could supply you with a book of such a form. Do you give any return or make any report to the Commissioners as to whether nuisances have been abated or not?—No.

188. What do you do supposing the people do not abate nuisances?—I summon them before the magistrates. I have full power to enforce the carrying out of the order made by the Commissioners, and I always do it.

189. Do you first make reports to the doctor?—Yes.

190. How often do the sanitary committee meet?—Whenever there is any business to be done. Sometimes once a fortnight.

191. I find there was a meeting of the sanitary committee on the 17th January, 1877, and none between that date and the 28th March?—If there are no reports from the doctor there is no meeting called.

192. There was notice of a nuisance on the 17th January, on Mr. Tyrrell's property, and directions were given that if it was not abated before a certain period, he was to be summoned?—Yes.

193. Is there any record of its having been abated here?—No, but it has been done.

194. Were all the nuisances mentioned in this report of the 17th January abated on notices being served?—They were.

195. What is the meaning of this—

"Meeting of Dalkey Urban Sanitary Authority, Wednesday, 28th March.—Ordered: 'That the executive sanitary officer write to the Local Government Board and state that notice of nuisances has been served on the sanitary officer, and no report been received from him; and that sickness prevails in part of the township which requires immediate attention. The Commissioners would be glad to have instructions as to how they are to act'"?

That was a case in which I, as sub-sanitary officer, served a notice on the doctor, and he did not report on it. If he does not report I have no means of bringing the matter before the Commissioners. I have no right to bring it directly before them. There was some sickness in the township at that time. The Local Government Board sent that letter to the doctor.

196. Did the doctor neglect to make a report?—He is not bound to make a report, it appears. When this question arose he referred the Commissioners to the words "as soon as may be," in the Act of Parliament. He says he is only bound to attend to it "as soon as may be."

197. Did he say he was entitled to exercise his judgment as to whether it was a nuisance or not?—I cannot say.

198. On the 25th August, 1875, a similar thing took place. Two cases were reported by you on the 5th

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inst., and it was ordered "that the sanitary officer be required to inspect them and report within twenty-four hours," and he did not do so?—Yes. He quoted that portion of the Act, and said he was not bound to do it. The Commissioners then wrote to the Local Government Board, but they would not interfere.

199. Mr. LAWLESS.—Have you got the correspondence with the Local Government Board on this subject?—Yes, I can let you have it.

200. Mr. EXHAM.—I see several complaints here against property belonging to Mr. Tyrrell, which are continued during 1875 and 1876. Did he pay any attention to the notices?—Those are privies which required to be cleaned out. Of course that sort of work requires to be done four or five times a year. Where new works were recommended you will never see it referred to a second time.

201. Has there been any new work done in the town?—Yes; there were a number of pigs banished.

202. Is that what you call new work?—(No answer.)

203. Were the people in the habit of keeping pigs in their houses?—Not in their houses, but very close to them. The doctor caused them all to be removed, and since then there have not been any cases of it.

204. A broken sewer was reported at the foot of Vico-road. Was that set right?—Yes, I got that remedied; there is a cesspool there which must be emptied when it is full.

205. Is the house of the person referred to here near a public sewer?—There is no sewer in that road.

206. Is it then a covered cesspool?—It is. The complaint is that the sewage oozes out. When the cesspool is full it overflows on the road. I must go and get it made right again.

207. Do you think it is sufficient for the requirements of this township to have only one sub-sanitary officer who is also town clerk and executive sanitary officer?—This is a very small township, and the principal part of the houses are of a good description, so that there is but little sanitary business to be done.

208. Had you not a great deal of work lately as town clerk?—I had. I would rather not be sub-sanitary officer, though I know a good deal about sanitary matters. The Commissioners themselves proposed that I should take that office. When the application was made to the Local Government Board, they refused to sanction my appointment to the two situations, but afterwards agreed to it on being informed by the Commissioners that they could not afford to pay two men.

209. Can you say whether as a rule all houses within 100 feet of a main sewer are connected with it in accordance with the provisions of the Public Health Act?—Yes, they are.

210. What is done where there are no main sewers?—Then there are cesspools.

211. Are there main sewers in this part of the town?—Yes.

212. Have all the houses connecting drains?—Since I came here I have examined every place, and in some cases people are compelled to make them. In most cases they have them, but in some cases they have not, because the sewers are too high to carry off the house drainage.

213. Do you mean the sewers already existing?—Yes; and where connecting drains cannot be made there are cesspools.

214. Where are the cesspools situated?—In the back yards.

215. Are there any of the poorer class of houses that have no cesspools?—Every house here, so far as I am aware, has a proper convenience.

216. Is there a sewer on the road to Judge Barry's place, that discharges on the public road?—That is one of the places reported to the doctor; there is a sewer.

217. Does the sewage from it run out over the public road?—It does. It is about to be abated. I have had an answer from the doctor with regard to the place this morning—it is only a pond that has burst.

218. Mr. Perrin informs us that the mouth at the sewer is level with the road. Is that so?—Yes. The person responsible for that place was summoned before I was sub-sanitary officer, and fined £1. He put in a sewer, but something has now broken in it, and the water is coming out on the road. The doctor says (reads)—

"I hereby report to you, that it appears there is from time to time foul water flowing from John Smith's house upon the public road, and I recommend that the sewer be looked to as it appears to me defective."

Some cart passed over the sewer and broke it.

219. What is the date of that report?—The 7th inst.

220. When did you call the attention of the doctor to the place?—About a week ago.

221. Mr. Perrin says the sewer is in that way a long time. Is that so?—No; it is not.

222. Mr. *Perrin*.—I am sure it is in that condition for six months at all events.

223. Mr. EXHAM.—If that be so it would bear out what I say, that it is hardly fair to expect Mr. O'Neill to do his business as town clerk, and look after the sanitary affairs of the town properly.

224. (To *Witness*).—What hospital accommodation is here?—There is no hospital.

225. I observe that in the sanitary book there are several cases of scarlatina mentioned, and the houses are ordered to be disinfected: is there any disinfecting apparatus in the town?—No; I give the materials to the people and let them use them; in some cases I see that they take out the clothes and burn them.

226. Where do they take the clothes to?—Into a field; there was only one case in which that was done. There have been no cases of infectious disease in the town for the past two years, with the exception of a few very slight cases of scarlatina—children's cases. I served the proper notice by the directions of the doctor and there was nothing more about it.

227. Mr. LAWLESS.—I find a great many complaints about sewers not being in proper working order, and recommendations that they should be made all right?—Yes; those cases have all been attended to.

228. Some of the complaints are so far back as 1867. Do you find that the Commissioners as a body are anxious or prompt in carrying out the works necessary to be done?—Indeed they are; they always make the order which I carry out. Sometimes they summon parties to Kingstown before the magistrates, and go to a good deal of trouble to get nuisances abated.

229. Mr. *Milo Burke*.—I am chairman of the dispensary committee, and when examining the tickets issued during the past month I found they were 280 in number, and there was not a single case of contagious disease reported in the entire Dalkey district.

230. Were those tickets all issued within the township?—Yes.

231. Were none of them in Killiney and Ballybrack?—No.

232. (To the *Town Clerk*).—What is done with the manure of the town?—We have tried to sell it, but could not get anyone to buy it, and then we offered it to anyone who would take it away for nothing. One pound was offered for it once, and accepted. At present we are giving it to anyone willing to take it for nothing. Sometimes we are compelled to employ horses to cart it, and throw it into the first place we can get.

233. Do the Commissioners keep any horses and carts regularly for that purpose?—No; we only employ horses on certain occasions.

234. Have the Commissioners carts of their own?—Yes; I employ horses every Saturday.

235. Do you also superintend the scavenging of the town?—Yes.

236. Is filth thrown into the streets in Dalkey?—No.

237. When was Bullock-road scavenged?—About two months ago.

Mr. Hugh O'Neill.

238. Does the jurisdiction of the sanitary authority extend to Vico-road?—It is private property, and what is thrown out there is not a nuisance. The Commissioners never cleaned that road at all.

239. What do you mean by saying that it is a private road?—That's exactly what it is. It belongs to Mr. MacDonnell. The Commissioners never took up that road, and it was never given over to them.

240. Did Mr. MacDonnell make it an open public road?—It is not a road that can be properly called an open thoroughfare for there is a wall—at the end of it.

241. Mr. *John Stevenson.*—About three months ago I wrote to the Commissioners asking them to tell the surveyor to look after the condition of this road, but they replied and said they had not anything to say to it. At the same time they laid water and gas mains in it.

242. Mr. EXHAM (to *Witness*).—Did the Commissioners put down the mains, and do they get water-rates from the owners of houses on that road?—They do.

243. What right had they to do so if it was private property?—(No answer.)

244. Mr. *Walsh* (surveyor).—The matter of the roads was under my notice, being engineer to the township. In Dublin the Corporation and the gas company both lay mains in the streets, but on private roads they require that they should be properly secured before they take them up, and I think this is the case in all the towns in England and Ireland—that the road should be first made secure. Then notice is served by the Corporation that the road will be taken up from the landlord, and until then it is a private road.

245. Mr. EXHAM.—Did not Mr. MacDonnell dedicate that road to the public long ago?—No, because he has not properly paved it.

246. Mr. LAWLESS.—I find in the Act of 1847 that "all the roads, bridges, and footpaths of any township shall be made by the Commissioners at the cost of the township." Is this a road within the township?

247. Mr. *Perrin.*—It is; but to show you the way the roads are kept here, I tell you that within twenty yards of the house you are sitting in, you will see the main streets left with heaps of manure and stones. Some people have cut channels across the road. They do what they like with the roads here.

248. Mr. *Walsh.*—There are a number of private roads here which have not been handed over to the Commissioners at all.

249. Suggested by Mr. *Perrin* (to Mr. *Walsh*).—Do you know the road leading from the church? Is that a public road?—Yes, to a certain point.

250. Is not that stopped at the end?—Yes.

251. Where is the point at which it ceases to be a public road?—The church gate.

252. Why should not the same principle apply to that that you say applies to Mr. MacDonnell's road?—(No answer.)

253. Mr. EXHAM.—It is a mistake to say there should be a passage through and through. The test of its being a public road is this. Has the owner dedicated it to the public, and allowed the public to use it? As Mr. Lawless reminds me, there is Ely-place in Dublin, and there is no outlet from that.

254. Mr. LAWLESS.—I do not think anyone would say Henrietta-street in Dublin is not a public street, and it is stopped by the King's Inns.

255. Suggested by Mr. *Stevenson* (to *Town Clerk*).—Was £350 spent on the bathing-place in Vico-road?—Yes.

256. Was anything more spent?—£13 19*s.* 6*d.* was paid in 1870.

257. Was there an estimate for making the bathing-place?—The £350 was for the purchase of the land. I cannot lay my hand on the estimate now. There has not been anything spent on the bathing-place since 1870.

258. How long was that bathing-place in good order?—It was out of order when I came here. The very first gale that came scattered it into bits. There was not a vestige of it.

259. Mr. LAWLESS.—Has anything been done to repair it since?—No. It is supposed not to be fit for a bathing-place.

260. Mr. Stevenson seems to think it constitutes a kind of nuisance. Do you think so?

261. Mr. *Stevenson.*—It is a positive nuisance. You will see fellows there ostentatiously exposing themselves on the rocks whilst there are frequently ladies walking close by. The Commissioners have never taken any steps to put a stop to that nuisance—the indecent exposure of men bathing on the Vico-road.

The *Town Clerk.*—It is the first complaint I heard.

262. Mr. *Stevenson.*—Why, the Commissioners came down in a body one day to inspect it; and they agreed it was a nuisance, and decided on taking steps to remedy it.

The *Town Clerk.*—When bathing there you are almost 100 feet under the level of the road. You cannot be seen from the road.

263. Mr. LAWLESS.—The Commissioners ought certainly either do away with the place altogether, or put up such an erection as would prevent it being used in the way stated by Mr. Stevenson. They have ample powers to do so.

264. Mr. EXHAM.—Have the Commissioners considered whether the security given by the collector is sufficient?—Oh, yes.

265. Mr. LAWLESS.—How often is the collector required to lodge?—Weekly. He is checked weekly on the system of a book kept in the union.

266. Mr. EXHAM.—Would you tell me how you stood at the end of the last financial year?—There was £682 4*s.* 5*d.* due for uncollected rates, and we owed our treasurer, the National Bank, £567 14*s.* 6*d.*

267. Mr. LAWLESS.—When was the last rate struck before that?—May 24th, 1876.

268. Mr. EXHAM.—The result is that after paying your debt to the bank you have only about £100 to pay the debts you owe for lighting the town, and other matters, besides paying current accounts and expenses up to next month even if you strike your new rate then. Is not that so?—Yes.

269. Although the rate is struck in May it is due in January, and the day after there would be rate due as well?—There are a lot of new houses built every year, and although we might legally strike the rate in January the valuation book would not be prepared from the Valuation office, and we would be at a loss with regard to the new houses.

270. Mr. LAWLESS.—I do not find surveyor's salary charged in this account?—It is not in that account; he was in office that year, but his salary did not come due until March, I think.

Mr. MILO BURKE examined.

Mr Milo Burke.

271. Mr. *Burke.*—I would wish to give my opinion on the election and rating of voters, because the business of a Commissioner is simply to attend to the lighting, paving, and general improvement of the township. It has nothing to do with political or religious questions; and, therefore, I think the township should be represented by those having property in it.

272. Mr. EXHAM.—We cannot go into that matter. The only thing we can do is to take a note that you wish to give your opinion on that question.

273. Mr. *Burke*—From the formation of the township I was chairman for ten years; in October, 1873, I resigned, and did not any longer remain a member of the board. Before I had resigned my position as chairman, I had a report from Mr. O'Neill, and he told me he had reason to believe, from inspecting the books, that the collector was acting dishonestly. I

DALKEY.
April 9, 1877.

Mr. Milo Burke.

came down with my son, a barrister, and after investigating the matter we found there was £70 not properly accounted for. On next day of meeting, as chairman, I stated this matter had been reported to me by Mr. O'Neill. A couple of Commissioners stood up, and stated at once that this was a very improper charge to bring against such a respectable man, and they objected that the matter should be spoken of at all. However, I considered it my duty as chairman to mention the matter to the board; and I told the finance committee they should look after the matter, and take the responsibility on themselves. Mr. O'Dowd, against whom the charge was brought, knew all about the transaction ten minutes after the board was over; so I think that persons who are not alone the acquaintances of Mr. O'Dowd, but rated at only £12 a year, are not persons to represent a growing property like this. If my advice had been taken Mr. O'Dowd would never have been allowed to run the rig he did for three years after.

274. Mr. LAWLESS.—Did his defalcations amount to the sum mentioned in the auditor's report?—Yes. In fact he managed the thing in such a way that it was almost impossible to find out how the thing was done.

275. Mr. EXHAM.—Were you satisfied during the time you were a Commissioner and since, with the sanitary arrangements here?—We were not a sanitary board all the time.

276. I see that long before 1874 numerous reports were made about pigs and other nuisances in houses?—There were. I considered the question of sewerage was one that always required the attention of the Commissioners, but from the immense pressure put upon the board for a certain number of years to do certain work, it was neglected. We had the harbour, the bathing-place, our water supply, and our town hall to get up. Then we had a highly respectable professional gentleman who sent in samples of pump-water at Dalkey without ever stating where he got it, and it turned out to be uncommonly bad; and this was one of the causes which determined our getting the Vartry water for the township. However, I am very happy to say, notwithstanding the bad opinion given of many of our pumps, they are still resorted to by the poor people in preference to the Vartry water. With regard to the sanitary arrangements, I always considered that main drainage would be necessary according as the township grew, and it is growing very rapidly. Up to the time I left the board, I have no doubt that for the most thickly-inhabited portion of Dalkey there was sufficient outlet for main sewerage; but, of course, where houses were built where there was no main sewerage, it will be necessary to carry out the system advised by Mr. Andrews, which does not concentrate the sewerage into one point, but provides seven different outlets. We incurred £500 costs in opposing the sewerage of Kingstown coming into our township; and I trust nothing of the kind will be allowed now. I believe the Commissioners have already run some sewerage into Bullock Harbour. I believe it is run into it contrary to the wishes of most of the Commissioners; and if that is allowed it will be a very serious injury, because they have made the sewerage sufficiently deep to carry off the sewage of Glasthule, and a very unwholesome portion of Kingstown.

277. Mr. LAWLESS.—It has been stated at Kingstown that this sewerage does not encroach on the Dalkey sewerage at all.

278. Mr. *Perrin.*—It is only on the boundary.

279. Mr. *Hynes* (a ratepayer) made a complaint relative to the illegal expenditure of £45 out of the rates in building a certain wall in part of the township to accommodate a private individual.

Mr. Casey.

Mr. CASEY (Town Commissioner) examined.

280. What evidence do you wish to give?—The year I became a member of the Commissioners—in 1869—there were some works done by the Commissioners, and among the rest a retaining wall was built at Mountsales-road for the purpose of keeping up the roadway. It was done in consequence of a letter we received from a Mr. M'Dermott, who threatened to take proceedings if the Commissioners did not build up the wall as dangerous to life and property. It was done, but it was generally considered there was more work done than was necessary. I took an active part in proceeding against the party I thought should be liable to pay his portion. I was defeated. This is what Mr. Hynes alluded to as a wall costing £45. It went around two gentlemen's property; but it was a retaining wall keeping up the roadway.

281. (Suggested by Mr. *Hynes*).—Was the wall continued to Mr. Corrigan's ground where it was more dangerous than other places?—No. It is my opinion that Mr. Parkinson, who was in possession of the ground at the time, ought to be made pay.

282. Is this a wall along the roadside?

Mr. *Casey.*—It is, and if it were not built there a horse or individual would tumble over the precipice. The wall was built to keep up the roadway. The ground inside is considerably under the roadway. It was for supporting the roadway.

283. Do you mean to say the owner of the ground should be made liable for making that wall?—That was the impression, I think, of one half of the board at that time.

284. Mr. *Burke.*—I think there was an order of the board to have that done, as it formerly belonged to the Grand Jury.

285. What year was this in?—I think in 1869. From time to time stones tumbled out of it; and whether the parties having the land on the inside had a right to build it or the Commissioners had a right, I do not know.

286. Mr. LAWLESS.—I am very much of opinion the Commissioners if they did not build it would be liable to the land-owners and the public if accidents happened; but the Commissioners would have acted wrongly if that wall were only built alongside a certain portion of the road so as to protect favourite individuals.

287. Mr. *Hynes.*—That is the fact; because I was inspector for the Caledonian Insurance Company at the time Mr. Corrigan's house was burnt down, and the wall at that place was in a most dangerous state, and nothing was done to it.

288. Mr. *Casey.*—What gave rise to the controversy was, that part of the retaining wall was done and part not done. The portions of the wall of those who were Commissioners were done, but not the other parts.

289. Mr. LAWLESS.—I can understand that ground of complaint against the Commissioners perfectly, but as to the liability of this other party to pay for it, we have not anything to say to it.

290. Mr. EXHAM.—Mr. Burke, during the time you were here you had a great deal of experience. Was there favouritism in doing work for one man and not for another?—Certainly not—by the Commissioners as a body.

291. Mr. LAWLESS.—Were there ever any complaints made of favouritism being shown by Commissioners to members of their own body, or of neglect of the interests of persons who were not?—There was a good deal of little jealousy among the Commissioners. One man would say, "Oh, you have got a gas lamp opposite your house." And another "Oh, the road is cleaned in front of your house," and so on, but nothing more than that.

SUPPLEMENT TO PART III.—APPENDIX.

APPENDIX No. 1.

KINGSTOWN.

Annual Report of Commissioners of Kingstown Township.

The Commissioners of the township of Kingstown think it advisable that, as usual, the following brief summary of the business of the Board for the past twelve months, should, for the information of the ratepayers, accompany the annual statement of accounts :—

The Board of Commissioners of the Township, including the changes consequent on the annual election, held 1st January, 1877, consists of the following members :—

Glasthule Ward—Michael O'Brien, Charles Burke Jordan, Hugh O'Rorke, J.P., Patrick Lagan, Michael Carroll, and Edward Roche, esqrs.

Kingstown East Ward—John J. Crosthwaite, J.P., John Roche, M.D., James Begg, John Reilly, and Robert Herron, esqrs.

Kingstown West Ward—Miles Kelly, James Barrett, J.P., William Donovan, John Sullivan, Daniel Sexton, and James Crowe, esqrs.

Monkstown Ward—James R. Stewart, D.L., John Doyle, and John M'Evoy, esqrs.

James Barrett, esq., J.P., was elected, 8th January, Chairman of the Board for the year 1877.

The roads, water, and lighting committee met weekly for the transaction of business during the past year, as did the finance committee, and the sewers, market, and sanitary committee. The resolutions adopted during the three preceding years have been continued, by which the accounts for all materials received and delivered afford a complete check to the committee ; and the system also adopted by the finance committee, at the same time of auditing the accounts, examining returns of storekeepers and gangers, checking work done by the water and the sanitary inspectors weekly, has been found most satisfactory.

There has been no difficulty in procuring a sufficient quantity of metalling for the roads and footways of the township. Bray Head stone has been continued to be used for the roads on which there is much traffic, and the former arrangements still exist for an adequate supply of limestone, sand, and tailings.

The consumption of the Vartry water has been kept rather under the stipulated allowance during the past year. As most of the houses in the extended township have now been connected with the mains for a direct service, and as the poorer districts of the township have been supplied very fully by the public fountains erected by the Commissioners, and those put up by the owners of the premises in these localities, the residents have now an abundant supply of this necessary of life.

The gross valuation of the township for 1876, including the valuation of Government property, which is £527 5*s.*, was returned by the Valuation Commissioners at £71,317 15*s.* Deducting for lands and railways, the net valuation for rating purposes is £65,017.

The provisions of the Public Health Act, 1874, and of the Sale of Food and Drugs Act, 1875, continue to be vigorously carried out, the following being a brief summary of the business transacted during the past year :—1,775 houses and yards inspected ; 447 persons were noticed to make sanitary improvements ; 334 nuisances were abated by service of notices ; 28 nuisances are pending abatement by magistrate's order ; 144 persons were summoned to abate nuisances ; 121 privies and ashpits were cleansed ; 121 pig-styes and yards were cleansed, and the manure removed ; 156 houses were lime-washed by the owners ; 21 privies were put in proper repair ; 34 branch sewers were constructed, and 24 were cleansed ; 24 applications relative to abating of nuisances were attended to and disposed of ; 14 lanes were cleansed several times, and the sweepings removed by the Commissioners' staff ; 2 persons were fined 10*s.* each for disobeying the orders of the magistrates ; 10 notices were served upon the sanitary medical officers to inspect common lodging-houses ; the slaughter-houses have been inspected weekly ; 45 samples of milk were procured and sent to Dr. Cameron to be analysed, and of these 4 only were adulterated—one with 50 per cent. of added water, the vendor of which was fined £5 ; the second and third with 16 per cent. each of added water, fines £2 each ; and the fourth 12 per cent. of added water, not yet dealt with.

The continued healthfulness of the township is proved by the rate of mortality, as returned by the Registrar-General in his weekly reports ; and to ensure as perfect sanitary supervision as possible, an additional sub-sanitary officer (an acting-sergeant of the Dublin Police) was appointed last September.

An inquiry was held in February last by the Local Government Board, with a view of obtaining a Provisional Order under the Local Government Acts, to be subsequently confirmed by Act of Parliament, to take powers, in the most inexpensive way, to carry out main drainage, asphalting of footways, and other public improvements ; and the sanction of the Local Government Board having been obtained to the borrowing of £8,000, for the purpose of building a town hall and court-house, and other necessary buildings, and also to the borrowing of £2,000 for asphalting, these sums were procured from the Royal Exchange Assurance Company last November, at the moderate rate of 4½ per cent. per annum. The Local Government Board have signified their consent to issue a Provisional Order to enable the Commissioners to carry out the projected works stated above, and to vary existing local Acts, with the view of having their provisions made more suited to public convenience.

(Signed),

Robert James Ennis, Town Clerk.

Town Hall, Kingstown,
January 11th, 1877.

Kingstown—Town Surveyor's Report.

Report of Town Surveyor.

During the past year, main sewers have been contracted for, and are now nearly completed, in the following places, viz. :—Matthew-terrace and Kingstown-avenue, Tivoli-terraces, Glenageary-road, Adelaide and Albert-roads, Glasthule, Sandycove, and Castlepark-roads, Burdett-avenue, and Cumberland-street. 11,200 feet are now finished ; and for Mulgrave and Royal-terraces, Crosthwaite-park and Tivoli-road, contracts have been accepted, but as yet not started. The work is well executed and satisfactory, but owing to the large quantity of rock excavation, the progress made is tedious.

App. No. 1.

Kingstown. Report of Town Surveyor.

The water supply has been economized as far as possible, and the consumption kept within statutable allowance. For a short time, your own and the Corporation meter differed considerably in registering quantity used—both have been overhauled, and now run fairly. Owing to a burst on the Vartry main near Enniskerry, from the 14th to the 25th of October, the supply was limited in pressure and amount, causing for the time a good deal of inconvenience. All your mains and appliances are in fair order. Two ornamental drinking fountains have been erected. 1,800 houses have been inspected; only fifty notices to remedy defects have been found necessary; and seventy-four new services have been made.

The public lights have been carefully attended to, and twenty-two new lamps are now being erected, principally in the extra township, and filling up gaps where necessary. The band stand on the East Pier has been furnished with a new sun burner, and otherwise greatly improved; it, and all the seats on the Pier, well and neatly painted.

Asphalting the footways proceeds as rapidly as circumstances will permit of; and since September near 2,000 superficial yards have been laid, principally in your main streets and thoroughfares, prior to commencing in terraces and avenues.

New granite crossings have been put down in Upper and Lower George-street and Crosthwaite-park. In Glasthule and Sandycove extensive renewals have been made, and at same time the water-channels repaired.

Some new kerbing has been laid in Upper George's-street and Castlepark-road, and it has been necessary to replace a good deal of the old kerb where asphalte is used.

Maintenance of the roads has received every attention, and as a large increased duty has been necessarily incurred, owing to the roads of the extra township falling into your hands for repairs, &c., two horses, one iron muck-cart, and three extra men, have been added to the staff.

The amount of material used is as follows, viz.:—

Bray Head Stone	810 Tons.
Limestone	2,817 „
Tailings and Sand	1,305 „

A central depot for your road materials would be a great convenience; and this, together with sheds for your stock of carts and implements, would be exceedingly desirable, and conducive to considerable economy.

(Signed),

Francis A. Doyle, C.E., Town Surveyor.

30th December, 1876.

Abstract of Accounts.

Abstract of the Accounts of the Receipts and Expenditure of the Commissioners of Kingstown Township for the Year ended 31st December, 1876.

Cash Account.

Receipts.

	£	s.	d.
To Balance in Bank at beginning of year,	129	19	4
„ Amount of Rates collected, 1876,	9,010	14	10
„ Arrears of Rates do. 1875,	22	17	7
„ Glasthule Sewer District, Balance due,	48	0	0
„ Do. do. do., Law Costs repaid,	3	2	6
„ Kingstown do. do., do.,	12	10	6
„ Water Rents,	30	17	7
„ Sanitary:—Fines under Sale of Food and Drugs Act,	9	0	0
Fine for not obeying Magistrate's Order,	1	0	0
Cleansing Ashpits, &c.,	9	13	0
„ Local Government Board towards Salaries of Sanitary Officers under Public Health Act,	21	12	6
„ Market Tolls and Rent,	31	6	4
„ Rent of 115, Lower George's-street,	16	6	4
„ Receipts for Water Services,	80	6	3
„ House Drains made,	13	5	4
„ Treasury—Contribution in lieu of Rates,	76	12	0
„ Surplus Money from Dog Tax,	41	4	2
„ Assurance Company—Returned to pay Income Tax,	3	12	2
„ Sale of Manure,	1	4	0
„ Sale of Voters' List, 9*s.*; Old Rubble, 7*s.*; and Contribution to Burial Fees, 5*s.*,	1	1	0
„ Mr. Crosthwaite—For Asphalte Materials,	1	2	0
„ National Bank—Interest on Credit Balance,	13	10	6
„ Royal Exchange Assurance Company:—Loan to Build Town Hall and Court House,	8,000	0	0
To Asphalte Footways,	2,000	0	0
To Pay Mr. Sharkey, and for other Law Costs,	1,700	0	0
Total,	£21,278	17	11

Expenditure.

			£	s.	d.
By Water Meter Chamber, with large meter and a small meter,			149	6	8
„ Water-works Fittings,			24	14	10
„ Repairs of Lamps and Fittings,			32	2	4
„ New Set of Harness and Repairs of Old Sets,			11	11	4
„ Feeding of Horses (four for twelve months, and two additional for six months),			189	15	4
„ Shoeing of Horses (four for twelve months, and two additional for six months),			10	12	0
„ Salary of Town Clerk (and as Sanitary Officer, see below),			190	0	0
„ Do. Town Surveyor,			225	0	0
„ Mr. E. L. Alma (late Barony Cess Collector), Annuity,			110	0	0
„ James Murray, Esq. (late Secretary), Annuity,			66	13	4
„ Wages of Workmen for Scavenging, Watering, &c.,	£556 19 11				
„ Do. Lamplighters and Sanitary (see below).					
„ Road Metalling and Stonebreaking,	152 8 9				
			709	8	8
„ Gas Company, Lighting of Public Lamps, three quarters,	£427 16 5				
„ Wages, Lamplighters,	130 12 1				
„ Oil, Matches, &c., Lamplighting,	11 3 2				
			569	11	8

ABSTRACT of ACCOUNTS of RECEIPTS and EXPENDITURE of the KINGSTOWN TOWNSHIP COMMISSIONERS—*continued.* APP. No. 1.

Kingstown. Abstract of Accounts.

EXPENDITURE.

			£ s. d.
By Sanitary :—Salaries of Executive Sanitary Officer (half to be returned by Treasury),	£35 0 0		
Do. Consulting Sanitary Officer, do.,	50 0 0		
Do. Mr. Craig, Sub-Sanitary Officer, do.,	6 10 0		
Do. Acting-Sergeant Duffy, Sub-Sanitary Officer, do.,	22 6 4		
			113 16 4
,, Do. Mr. Craig, Sanitary Inspector,	£52 0 0		
Printing and Stationery,	10 8 0		
Pipes for Gratings,	3 8 4		
Repairs,	2 15 0		
Wages of Board's Workmen,	28 4 7		
			96 15 11
,, Market :—Salary of Clerk (who also acts as Storekeeper),	£65 0 0		
Rent, £30 ; Taxes, £2 2*s.* 6*d.*,	32 2 6		
Repairs, £6 10*s.* ; Adjusting Weights, 12*s.* 9*d.*,	7 2 9		
			104 5 3
,, Town Hall :—Rent, £88 9*s.* 8*d.* ; Taxes, £5 10*s.*,			93 19 8
,, Water Services :—Salary of Water Inspector, £77 16*s.* ; Fittings, £44 10*s.* 6*d.*,			122 6 6
,, Water Rate :—5*d.* in pound on net Valuation to Dublin Corporation,			1,325 14 3
,, Treasury :—Repayment on Account of Loan of £1,300 for Pipe-laying in New District,			63 15 3
,, Road Materials :—Broken Stone, Sand, Gravel, &c.,	£439 6 0		
Bray Head Stone,	141 0 0		
			580 6 0
,, Paving, Kerbing, and Crossings,			140 11 3
,, Advertising (including Advertisements for Sewerage Contracts),			32 15 0
,, New Iron Mud Cart, £31 16*s.* 6*d.* ; Repairs of Old Carts, £31 16*s.* 10*d.*,			63 13 4
,, New Tools and Repairs of Old,			10 9 9
,, Repairs of Fountains,			4 9 6
,, Burial Fees,			22 10 0
,, Grand Jury :—County Charges, 2nd Moiety, 1875, £949 13*s.* 3*d.*, and 1st Moiety of 1876, £774 5*s.* 10*d.*,			1,723 19 1
,, Patriotic Assurance Company :—Half year's Interest on Loan, £16,000,			350 0 0
,, Election Expenses :—Hire of Booth, Clerk, and Printing,			4 13 6
,, Revision Expenses :—Barrister's Fees, £15 15*s.* ; Printing, £23 3*s.* 1*d.*,			38 18 1
,, Law Costs :—Mr. P. B. Sharkey, Parliamentary Costs,	£1,237 7 4		
Do., Interest on above,	54 17 9		
Do., Solicitor's Costs,	50 4 8		
Mr. Lalor's Costs to August, 1876,	427 18 7		
Board of Works—Law Costs of Solicitor,	15 13 0		
Mr. R. J. Pead—Parliamentary Costs, 1875 and 1876,	36 16 6		
Solicitor's Costs in connexion with Loan of £11,700,	96 14 8		
Agent's Commission do.,	117 0 0		
			2,036 12 6
,, Costs of making Branch Sewers,			3 11 4
,, General Printing and Stationery,			22 7 3
,, Collection Expenses :—Collection Fees,	£187 19 7		
Stamps, Printing, and Stationery,	13 18 8		
			201 18 3
,, Asphalting :—Eight Boilers for mixing, &c., Asphalte,	£95 0 0		
Paid Contractor for laying Asphalte,	183 1 5		
Limmer Asphalte,	118 0 0		
Ground Limestone,	180 16 6		
Uphall Oil Company—Shale Tar,	38 7 10		
Four dozen Bags, for Materials, Frames, &c.,	7 3 0		
Miscellaneous Materials,	2 4 0		
			624 12 9
,, Provisional Order Expenses :—Fees of Professional Witnesses,			60 18 0
,, Miscellaneous :—Sir John Hawkshaw, C.E.—Report and Plans on Main Drainage,			250 0 0
Poor Rate on Township Water Mains, 1875 and 1876,			53 19 1
Police Tax do., 1876,			18 15 4
Purchase of Two Horses,			53 12 8
Messrs. M'Curdy and Mitchell—Design for Town Hall, &c.,			21 0 0
,, Oil Suits for Workmen, and Livery of Water Inspector and Messenger,			18 5 9
,, Collector—Revising and Copying Rate Book, 1876,			16 10 0
,, Income Tax on Loan of £16,000,			6 0 0
,, Repairs of Stables, £10 ; Window Blinds for Offices, £3 12*s.* ; Painting and Repairs of Town Hall Offices, £21 12*s.*,			35 4 0
,, Office Expenses (including Clock for Board Room, £2 5*s.*), and Surveyor's Implements,			16 1 5
,, Coals for Offices—Board Room, Secretary, Surveyor, Collector, and Sanitary Inspectors,			12 6 11
,, Sundry Expenses,			14 8 10
,, Premiums of Insurance—Town Hall, Stables, and Horses,			1 12 2
,, Balance,			10,629 6 10
Total,			£21,278 17 11

App. No. 1.

Kingstown. Sewerage Cash Account.

Kingstown Sewerage Cash Account.

Kingstown Sewer District.

Receipts.

	£	s.	d.	£	s.	d.
To Treasury—Amount of Loan, .	8,000	0	0			
„ Rate Collected—1*d.* in pound, .	214	15	10			
				8,214	15	10

Glasthule Sewer District.

To Treasury—Amount of Loan, .	2,000	0	0			
„ Rates Collected—1*d.* in pound, .	56	9	7			
„ Alderman O'Rorke, J.P.—Moiety of Cost, Castlepark-road Sewer, .	22	10	0			
				2,078	19	7
Total, ...				£10,293	15	5

Kingstown Sewer District.

Expenditure.

	£	s.	d.	£	s.	d.
By balance overdrawn at beginning of year, ...	220	0	0			
„ Mr. Thomas Sexton, balance on foot of Glenageary-road Sewer, . .	83	0	0			
„ Do. on foot of 2nd Contract do. do.	225	0	0			
„ Do. on foot of Matthew-terrace Sewer,	116	0	0			
„ Mr. John Pluck, do. Tivoli-terrace Sewers, ...	450	0	0			
„ Salary of Clerk of Works—14 weeks, at £2 per week, ...	28	0	0			
„ Board of Works—Repayment on foot of Loan of £8,000, . . .	190	10	9			
„ Do., repaid General Rates for Law Costs, ...	12	10	6			
„ Collection Fees, ...	4	9	6			
„ Balance in Bank, ...	6,885	4	9			
				8,214	15	10

Glasthule Sewer District.

By Castlepark-road Sewer, in full, .	45	0	0			
„ Mr. T. Sexton, Adelaide-road Sewer, in full, ...	430	0	0			
„ Mr. John Pluck, on foot of Adelaide and Albert roads Sewers, . .	361	0	0			
„ Mr. G. Dixon, on foot of Bullock, &c., Sewers, ...	523	0	0			
„ General Rates Acct.—repaid amount due, ...	48	0	0			
„ Do. repaid Law Costs to Board of Works, ...	3	2	6			
„ Board of Works, on account of Loan, £2,000, ...	50	12	3			
„ Clerk of Works—Salary for 14 weeks, at £2 per week, ...	28	0	0			
„ Compensation for injuries to Crops of Owners of Gardens along line of works, ...	3	0	0			
„ Collection Fees, ...	1	3	0			
„ Balance in Bank, ...	586	1	10			
				2,078	19	7
Total, ...				£10,293	15	5

Report of Local Government Auditor.

Report of G. W. Finlay, Esq., Local Government Auditor.

Kingstown, 2nd March, 1877.

Gentlemen,—I have the honour to report to your board that I have audited the accounts of the receipt and expenditure of the Commissioners of Kingstown township for the year ended 31st December, 1876.

I transmit herewith an abstract of accounts.

The Commissioners have made rates during the year amounting to £9,209 7*s.* 4*d.*, of which there was collected and lodged with the treasurer to the credit of the improvement fund £9,010 14*s.* 10*d.*, as also a sum of £22 17*s.* 7*d.*, arrears of rates of the year 1875 which had been declared irrecoverable, and which they at the time appeared to be, but were subsequently recovered; there was also a sewer rate of one penny in the pound collected and lodged, amounting to £271 5*s.* 5*d.*, which was placed to the credit of the Kingstown and Glasthule districts.

There were arrears of the rate of 1876 declared irrecoverable, principally on the ground that the premises were unoccupied.

It was objected to at the audit that on a former occasion the sum of £1 3*s.* 4*d.*, arrears of rate on a stable the property of a member of the board, and which was let to another member to enable him to complete his qualification for the office of Commissioner, and for which stable he was accordingly rated, was declared irrecoverable by the Commissioners, on a declaration of non-occupation in the usual form.

On inquiring into this matter it was quite apparent that the rate should have been collected, and on my expressing myself to that effect, the amount was at once paid by the rated occupier.

It was alleged that the declaration was made by the owner through mistake.

The Commissioners appear to be under a misapprehension as to the effect and force of a declaration of non-occupancy; they seem to think that they are bound to accept it as conclusive evidence that a tenement was unoccupied, although they might have the conclusive evidence of their own senses to the contrary.

The 60th section of the Towns Improvement Act of 1854 enacts that all unoccupied houses, &c., being at the time of making the assessment unproductive to the landlords, shall be exempt from taxation during the period of such non-occupation, but is silent as to the force or even the use of a declaration in determining the question, which is simply one of fact. If the facts known by the Commissioners be at variance with a declaration, they ought not to be influenced by the latter.

Objection was taken to the course adopted by the Commissioners in taking upon loan from the Royal Exchange Assurance Company a sum of £8,000 for building a town hall and court-house long before they were in a position to make use of the money, for which they were paying four and a half per cent., while it was lying idle with their treasurer at one per cent. interest.

This was, no doubt, an unwise and unbusinesslike arrangement, as the money ought not to have been taken until it was actually wanted for the purpose; but since the audit a more satisfactory one has been effected by purchasing consols with the money, which now bears three per cent. interest, still there is a loss of one and a half per cent. on the amount.

Law and Parliamentary costs, to the amount of £464, have been paid without taxation.

Possibly this amount would not have been dimi-

nished on taxation; yet it is always satisfactory to have costs submitted to the proper officer appointed for the purpose, whose certificate is a guarantee that the proper amount has been charged for the business transacted.

There was a question as to the sufficiency of a payment made by the late chairman of the Town Commissioners for materials for asphalting, which he had obtained for his private use from the Commissioners' store, but I saw no reason for holding the amount to be insufficient. The further questions raised at the audit as to the rights of the late chairman to have made use of materials provided for public use in the township, is one regarding which I did not feel called upon to express any opinion.

. . . . . .

I have the honour to be, gentlemen,

Your obedient servant,

(Signed), GEORGE W. FINLAY.

The Local Government Board,
Custom House, Dublin.

REPORT on DEVIATIONS in SEWAGE in the GLASTHULE DRAINAGE DISTRICT.

The system of sewerage for a part of the Glasthule district in the plan for which a Provisional Order was obtained, contemplated the construction of a brick sewer for 300 yards on the Breffni-road, at a cost of £450, and twelve-inch pipes in Sandycove-avenues, for a length of 300 yards, estimated at £150.

The Provisional Order for No. 3 intercepting sewer failing, the sewers in Sandycove-avenues which hinged completely on this intercepting sewer for an outfall were in consequence I may say compulsorily suspended, unless deemed advisable to create a greater nuisance at Sandycove harbour than now exists, and which could not be entertained.

Having given the design a great deal of consideration and carefully calculated the means at my disposal, I found to adhere to the original plan under the altered circumstances was a matter I could not attempt to carry out in a satisfactory manner, either financially or professionally, or do justice to the locality intended to receive the benefit of the proposed outlay.

Acting under these convictions, I adopted the system now being carried out, viz., eighteen-inch and fifteen-inch pipes in Breffni-road, in place of the brick sewer, and twelve-inch pipes in Sandycove terrace and road, in lieu of those in Sandycove-avenues.

The sewer in Breffni-road, three feet by two feet in brickwork, would not be covered by the estimate, and in addition its size was unnecessary for the duty it would require to perform, and the pipes as laid down will be more than ample for all future requirements, and the more so, as all surface water of more than half the rain basin of this district is still kept in its old channel, and thus considerably relieves the main sewer of a large volume of water and road dirt.

I have calculated the size and discharges of the present system most carefully, and assuming a population of more than the average density of London had eventually to be provided for, together with the usual proportion of rain fall and water supply in the twenty-four hours, the sewers now laid down would be more than equal to four times these requirements, and in constructing the sewer along the Sandycove-road to Albert-road, I have provided for a locality much in want of sewage, at the same time cutting off from Sandycove harbour some pollution, as well as enabling the north end of Sandycove-road to be freed from a sanitary nuisance of many years standing, otherwise difficult to get rid of.

In the event of No. 3 intercepting sewer being sanctioned and constructed, a fifteen-inch pipe laid in Sandycove-avenue, West, and turning into it the twelve-inch pipe in Sandycove-road, will further relieve the pipes in Breffni-road, should such ever be required, and which I do not consider likely to occur.

In altering the system sanctioned by the Provisional Order, changing brick into pipes and otherwise, I have done so solely on my own responsibility acting as your engineer, and in what I consider to be an equally efficient and economical plan, believing such to be my duty as your officer, and in accord with my affirmation to the best of my skill, power, and ability.

(Signed), FRANCIS A. DOYLE,
Town Surveyor.

May 22nd, 1877.

Re KINGSTOWN PROVISIONAL ORDER.—OPINION of J. H. MONAHAN, Esq.

I am of opinion, that neither the 4th section of the Act of 1861, nor the 2nd section of the Act of 1869, affects the case. I do not see how either enactment can be held to turn the Act of 1854 into a Local Act, so as to bring it within the scope of the 5th section of the Local Government Act, or of the 26th section of the Public Health Act.

Taking the several parts of the petition in order—

Part 1. Is merely preliminary.

Part 2. Deals with following subjects:—

1. The compulsory purchase of land for the purpose of intercepting and outfall sewers.

2. The making, maintaining, and regulating such sewers.

3. Borrowing powers.

4. Power to make an intercepting and outfall sewer rate, not to exceed 5*d.* in the pound.

5. Power to Commissioners of Public Works to lend any sum not exceeding £20,000 for above purposes.

In my opinion, all these objects, except the first, are outside the scope of a Provisional Order.

They either repeat powers which the petitioners have already under the Sanitary Acts, or vary the provisions of public general statutes.

With regard to (1) I see no objection to making an order under the 4th section of the Local Government Act, authorizing the compulsory purchase of land for the purpose of making sewers in exercise of the existing powers of the Commissioners.

Part 3. Consists as it appears to me, wholly of proposed alterations of existing public general Acts, or else repetitions of their provisions, and is not within the scope of a Provisional Order.

Part 4. As to the town hall, &c., I cannot find any enactment authorizing the Local Government Board to deal with these matters.

Part 5. Except the borrowing powers may be supported as an alteration of the Local Act of 1861.

Parts 6 to 14. Appear to consist altogether of alterations of existing public general statutes.

Part 15. So far as it seeks to amend the Act of 1869 can be dealt with by Provisional Order; the provision (see page 37) making the rate book evidence for the purposes of the Act of 1854, in my opinion cannot.

Part 16. (By-laws) to part 19, the same observations apply as to parts 6 to 14.

On the whole, so much of the petition lies altogether outside the powers of the Local Government Board that it appears to me better not to hold any inquiry upon it, unless it shall have been first ascertained that the petitioners desire an order dealing with the portions within the jurisdiction of the Board.

J. H. MONAHAN.

29, Fitzwilliam-square,
28th June, 1875.

App. No. 1.

Kingstown. Letter from J. Lalor, Esq., to H. Robinson, Esq.

Letter from John Lalor, Esq., to Henry Robinson, Esq.

24, Eustace-street, Dublin,
14th December, 1875.

Township of Kingstown.—*Re* Inquiry.

Dear Sir,—Referring to the notice received by me, I am directed respectfully to ask you, for the guidance of the Commissioners, whether upon the intended inquiry, you will go into the question of the sewers Nos. 1, 2, and 3, that is, their suitability and necessity for the respective localities, the sufficiency of the estimates of the expense of construction, and all other matters relating thereto, in addition to the question of the purchase and taking of lands for such sewers.

Apologising for this trouble,

I am, dear sir, yours truly,

John Lalor.

Henry Robinson, esquire,
21, Cambridge-terrace, Kingstown.

In Re Evidence of Mr. John Lalor.

In Re Evidence of John Lalor, Solicitor to the Commissioners of the Township of Kingstown, given before the Local Government and Taxation of Towns Inquiry Commission (Ireland), the 5th day of May, 1877.

I wish to supplement my evidence, by stating that although I had, previous to the inquiry held by Mr. O'Brien, the Local Government for Ireland Inspector, on the 7th of February, 1876, the letter from the Secretary of the Dublin, Wicklow, and Wexford Railway, of the 2nd December, 1875—(see copy herewith sent)—agreeing to permit the earthenware sewer pipe to be laid alongside of the railway, opposite Haddington-terrace and the Gresham Gardens, upon the conditions therein mentioned—(this sewer known as No. 2)—but had not at the time, or until the 17th February, 1876, as after mentioned, the letter to the Railway Company as to sewer No. 1—that on the West Pier; yet Mr. George Keogh, the solicitor, and Mr. Maunsell, the secretary of the said Railway Company, attended upon the inquiry, and lodged an objection against the Commissioners taking any compulsory powers in reference to the lands and property of the said Railway Company and were prepared to support said objection.

For letter, see Ev. 3095.

For letter, see Ev. 3095.

That said objection was lodged with the inspector of the Local Government Board.

That the agreement (copy marked No. 1 herewith sent) being prepared by Mr. Keogh and agreed to, was signed by me, opposition was withdrawn, and no compulsory powers were subsequently sought for in reference to sewers Nos. 1 and 2.

For letter, see Ev. 3095.

That the letter of the 17th February, 1876, was sent to me after the inquiry, upon my application to the directors of the said Railway Company. (See my letter, copy herewith sent). This permits intended sewer No. 1, on the West Pier, to run under or through the gentlemen's bathing place on the West Pier, the property of the said railway.

That I also had a letter from the secretary of the Commissioners of Public Works, dated 6th December, 1875 (allowing the intended sewer No. 1 to be constructed on the West Pier, upon certain conditions therein mentioned), in my possession at the time of the inquiry; yet the solicitor of the Commissioners of Public Works, as also the engineer of the said Commissioners attended at said inquiry, and the former lodged a statement in the nature of an objection, but did not oppose; and on the 12th December, 1876, the agreement this day produced, was entered into by the Harbour Commissioners of Kingstown of the one part, and the Commissioners of the Township of Kingstown of the other part.

Soon after the lodging of the petition, on the 26th day of May, 1875, I sent a case to Dr. Norwood, who prepared petition, to advise necessary proofs (being under the impression the inquiry would be held in about six weeks); and Dr. Norwood directed most full and special proofs in support of the petition, and amongst other witnesses directed to have in attendance, were engineers of eminence, scientific medical men practically acquainted with sanitary science, and contractors, &c., &c.

When the Commissioners decided on holding the limited inquiry, under Mr. Monahan's opinion, I sent a further case to advise proofs to Dr. Norwood, and in his further directions for proofs he did not, to any great extent, alter the proofs directed by his first opinion, and retaining the proofs having reference to the question of the proposed sewers, as in his first direction for proofs.

That with reference to sewer No. 1 on the West Pier, the only parties I believe interested therein were the Commissioners of Public Works as Harbour Commissioners, the Dublin and Kingstown Railway Company, and the Dublin and Wicklow Railway Company—the latter representing the Dublin and Kingstown Railway Company—and the tenant of the Dublin and Wicklow Railway Company to the baths on said Western Pier; and that I further believe the only parties interested in sewer No 2, viz., that on the line of railway, were the Dublin and Kingstown Railway Company, and the Dublin and Wicklow Railway Company—the former Company being represented by the latter.

That at the time of the inquiry, the Commissioners of the township of Kingstown had not the consent either verbally or in writing of the Dublin and Kingstown Railway Company, to the construction of the sewers Nos. 1 and 2, or the consent in writing of the tenant of the Dublin and Wicklow Railway Company of the baths, to the construction of sewer No. 1, on the Western Pier.

21st June, 1877.

Letter from Local Government Board.

Letter from Local Government Board.

Local Government Board, Dublin,
23rd March, 1876.

Sir,—Adverting to the previous correspondence on the subject, the Local Government Board for Ireland desire to state for the information of the Commissioners of the township of Kingstown, that they have received the report of their inspector, Mr. O'Brien, forwarding the minutes of evidence which he took on the 7th inst. and the four following days, at the inquiry which he made as to the propriety of granting the Provisional Order prayed for in the petition of the Town Commissioners, dated the 25th May, 1875.

The petition consisted of nineteen different parts, dealing with a great variety of subjects, but, in accordance with the opinion of counsel obtained by the Local Government Board, the inquiry which they were enabled to direct was confined to three of these, namely:—

Part 2, Clause 1.—Praying for an order authorizing the compulsory purchase of land for the construction of certain sewers, intercepting and outfall.

Part 5. So far as it relates to an alteration of the Local Act of 1861; and

Part 15. So far as it relates to the amendment or alteration of existing Local Acts.

As regards Part 2, Clause 1—the Main Drainage

question—what the Board have to pronounce an opinion upon, at the present stage, is the giving the Commissioners control over the land required by them for the execution of their plans; but this matter is so closely interwoven with, and dependent upon several collateral questions that in order to effect a satisfactory inquiry, it was necessary that the inspector should afford to the various local parties interested in the result, the fullest facilities for placing their views on record in detail, and of exhausting the evidence which could be adduced.

The witnesses examined both in support and in opposition to the projected scheme, were taken from almost every class in a community capable of throwing light on the several controverted points.

The proposal of the Commissioners may be conveniently divided under two distinct heads, namely:—

1. That relating to the drainage and sewerage of Kingstown proper, and
2. That relating to the Glasthule or eastern side of the township.

After reference to the Provisional Order of the Local Government Board, dated the 27th day of June, 1874, called the "Kingstown Drainage Order," the petition proceeds as follows, namely:—

"That the discharge, as at present, of the sewerage of the township, is found to be productive of nuisance and inconvenience; and when the internal sewerage and drainage of the said township is improved and completed, will be still more inconvenient and injurious to the health and comfort of the inhabitants of said township if not remedied; and it is expedient that such sewage should be intercepted and discharged into the sea at deep water at the western pier, Kingtown, and at or near the harbour at Bullock, in the parish of Monkstown, places conveniently situated for the outfall and discharge of said sewage, and for this purpose the lands and premises hereinafter mentioned will be required.

"That plans of the several lands and premises so intended to be taken compulsorily, as also of the said intended intercepting and outfall sewers, and showing the lines thereof, have been duly deposited for public inspection (pursuant to the Acts in such case made and provided), at the office of the said Commissioners, No. 114, Lower George's-street, Kingstown, and are herewith lodged.

"That your petitioners have had estimates prepared by the surveyor of the said township, which show that the sums required to enable them to construct the said intercepting and outfall sewers according to the said plans, including the purchase of the necessary lands therefor, amount to the sum of £15,000 for the Kingstown drainage district, and to the sum of £5,000 for the Glasthule drainage district; making together the sum of £20,000.

"That the extension and improvement of the existing system of drains and sewers in Kingstown as aforesaid, could usefully and conveniently be carried into execution, in connection with the construction of such intercepting and outfall sewers.

"That your petitioners seek to be empowered to put in force the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands and premises otherwise than by agreement, with respect to the following lands and premises, and all rights, powers, easements, liberties, and privileges in, under, and over the same, that is to say, certain lands and premises situate in the parish of Monkstown, barony of Rathdown, and county of Dublin, containing two acres or thereabouts, and required for the purpose of an intercepting or outfall sewer or sewers No. 1; and certain lands and premises situate in the parish of Monkstown, barony of Rathdown, township of Kingstown, and county of Dublin, containing half an acre or thereabouts, for the purpose of constructing an intercepting and outfall sewer No. 2; and certain lands and premises situate in the townlands of Glasthule and Bullock, parish of Monkstown, barony of Rathdown, township of Kingstown, and county of Dublin, containing two acres or thereabouts, for the purpose of constructing an intercepting and outfall sewer No. 3.

"That under the provisions of the 43rd section of the Public Health (Ireland) Act, 1874, the Commissioners of Public Works in Ireland may, with the consent of the Commissioners of Her Majesty's Treasury, on the recommendation of the Local Government Board, make any loan to any sanitary authority for such objects as the Commissioners of Her Majesty's Treasury may deem to be sanitary improvements, in pursuance of any powers of borrowing conferred by the Sanitary Acts, whether for works already executed or yet to be executed, such loan to be repaid within a period not exceeding thirty or fifty years, as provided by those Acts, and to bear interest at the rate of 3½ per centum per annum, or such other rate as may in the judgment of the said Commissioners be necessary, in order to enable the loan to be made without loss to the Exchequer on the security of any fund or rate applicable to sanitary purposes, and without requiring any further or other security.

"That your petitioners seek power to make and maintain in the line, and according to the levels shown on the said plans, the sewers hereinafter described, or some part or parts thereof, with all necessary and convenient flaps, penstocks, inlets, chambers, filters, reservoirs, connecting sewers, and other works, appliances, and conveniences connected therewith respectively, and to enter upon, take, and use such of the lands delineated on the said plans, as may be required for such purposes, that is to say, the sewers and works following:—

"A sewer in this petition called 'the intercepting or outfall sewer No. 1,' and the altering, diverting, or extending the existing sewer adjoining the western pier, Kingstown, known as 'the Harbour Commissioners' sewer,' which said intended intercepting or outfall sewer will commence at a point shown on the said plans, fifty feet or thereabouts, measured northwards from the house on the western pier, Kingstown, belonging to the Board of Public Works or Harbour Commissioners, and running from thence in a north-easterly direction in, under, or through the sea-beach or foreshore of the bay of Dublin, and said western pier, and in, under or through, the gentlemen's bathing place or baths on the said western pier, and terminating at a point on or under said pier, 3,100 feet or thereabouts from said first-mentioned point, as shown on the said plans, where said sewer will discharge the sewage into the sea or bay of Dublin.

"A sewer, in this petition called 'the intercepting and outfall sewer No. 2,' commencing at a point shown on the said plan, on the Dalkey and Bray branch of the Dublin, Wicklow, and Wexford Railway, and extending in an easterly direction to, and terminating by a junction with the existing main sewer at a point 133 feet or thereabouts southward of the railway bridge near Haddington-terrace in said township of Kingstown.

"A sewer, in this petition called 'the intercepting and outfall sewer No. 3,' commencing at a point shown on said plan, on the foreshore of the bay called Scotch bay and the foreshore of Dublin bay, and running thence along and under the said foreshore to and through fields in front of Otranto-place, in possession of Messieurs Mackaige and Massey, and the representatives of the late Robert Meekins, Esq., thence by the avenue, path, or entrance to Sandycove baths, and to and through Sandycove-avenue, west, and through premises in possession of Miss Clegg and Mrs. Reeves, or the said representatives of the late Robert Meekins, Esq., and by Sandycove-avenue, north and east, to and by the entrance avenue to premises in possession of Dr. De Meschin or Meekins, or the said representatives of the late Robert Meekins, Esq., thence through the ground of St. Kilda to the foreshore or sea beach of Dublin bay near Bullock harbour, and terminating at low-water mark on said beach, 500 feet or thereabouts westward of said Bullock harbour."

With respect to Kingstown proper two evils of great magnitude, and as to which there is, and can be no controversy whatever, exist in this part of the township.

The first of these is the discharge of a main sewer near the commencement of the west pier of Kingstown harbour, and in close proximity to the bathing places there; and the second is a somewhat similar discharge of sewage, though of a less aggravated kind, at the east pier.

The remedy which the Commissioners propose for the abatement of these two great and unquestionable nuisances is comprised in the sewers No. 1 and No. 2, the plans for which have been submitted, the latter running in a westerly direction from the east pier (where it will intercept the discharge now going out there), along the line of railway to near the station-house, at which point it will join an existing sewer called "the Harbour Commissioners' sewer," which it is proposed to utilize from this point to the western pier.

Here the combined contents of this and No. 2 sewer will be caught up by the new intercepting sewer No. 1,

App. No. 1.

Kingstown. Letter from Local Government Board.

which will then run from this point along the western pier to the elbow, a distance of about 3,000 feet, when it will discharge into the sea at a depth of water which, it is estimated, must effectually protect the locality from all possibility of injury.

The principal objectors to this scheme were originally the Board of Public Works and the Dublin and Wicklow Railway Company, who are in fact the present owners of nearly all the ground proposed to be traversed by the new sewers.

Both of these bodies and the Town Commissioners have now, however, mutually agreed to terms which will enable the Commissioners to carry out their designs without obtaining any compulsory control over the property of the Board of Works and Railway Company, the application for which they have accordingly consented to forego as far as the property of these two bodies is affected by it.

Copies of the documents stating the objections referred to and their withdrawal are enclosed herewith.

The only other objections tendered have reference to the details of the scheme, the estimated cost of carrying it out, &c.

This, according to the estimate of the Commissioners' engineer, Mr. Doyle, would be £13,747, and according to that of Mr. Cotton, C.E., who was called into consultation by the Commissioners, £14,259, or £412 more.

Sir John Hawkshaw, when Mr. Doyle's plans were submitted to him in 1873, estimated the cost of the execution of this part of the scheme, as proposed by Mr. Doyle, at £15,000, or £1,253 more than the estimate now submitted by that officer, but Mr. Cotton has in his evidence stated what is probably true as to this, namely, that "he probably put English prices on many things," and on the other hand two contractors of experience expressed their readiness to undertake the execution of the works within the limit specified.

With respect to a very comprehensive scheme of drainage suggested by Sir John Hawkshaw himself it may be sufficient to observe that the Commissioners, in the exercise of their discretion, have decided that the expense would be too great to be imposed upon the township.

When the time comes for application for a loan for the works agreed upon for the execution of the works comprised in plans Nos. 1 and 2, more detailed working plans and specifications will be necessary, and will then be submitted for approval to the Local Government Board, previous to their recommendation of the loan.

Amicable arrangements having been entered into, as before stated, with the Board of Public Works and the Railway Company, the Commissioners will no doubt find little difficulty in satisfying both of those bodies in the first instance as to all matters of detail.

After full consideration, therefore, of this part of the petition, and the proposed scheme, the Local Government Board have to state that they are ready to direct the preparation and issue of a Provisional Order enabling the Town Commissioners to have control over the land necessary to enable them to carry out the construction of the intercepting sewers No. 1 and No. 2, with outfall at the elbow of the western pier 3,000 feet or thereabouts from its commencement.

The stipulations of the Board of Public Works and the Railway Company, respectively, will be protected in the Provisional Order, so far as it relates to the taking of land belonging to them—that part of the petition having now been foregone under the agreements before referred to.

The Local Government Board have now to refer to the scheme proposed for the Glasthule or eastern portion of the Kingstown Township, which it is proposed to drain by the new intercepting sewer No. 3.

The engineer, Mr. Doyle, has in his evidence given a detailed description of the present condition of the foreshore from the point where the Glasthule River, or rather the sewer, discharges into Scotch Bay, to Sandycove Harbour; and though he has explained that the construction of the new intercepting sewer No. 2, for the Kingstown proper drainage, will have the effect of withdrawing from the Glasthule outfall a very considerable amount of the sewage at present going in that direction, namely, that appertaining to sixty-eight acres of the most densely populated portion of the district, and so, of palliating to an appreciable and sensible extent the evil he has described.

It cannot be doubted, however, that what will remain will continue to constitute an evil of very serious magnitude, calling imperatively for prompt and effective action on the part of the governing body of the township for its removal.

Some evidence has been given to the effect that what is complained of in this quarter is in great part attributable to the neglected condition of the existing sewerage, and it has been contended that greater attention to this, and the simple extension to deeper water of the present sewer would sufficiently meet the absolute requirements of the case.

The great weight of the professional testimony offered is, however, altogether opposed to this view, and no room appears to remain to doubt that owing to the entire absence of currents and the shoaly character of the foreshore there, no effective remedy can be looked for until all the sewage, public and private, at present discharging into the bay at the point indicated, is completely intercepted and conveyed elsewhere.

But while there may be no reasonable doubt on this head, the evidence shows that when the next step is approached and a suitable outfall comes to be determined on, the governing body find themselves at once confronted with difficulties of a very formidable kind.

Mr. Doyle's plan, sewer No. 3, proposes to convey the entire sewage of the foreshore from Glasthule River to Sandycove Harbour to a point of outfall 600 feet north of the entrance to Bullock Harbour.

Mr. Pallas, C.E., Mr. Doyle's predecessor in office, proposed a scheme in 1867, which selected for the purpose of outfall, a point considerably more to the north of the harbour than Mr. Doyle's, but this proposal was not entertained because it was apprehended that from its proximity to the gentlemen's bathing place at Sandycove point, it would have been destructive to it.

It was, no doubt, with the object of surmounting this obstacle that Mr. Doyle selected for his outfall a point which has at least the merit of not interfering in any way with this bathing place; but it seems questionable whether, in avoiding this, he has not encountered another of a far more serious kind, inasmuch as what he proposes has evoked the strongest hostility and opposition on the part of the great majority of the most respectable and influential inhabitants residing in the neighbourhood of Bullock Harbour, and is, whether rightly or wrongly, regarded by them as a measure fraught with danger to their health and comfort, as well as serious injury to their property in the district.

The evidence tendered on this part of the inquiry is of a very conflicting and contradictory kind.

Among the objections to this part of the scheme tendered to Mr. O'Brien, at the opening of the inquiry, was one from the land agent to the Port and Docks Board, but at a later stage this was withdrawn by their engineer, Mr. Stoney, on the Town Commissioners undertaking that the point of outfall was, under no circumstances, to approach closer than within 600 feet of the entrance to the harbour.

In a report from the engineer on Sir John Hawkshaw's proposal in 1873, the following paragraph appears:—

"The Kingstown Township boundary is a little west of Bullock Harbour, and if the outlet be not placed in the Dalkey district to the south-east of the harbour, the latter will be liable to be choked with filth and become a great nuisance.

"The farther the outlet is to the eastward the better for Bullock and the shallow coast to the westward."

Sir John Hawkshaw's point of outfall, to which this report bore reference, was much further removed from the entrance to Bullock Harbour than Mr. Doyle's, now assented to; and in the absence of any explanation which Mr. Stoney might be able to give as to the apparent difference between his views now and in 1873, it is difficult to reconcile them.

Possibly Mr. Stoney has satisfied himself, however, that the proposed distance of 600 feet will afford the harbour, as such, adequate protection from injury, and that he regards the sanitary aspect of the case and the apprehended injury to the property of the vicinity as being matters outside the immediate duties and responsibilities attaching to his Board, as no doubt they are.

Without actual experience, in fact, it would perhaps be impossible for anyone to determine positively how far the apprehensions of the inhabitants of the Glasthule and Bullock districts, as expressed in the memorials submitted at the inquiry, are or are not well founded.

Be this as it may, there is abundant evidence to show that at best the experiment would be a very expensive one, and one in which it is extremely doubtful whether the end gained would not simply amount to transferring the evil from one locality to another.

The expense of constructing such a sewer as the line proposed to be traversed by this would require, has been variously estimated at £4,958 (Mr. Doyle); £10,739 (Mr. Pallas); and £12,990 (Mr. Gray); and this, of itself, serves to show that this part of the scheme requires to be further matured, and upon full consideration of the evidence before them the Local Government Board are not prepared to issue a Provisional Order to enable the Commissioners to carry out the plan No. 3.

The Board at the same time desire to point out that any professional witness examined has expressed concurrence in Sir John Hawkshaw's opinion that by far the best outfall for the sewer from this end of Kingstown township is to be found in the Dalkey district, and there appears to be ground for hope that arrangements can yet be made between the Dalkey and the Kingstown Commissioners for effecting this object.

The Local Government Board beg to recommend both Boards to open amicable negotiations on this subject, which, if approached in the spirit to be expected from two bodies representing such important public interests, cannot fail to result in an arrangement at once beneficial to the health of those communities and to the ratepayers of both townships.

The provisions of the 25th section of the Public Health Act, 1874, to which the attention of the Commissioners is requested, bear directly upon this question, as do those of the 19th section when it may be necessary to put them in operation.

There would appear to be less ground to anticipate resistance or refusal to co-operate amicably on the part of the Dalkey Commissioners, inasmuch as they appeared at the inquiry as objectors to the Bullock scheme on the ground that it was "calculated to injure the harbour, and render it and the adjoining sea-shore offensive to some of the ratepayers of Dalkey township."

Having thus interposed to prevent the Kingstown Town Commissioners from obtaining access to the only available outlet in their own district, it would seem to follow that they cannot reasonably oppose a desire on the part of the Kingstown Commissioners, when formally submitted, to unite with them in carrying out a plan pronounced by all competent authorities to be the very best that can possibly be adopted, and which must prove both in a sanitary and financial point of view of great practical advantage to both townships.

Having thus disposed of the portion of the inquiry which relates to the drainage, the Board will proceed to refer to the proposed alterations in the Kingstown Local Acts of 1861 and 1869, and which, though not of a very important kind, appear, for the most part, to be useful and reasonable, judging from the evidence tendered in support of them by Mr. Ennis, Secretary to the Town Commissioners.

Some of the proposed alterations do not, however, appear to be supported by sufficient evidence of their necessity or utility.

The first of these amendments of the Local Acts is the alteration or amendment of the 13th and 15th sections of the Kingstown Improvement Act of 1861, authorizing the levy and application of the Kingstown "Road Rate," so as to enable the Commissioners to apply the rate to the general purposes of the township.

It may be a great convenience to the Town Commissioners to possess this power and to use it when necessary, and the Board see no objection to the same being amended by Provisional Order accordingly.

The following are the paragraphs of the petition relating to this matter, as amended by the omission of certain words now no longer applicable:—

"Part V.—Asphalting of Footways.

"That by the 13th section of the 'Kingstown Improvement Act, 1861,' it is provided:—

"That in order to raise money for carrying the several purposes of said Act into execution it shall be lawful for the Commissioners once in every year, in addition to the rates which by the 'Towns Improvement (Ireland) Act, 1854,' they are authorized to levy, to make one or more equal rate or rates, assessment or assessments, under the name of the Kingstown 'Road Rate,' provided that such rates or assessments shall not exceed a sum of 1*s.* 6*d.* in the pound in the whole in any year, without the consent of a majority of the ratepayers given at a special general meeting for that purpose convened, such majority to consist of not less than two-thirds of the persons present at such meeting, of which notice shall be given by the Commissioners, expressing that the purpose of such meeting is to consider the propriety of making an increased rate, provided always that such rates shall not in the whole in any case exceed the sum of 2*s.* 6*d.* in the pound in any year. And by the 14th section of said last-mentioned Act it is provided that said road rate shall be made or assessed on the same occupiers of premises, and shall be levied or recovered in the like and the same manner, and at the same time, or other times more convenient, subject to the like exemptions and with the like remedies, by way of appeal and otherwise, as the other rates by the Commissioners in virtue of the said 'Towns Improvement (Ireland) Act, 1854,' and the Acts wholly or partly incorporated therewith, are made or assessed and levied and recovered; and by the 15th section of said Act it is provided—

"That the rates to be levied by the Commissioners under and by virtue of said Act, shall be vested in the said Commissioners, and applied by them in carrying the several purposes of said Act into execution as hereinbefore specially provided, and to no other purpose.

"That your petitioners have, under the provisions of said Act, from time to time levied a portion of the rate thereby authorized to be levied, and applied said rates as thereby directed, but said rate has not at any time exceeded the sum of 1*s.* 2*d.* in the pound.

"That it would effect a large saving of the rates of the township, and promote the comfort and convenience of the inhabitants thereof, if the footways of the said township were asphalted, and with that object they have caused estimates to be made of the expense of forming said footways with asphalte, and from said estimates it appears that a sum of £2,000 will be required for the said purpose; and your petitioners have, by resolution, dated 29th day of January, 1875, approved of said sum of £2,000 being borrowed and applied for the purposes aforesaid.

"That your petitioners, for the purpose of building said town hall, court house, and other buildings, seek leave to borrow the sum of £8,000 for the aforesaid purpose, upon the security of said rate or rates so proposed to be levied, from the Public Works Loan Commissioners, at the rate of interest not exceeding five per cent., or from any public company, corporation, or individual willing to lend same, at such rate of interest not exceeding five per cent., and on such terms of repayment as your petitioners shall think fit, provided that such sum so intended to be borrowed be repaid within a period of sixty years from the date of borrowing same, or that your petitioners may be authorized to apply a portion of the Kingstown road rate for the aforesaid purpose, and to provide a fund to pay said sum so proposed to be borrowed, and the interest thereon, from the aforesaid parties, should it be deemed more advisable to borrow upon the security of the road rate, rather than the improvement rate; and your petitioners also seek powers to borrow upon the security of the said rate or rates, from the parties aforesaid, and at such terms as to interest and otherwise as aforesaid, said sum of £2,000, for the purpose of asphalting the footways of the said township of Kingstown."

App. No. 1.

Kingstown. Letter from Local Government Board.

The remaining part of the inquiry held by Mr. O'Brien had reference to the amendment of section 145 of the Dublin Grand Jury Act of 1844, relating to the steps necessary to be taken where there may be "obstruction in any public road caused by any trees so as to occasion danger to the public," and to the amendment of the Local Acts of 1861 and 1869, in certain particulars.

The following are extracts from the petition on these points:—

"PART XV.—LOCAL GOVERNMENT and AMENDMENT of ACTS.

"That section 12 of the Act of 1869, in case of title by descent, &c., how occupation is to be reckoned, shall be read and have effect as if among the conditions entitling the person or persons in that section mentioned to reckon the occupancy and rating in respect of occupancy of the person from or by whom such premises came to him or them as his or their own occupancy, as if the word 'succession' had been inserted next after the word 'descent' and immediately preceding the word 'marriage' in the said section. Provided always that the provisions of the foregoing section shall be held to apply to and include immediate lessors as well as occupiers.

"That the premises in respect of the occupation of which any person shall be entitled to be registered in any year as an elector and to vote in the election of any Commissioner for the township, shall not be required to be the same premises, but may be different premises occupied in immediate succession by such person during the eighteen calendar months next previous, in any succeeding years, to the 20th day of July in such year, and section of the Act of 1869 shall be read and have effect accordingly.

"That if any person shall quit or be about to quit any rateable property before he has paid the rates then payable by him in respect thereof, and do not pay the same to the collector on demand, any justice having jurisdiction where such person resides or his goods are found, may summon such person to appear before him at a time mentioned in the summons, to show cause why such rates should not be paid, and if no sufficient cause for the non-payment of such rates be shown, accordingly the same shall be levied by distress, and such justice shall issue his warrant accordingly.

"That whereas, by the Act of 1861, the management of the roads and bridges in the said township was transferred from the Grand Jury of the county of Dublin to the Commissioners elected and acting in the said township, under the provisions of the said Act of 1854, and it is expedient that the rights, powers, and authorities hitherto exercised by the said Grand Jury of the said county of Dublin, under the provisions of a statute passed in the 7th and 8th years of Her present Majesty, intituled 'An Act to consolidate and amend the laws for the regulation of Grand Jury Presentments in the county of Dublin,' within the said township, should, so far as same are applicable, be transferred to, and exercised by, the Commissioners of the said township; and be it therefore enacted that the provisions of the 145th section of the said last mentioned Act shall be incorporated herewith, and the powers in said section authorized to be exercised by the district surveyor or contractor, may be exercised by the surveyor or contractor of and for the said Commissioners.

"That section 10 of the said Act of 1869, which prescribes the qualification of persons eligible to be elected Commissioners, be amended so far as relates to the township of Kingstown, and that from and after the confirmation of this order every male householder or occupier of full age, rated to the relief of the poor at the net annual value of £20 or upwards, in respect of lands, tenements, or hereditaments, within the said township, and occupied by him, as in said section 10 set forth, shall, if duly registered, as in said Act of 1869 (as amended by this order) contained, be eligible to be elected a Commissioner under said Act of 1869.

"Provided always that evidence of actual occupation as tenant or owner from the period required by said Act of 1869, by any occupier seeking to be registered as an elector for the said township, shall be deemed to be sufficient, without the name of said occupier or owner appearing on the rate book of the Commissioners, or of the Poor Law Union, in respect of such premises under the Acts for the relief of destitute poor in Ireland.

"That section 14 of the said Act of 1869 be repealed down to the word 'rated,' immediately preceding the words 'provided always' of the first proviso of said section.

"That section 17 of said Act of 1869, and the schedule B thereto be amended, and that from and after the confirmation by Parliament of this order, it shall not be necessary for the clerk to the said Commissioners, in preparing the book for each ward containing the names of persons entitled to be electors in the said township, as required by the 17th section, to prepare said book according to form No. 1 in said schedule B, and the said clerk may omit from said book the several columns showing the particulars under the head 'Poor Rate,' and under the head 'Rate made under the 60th section of Act of 1854,' and under the head 'And so on for any other rates made under the said Act, or any local Act in force in the township, as the case may be,' and that the said form No. 1 in said schedule be therefore amended.

"That sections 18, 19, and 20 of the said Act of 1869 shall, from and after the confirmation by Parliament of this order, be repealed.

"That the 22nd section of said Act of 1869 be amended and shall be read and have effect as if the words 'excepting, nevertheless, from such lists the name of every person who does not appear by the entries made in the books hereinbefore mentioned to have paid all rates by this Act required to be paid in order to qualify such person to be or to be registered as an elector of the township,' had been omitted therefrom, and that in lieu of the forms No. 1 and No. 2 in schedule B annexed to said Act of 1869, the forms No. 9 and No. 10 in schedule No 3 to this petition annexed, be the forms in which, after the confirmation of this order, said lists shall be made out as aforesaid.

"That the 24th section of said Act of 1869 be amended, by omitting the word 'twentieth' and inserting the word 'fifteenth' immediately before the words 'day of October' in the third line of said section, and by omitting the words 'twenty-second' and inserting in lieu thereof the word 'twentieth' in the sixth line of said section, and by omitting the words 'twenty-seventh' and inserting in lieu thereof the words 'twenty-fourth' in the eleventh and twelfth and in the sixteenth lines of the said section, and by omitting the word 'seven' and inserting in lieu thereof the word 'five' in lines twenty-six and thirty-one of said 24th section of the Act of 1869, and 'copy' in the last line of said 24th section shall be held to mean a copy of any list made in pursuance of the requirements of said 24th section.

"That whereas by the 26th and 32nd sections of the said Act of 1869 it is provided that the said Commissioners may apply for the purpose of paying a sum not exceeding five guineas per day to the Revising Barrister, to be appointed as in said 26th section set forth, and by the 32nd section a reasonable sum to be by them, the said Commissioners, ascertained, may be by the said Commissioners applied for the preparing the said register and list, and that the said Commissioners may apply for that purpose any moneys coming to their hands by virtue of the Act of 1854 and the Act of 1861, or either of them, and it is expedient to amend the same; be it therefore enacted that the said Commissioners may be empowered to apply for said purposes any money whatever coming to their hands by virtue of said Acts, and of any other Act or Acts, order or orders, whatsoever.

"That the 45th section of the said Act of 1869 shall be amended by omitting from the 23rd line of said section the words 'fourteenth day of January,' and inserting in lieu thereof in said line the words 'first day of February,' and that said section shall be read and have the effect as if said words, 'first day of February,' had been originally inserted therein.

"That such portion of the 29th section of the said Act of 1869, as enacts that the decision of the barrister or assistant barrister, as the case may be, holding or presiding at any Court of Revision under said Act, shall, with respect to such revision and to the list of voters in said section mentioned, be final and conclusive, shall be and is hereby repealed, and for the purpose of giving the same right of appeal from the decision of the said barrister or assistant barrister, as the case may be, on points of law, as is given by an Act passed in the 13th and 14th years of the reign of Her present Majesty, c. 69, and entitled 'The Parliamentary Voters' (Ireland) Act,' shall be and are herewith incorporated, and shall have the same force and effects as if they were originally incorporated in the said 29th sec. of the said Act of 1869.

"That in all cases where, for any of the purposes of the said Act of 1869, the production as evidence or otherwise, for any purpose whatever, of the rate-book of the Clerk of the Union in such Acts mentioned is required, it shall be sufficient instead thereof to produce as evidence or otherwise the rate-book of the said Commissioners of the said township, as furnished to said Commissioners by the Commissioners of Valuation for Ireland, anything in any of the said Acts to the contrary notwithstanding; and the said rate-book, as prepared from the return so furnished by the said Commissioners of Valuation, shall be held to be the rate-book of and for the said township for all intents and purposes whatsoever; and as if the words 'rate-book of the Commissioners,' as made up from the copies furnished by the said Commissioners of Valuation had been included in the said Act of 1869."

App. No. 1
Kingstown.
Letter from Local Government Board.

The Board see no objection to the proposed amendment of section 12 of the Act of 1869, as to reckoning title to premises by "succession," as well as otherwise; nor to the provision as to premises occupied in the township in succession (paragraphs 1 and 2); but it does not appear to the Board that any sufficient grounds have been shown for introducing the change of the law as regards persons quitting before payment of rates. (Paragraph 3.)

It seems quite reasonable to transfer the powers as to trees causing obstruction in roads in the township to the Commissioners. (Paragraph 4.)

The amendment of the local Act as to qualification of electors and Commissioners (paragraph 5) was not pressed for.

The Board cannot approve the proposed reduction of the qualification for the office of Commissioner by occupation of premises, from £25 to £20. (Paragraph 6.)

The Board approve of the proposed provision as to evidence of actual occupation. (Paragraph 7.)

There seems to be no objection to the repeal of the first part of section 14, as to claims to be rated. (Paragraph 8.)

The proposed alteration of the law in paragraphs Nos. 9 and 10 was abandoned.

There does not appear to be any sufficient ground to make the proposed alterations in paragraphs 11, 12, and 13, relating to form of rate-books, and particulars in ratepayers' list.

The Board see no objection to the alteration of dates in the 24th section of the Act relating to claims to vote on the part of persons whose names have been omitted.

There appears to be no objection to the proposal in paragraph 15, as to fund out of which the Assistant Barrister's fees may be paid, nor to the alteration of the date at which notice of the accounts are printed from 14th January to 1st of February.

Paragraph 17 involves a repeal of a general statute, and cannot be dealt with by a Provisional Order.

Paragraph 19, as to the nomination of candidates for the office of Commissioners, was abandoned.

The proposed power of appeal from decisions of the Assistant Barrister (paragraph 18) appears to be reasonable, and the Board are prepared to give effect to it, as also to the proposal to make the rate-book of the Commissioners evidence (paragraph 20), and the usual clause as to payment of expenses incurred by the Commissioners in applying for and obtaining the Provisional Order, will be made part of the order.

By order,

B. Banks, Secretary.

To Robert James Ennis, Esq.,
Secretary to the Kingstown Town Commissioners,
George's-street, Kingstown.

Agreement with Railway Company, 7th February, 1876.—No. 1.

Agreement with Railway Company.

Local Government Board Inquiry.

7th February, 1876.

The Kingstown Commissioners accede to the objections of the Dublin, Wicklow, and Wexford Railway Company, and agree to insert provisions in the contemplated Provisional Order exempting the lands and other property of the said Railway Company from the operation of any compulsory purchase or any right to enter upon or interfere therewith.

Also a declaratory provision confirming the provisions of the Towns Improvement (Ireland) Act, 1854, so far as to limit at one-fourth proportion the payment of any taxation.

George Keogh.
John Lalor.

Letter from John Lalor, Esq., to the Directors of the Dublin, Wicklow, and Wexford Railway Company, 15th February, 1876.

Letter from J. Lalor, esq., to Directors.

Township of Kingstown.—*Re* Inquiry as to Sewers.

24, Eustace-street, Dublin,
15th February, 1876.

Gentlemen,—One of the sewers about being constructed by the Commissioners of Kingstown, and designated No. 1, is intended to commence at a point fifty feet or thereabouts, measured northwards, from the house on the western pier, Kingstown, belonging to the Commissioners of Public Works, and running along the sea slope of the western pier, and terminating at a point 3,100 feet or thereabouts from said first mentioned point, where said sewer will discharge the sewage into the sea or bay of Dublin. The course of this sewer, which is approved of by the Commissioners of Public Works, will run upon the portion of the western pier sea slope occupied by the gentlemen's bathing place. I am directed by the Commissioners of the township of Kingstown respectfully to ask the permission of your Board to run said intended sewer in, through, or under the portion of said sea slope so occupied by the gentlemen's bathing place as aforesaid. The advantages to the bathers and inhabitants of the neighbourhood of Salthill and Monkstown by the removal of the outfall sewer from its present place of discharge is so manifest, and the number and respectability of the witnesses who gave evidence as to the intolerable nuisance caused by the present discharge, and to which I refer, renders it unnecessary for me to add more, save the hope that your Board will accede to the request herein contained in the same friendly spirit as the favour was granted in the case of No. 2 sewer in your line of railway.

I am, gentlemen, your obedient servant,

John Lalor.

To the Directors of the
Dublin, Wicklow, and
Wexford Railway Company,
Westland-row.

APPENDIX No. 2.

App. No. 2.
Dalkey.

DALKEY.

Number of Commissioners, 12. Population in 1871, 2,584. Acreage within Municipal Boundary, 592A.

Town Commissioners.

Town Commissioners.

Name and Occupation.	Value. £	s.	d.
Anthony O'Neill, *Chairman*, Coach-builder,	80	0	0
Hugh O'Rorke, J P., *Vice-Chairman*, Merchant,	71	5	0
Edward Harrison, Merchant,	41	0	0
John Fleming, Hotel Proprietor,	63	0	0
Mathew Casey, Coal Merchant, House and Land Agent,	45	5	0
Christopher Higginbotham, Builder,	64	0	0
William Daniel, Merchant,	65	0	0
Peter Murphy, Builder,	13	0	0
Edward Field, Victualler,	17	0	0
John Leahy, Grocer and Purveyor,	40	0	0
William Brown, Corn Merchant,	86	0	0
Thomas M'Donnell, Carpenter,	99	0	0

11th June, 1877.

Hugh O'Neill, Town Clerk.

App. No. 2. Dalkey. Abstract of Accounts.

ABSTRACT of ACCOUNTS of Receipts and Expenditure of the DALKEY TOWNSHIP COMMISSIONERS for the Year ended 31st December, 1876.

RECEIPTS.

Nature of Receipt.	£	s.	d.	Amount. £	s.	d.
To Rates Collected and Lodged, viz. :—						
Improvement Rate,	876	11	11½			
Sinking Fund Special Rate,	701	5	6½			
Water Rate,	225	8	3			
Sewer Rate,	203	17	11			
				2,007	3	8
Dog Licence Duty,				7	13	2
Rent of Garden in rere of Town Hall,				6	0	0
Hire of Board-room,				2	10	0
Contribution from Her Majesty's Government towards Salaries of Sanitary Officers,				3	12	6
Do. in lieu of Rates on Government Property in the Township,				12	9	2
Interest on Government Stock (Sinking Fund Account),				21	7	7
				2,060	16	1
Net Balance due Treasurer at end of year,				567	14	6
				£2,628	10	7

EXPENDITURE.

Nature of Expenditure.	£	s.	d.	Amount. £	s.	d.
By Balance due Treasurer at end of the previous year,				251	3	10
Salaries :—Town Clerk,	£83	4	0			
Executive Officer and Sanitary Sub-officer,	15	0	0			
				98	4	0
Collector's Poundage, and Travelling Expenses in relation to the Collection,				54	13	4
Repairs and Watering of Roads :—Wages,	143	10	3			
Materials,	142	9	4			
Horse hire (Watering and Scavenging),	27	18	1			
				313	17	8
Lighting :—Wire Guards for Lamps,				4	16	0
Water Supply :—Dublin Corporation for Water,	179	2	8			
Repairs of Pipes and Fountains,	23	13	9			
Rates on Water Mains,	6	9	5			
				209	5	10
Main Drainage :—Engineer, Balance due for Maps, Plans, Specifications, &c.,	130	0	0			
Lithographing Maps,	10	0	0			
Sewer Pipes,	0	18	6			
				140	18	6
County of Dublin Grand Jury, on foot of Warrant for 1875 (proportion of county at large charges),	328	5	4			
Ditto, first moiety, on foot of Warrant for 1876,	133	19	0			
				462	4	4
Town Hall :—Rent for year ended 1st July, 1876,	14	10	0			
Gas Fittings,	19	6	6			
Coal, for three years,	5	10	0			
Rates,	1	15	0			
				41	1	6
Local Government Board for audit,				7	7	0
Printing, Advertising, and Stationery,				33	6	4
New Boat Slip at Coliemore Harbour,				16	5	0
Law Costs :—Engineer, for Professional Services as a Witness,				6	6	0
Interest :—On Improvement Loan,	125	6	10			
On Piers and Harbour Loan,	125	6	10			
On Water Loan,	65	2	1			
On Amount advanced by Mr. Fleming for purchase of Government Stock on Sinking Fund Account for 1874,	3	4	5			
On Overdrafts for Treasurer,	21	3	0			
				340	3	2
Purchase of Government Stock on account of Sinking Funds for 1874 and 1876 :—						
Improvement Loan,	166	13	4			
Piers and Harbour Loan,	166	13	4			
Water Loan,	166	13	4			
				500	0	0
On Deposit in National Bank for Main Drainage purposes,				148	18	1
				£2,628	10	7

I certify that the foregoing is a true abstract of the accounts of the Dalkey Township Commissioners for the year ended 31st December, 1876.

Dated 23rd February, 1877.

GEORGE W. FINLAY, Local Government Auditor.

Report of G. W. Finlay, Esq., Local Government Auditor.

Kingstown, 23rd February, 1877.

Gentlemen,—I have the honour to report to your Board that I have audited the accounts of the receipts and expenditure of the Commissioners of Dalkey township for the year ended 31st December, 1876.

I transmit an abstract of the accounts from which it will be seen that the Commissioners received during the year £2,060 16*s.* 1*d.*, and that they expended under the various heads of account (including payment of the balance of £251 3*s.* 10*d.* due to their treasurer at the end of the preceding year) £2,479 12*s.* 6*d.*, and placed on deposit in the National Bank for main drainage purposes, £148 18*s.* 1*d.*, making in all £2,628 10*s.* 7*d.*; leaving a net balance due to their treasurer at the end of the year of £567 14*s.* 6*d.*

The rates made in May, 1876, viz., the sinking fund special rate, water rate, improvement rate, and sewer rate, amounted, at 3*s.* 6*d.* in the pound on the net annual value of the township, to £1,960 14*s.* 10*d.*, of which there was collected and lodged with the treasurer within the year, £1,437 3*s.* 1*d.* In addition there was a sum of £570 0*s.* 7*d.* arrears of previous rates collected and lodged.

The arrears of last rate outstanding on the 31st December last amounted to £682 4*s.* 5*d.*

Since I last reported on the accounts of this township, an order for £158 18*s.* 1*d.* has been obtained in the police court against the late collector O'Dowd, being the further amount of rates ascertained to have been received by him and not lodged to the credit of the Commissioners, but although six months have since elapsed nothing further has been done towards recovering the money. I understand that proceedings are about being instituted in one of the superior courts against the representatives of the sureties.

Nothing has been done since my last report towards ascertaining the liabilities of Mr. O'Dowd and his sureties in relation to the further sum of £231 11*s.* 6*d.* beyond handing over the list to the present collector, and which, as I have pointed out in a previous report, can only be done by application to the individual ratepayers appearing to be in arrear. If the list were placed in the hands of a more active and efficient officer, who would receive a liberal poundage on the amount collected and lodged, the true state of the case respecting those arrears could be ascertained. The longer the matter is allowed to remain over, the greater will be the difficulty in satisfactorily closing it.

I have seldom met a case in which there has been an equal amount of delay in recovering moneys that have been misapplied by a collector of public taxes; and it is difficult to believe that the Commissioners are really serious in the matter, and that they do not prefer the interests of their late collector and his sureties to those of the ratepayers whose representatives they are.

The railway company have not as yet paid the rates assessed on their line. Legal proceedings for their recovery are still pending.

There was a payment of £24 7*s.* 5*d.* during the year in the shape of interest on advances for current expenses. I have intimated to the Commissioners that expenditure of this character cannot in future be allowed, it being illegal.

I have the honour to be, gentlemen,

Your obedient servant,

Geo. W. Finlay.

To the Local Government Board,
Custom House, Dublin.

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